

NOTICE OF CLAIM BY CITIZEN TO THE STATE OF IDAHO

To: SECRETARY OF STATE

STATE OF IDAHO
P.O. BOX 83720
BOISE, ID 83720-0080
(208) 334-2852
claims@sos.idaho.gov

Name of Claimant: _____
Mailing Address: _____
City and State: _____
Phone Number: _____
Email (optional) _____

In Compliance with Title 6, Chapter 9, Idaho Code, the undersigned hereby presents a claim against the State of Idaho for damages out of an occurrence(s) which happened as follows:

Claimant alleges that the Idaho County Commissioners, SKIPPER BRANDT, TED LINDLSEY AND DENNIS DUMAN, under the direction and leadership of SKIPPER BRANDT, have persistently:

1. Violated the laws of the State of Idaho
2. Violated the ordinances of Idaho County
3. Violated constitutional substantive Due Process
4. Violated constitutional procedural Due Process
5. Violated their Oaths of Office
6. Committed misdemeanors under Idaho Code Section 31-855
7. Neglected or refused, without just cause therefor, to perform their duties
8. Willfully violated laws provided for his government as such officer.
9. Fraudulently or corruptly performed duties imposed on them.
10. Willfully, fraudulently or corruptly attempted and/or did in fact perform acts, as commissioner, which are unauthorized by law.

Such acts include but are not limited to the following:

1. Conducting an unlawful “field trip” in an official hearing for Milner Trail.
2. Closing parts of Milner Trail bypass unlawful vacating of right of way.
3. Failing to prepare and file required findings in a reasonable time leaving owners and the public with uncertainty on legal access.
4. Harming property owner’s access by purporting to unlawfully land lock parcels, and stopping public access for recreation and other lawful activities on and to public lands.
5. Failed to update right of way map as required by Idaho Code.

1) Date and Time: 8-7-2023

Place or location: “Field Trip” Along Milner trail at White Bird Station and Adams Camp a “field trip” .

Cause of Damages: Illegal Field Trip conducted as part of the Hearing process for the Vacate petition of a section of Milner Trail at White Bird Station and Adams camp. One of the primary rules for judges is that they are prohibited from any “fact-finding”. All evidence must be presented publicly in court. The reason for this rule is well established: evidence has to be presented only in court because it affords fairness, due process, and the opportunity to see live testimony and confront and cross examine the witnesses in the public process and on the record. It can clearly be seen that a “field trip” by the decision makers violates all of these principles. Code provision make it perfectly clear the County Commissioners are prohibited from taking evidence outside the hearing and in the case of vacating, are not even authorized to order a “report” on the matter.

2) Date and Time: 8-8-2023

Place or Location: Closing the portion of Milner Trail in Idaho County Adams Camp and White Bird Station.

Cause of Damages: At the Hearing Brandt, in violation of vacation codes and due process, wrongfully moved to close portions of the Milner Trail that crosses private property at Adams Camp and White Bird Stations. Dunan seconded. Motion Carried with all in favor.

3) Date and Time: 8-8-2023

Place or Location: (Allegedly) vacating a portion of Milner Trail in Idaho County Adams Camp and White Bird Station in violation of vacation codes and due process.

Cause of Damages: At the Hearing Brandt moved to vacate portions of the Milner Trail that crosses private property at Adams Camp and White Bird Stations. Dunam seconded. Motion Carried with all in favor but no order or findings have been issued and the matter is in limbo although Brandt purportedly preemptively closed the road.

4) Date and Time: 1-9-2024

Place or Location: 1-9-2024 Hearing Closing the portion of Milner Trail in Idaho County Mount Idaho, Idaho North of Fish Creek to the boundary of the Grangeville Highway District.

1-23-2024 vacated Milner Trail in this location that was previously validated.

Cause of Damage: At the 1-9-2024 Hearing Brandt moves to close the portion of presented in the petition pending a final decision on vacation. Lindsley seconds. Motion carries with all in favor. At the 1-23-2024 Hearing Brandt moves to support the petitioners petition to vacate any portion of the Milner trail that was previously validated and res judicata. Also the action violated the express condition of the prior validation order. Duman Seconds. Motion cares with all in favor. This decision is pending as NO order and findings have been issued.

5) Date and Time: 1-23-2024

Place or Location: 1-23-2024 Hearing Closing the portion of Milner Trail in Idaho County Mount Idaho, Idaho North of Fish Creek to the boundary of the Grangeville Highway District.

1-23-2024 vacated Milner Trail in this location that was previously validated.

Cause of Damage: At the 1-23-2024 Hearing Brandt moves to support the petitioners petition to vacate any portion of the Milner trail that was previously validated and res judicata. Also the action violated the express condition of the prior validation order. Duman Seconds. Motion cares with all in favor. This decision is pending as NO order and findings have been issued.

6) Date/time: ongoing

Place or location: Idaho County Commissioners obligation to provide Idaho County Public Right of Ways map every 5 years per *Idaho Code Section 40-202* .Last map was 20 years ago.

Damage: Commissioners have deprived the citizens of notice and information on public access. This practice is unlawful and damages the entire County and must be enjoined.

Claimant is seeking monetary damages for all the foregoing in an as yet unknown sum, which, however, is alleged to be in excess of \$35,000.

Claimant is also seeking Declaratory Relief to establish and confirm the violations of law and/or sworn oaths.

Claimant is also seeking injunctive relief to cure past, ongoing, and/or existing violations or law and/or to prevent future violations of law.

Dated this _____ day of _____, 2024

Signature _____

Printed name _____