

To respond, you must check one of the boxes below and return this form to the court listed on the front.

If you do not respond or appear for court hearings:

**TRAFFIC**

(See front of Notice of Infraction)

The court will find that you committed the infraction.

You will lose your driver's license / privilege.

Your penalty will be increased. It is a crime and will be treated accordingly.

Failure to pay may result in a referral of your case to a collection agency.

**NON-TRAFFIC**

(See front of Notice of Infraction)

The court will find that you committed the infraction.

It is a crime and will be treated accordingly.

Your penalty may be increased.

Failure to pay may result in a referral of your case to a collection agency.

**Here are the three ways you can respond:**

Check one box, then sign and date the bottom of the Notice of Infraction:

I have enclosed a check or money order, in U.S. funds, for the amount listed on the front. I understand this will go on my driving record if "traffic" is checked on the front. **DO NOT SEND CASH.** NSF checks will be treated as a failure to respond.

Mitigation Hearing: I agree I have committed the infraction(s), but I want a hearing to explain the circumstances. Please send me a court date, and I promise to appear on that date. I know I can ask witnesses to appear but they are not required to appear. I understand this will go on my driving record if "traffic" is checked on the front. The court may allow time payments or reduce the penalty where allowed by law.

Contested Hearing: I want to contest (challenge) this infraction. I did not commit the infraction. Please send me a court date, and I promise to appear on that date. The state must prove by a preponderance of the evidence that I committed the infraction. I know I can require (subpoena) witnesses, including the officer who wrote the ticket, to attend the hearing. The court will tell me how to request a witness's appearance. I understand this will go on my driving record if I lose and "traffic" is checked on the front.

My mailing address is: (PLEASE PRINT)

Name: Jack Delisle  
 Street or P.O. Box: 103 Raindog rd Apt: \_\_\_\_\_  
 City: East Sound State: WA Zip Code: 98245  
 Telephone: Home: 7025331286 Work: 360 376 2331

Is interpreter needed? Language \_\_\_\_\_

Jack Delisle  
 (SIGNATURE)

STATE OF WASHINGTON, PLAINTIFF VS. NAMED DEFENDANT  
 COUNTY OF SAN JUAN  
 CITY/TOWN OF FRIDAY HARBOR

L.E.A. ORI #: WA0280000 COURT ORI #: WA028013J

**THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF WASHINGTON**

DRIVER'S LICENSE NO. DELISJR303P2 STATE WA EXPIRES 10-15 PHOTO I.D. MATCHED  YES  NO

NAME: LAST DELISLE FIRST JACK MIDDLE ROBERT CDL  YES  NO

ADDRESS 45 LAVENDER LANE  IF NEW ADDRESS  PASSENGER

CITY EASTSOUND STATE WA ZIP CODE 98245 EMPLOYER OIFD LOCATION \_\_\_\_\_

DATE OF BIRTH 10/22/62 RACE W SEX M HEIGHT 509 WEIGHT 230 EYES GRN HAIR BRN

RESIDENTIAL PHONE NO. \_\_\_\_\_ CELL/PAGER NO. \_\_\_\_\_ WORK PHONE NO. (360) 376-2331

VIOLATION DATE MONTH 03 DAY 09 YEAR 2013 TIME 0100  INTERPRETER NEEDED LANG: \_\_\_\_\_

AT LOCATION MT BAKER RD @ TERPILL BEACH RD SAN JUAN CO M.P. \_\_\_\_\_ CITY/COUNTY OF \_\_\_\_\_

**DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND**

VEHICLE LICENSE NO. B6B141P STATE WA EXPIRES 5-13 VEH. YR. 2010 MAKE Honda MODEL RD STYLE PUR COLOR WHI

TRAILER #1 LICENSE NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRES \_\_\_\_\_ TR. YR. \_\_\_\_\_ TRAILER #2 LICENSE NO. \_\_\_\_\_ STATE \_\_\_\_\_ EXPIRES \_\_\_\_\_ TR. YR. \_\_\_\_\_

OWNER/COMPANY IF OTHER THAN DRIVER KINISKI, NICK C

ADDRESS 2254 CEDAR PT AVE CITY PT ROBERTS STATE WA ZIP CODE 98281

ACCIDENT NO. 0 NR 0 I 0 F 0 CMV  YES  NO 16+  YES  NO HAZMAT  YES  NO EXEMPT  FARM  FIRE  R.V.  OTHER

**DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES**

#1 VIOLATION/STATUTE CODE 46.61.025 VEHICLE SPEED \_\_\_\_\_ IN A \_\_\_\_\_ ZONE \_\_\_\_\_  SMD  FACE  AIRCRAFT

NEGLIGENT DRIVING 2ND DEGREE

#2 VIOLATION/STATUTE CODE \_\_\_\_\_

#3 VIOLATION/STATUTE CODE \_\_\_\_\_

PENALTY U.S. \$ 550-

RELATED # 13-001529 DATE ISSUED \_\_\_\_\_

Served on Violator  Sent to Court for Mailing  Referred to Prosecutor

OFFICER K. P. Pala # PA 41685

ACT OF JUDGMENT							
INF	RESPONSE	DISPOSITION	PENALTY	SUSPENDED	SUB-TOTAL	FNDG/JDGT DATE	ABSTRACT MLD TO OLYMPIA
1	C NC	C NC D P DF	S	\$	\$		
2	C NC	C NC D P DF	S	\$	\$		

10015075

SAN JUAN COUNTY SHERIFF'S OFFICE  
**VOLUNTARY STATEMENT**

Date: 2/6/13 Place: Station 21 Time Started: 1129 Case # 13-001529  
I, the undersigned Jack Deliste am \_\_\_\_\_ years of age, having been born at Costa Valley ca  
on 10/2/62. I now live at 45 Lavender Ln #1 Eastwood phone # 702-522-1286  
I receive mail at same  
I have been duly warned and advised by Deputy Thomas 206 of the San Juan County Sheriff's Office that:

1. I have the right to remain silent.
2. Anything I say can be used against me in a court of law.
3. I have the right to consult with and have an attorney present before and during questioning.
4. If I desire an attorney, but can not afford one, an attorney will be appointed for me at public expense.
5. I may exercise these rights at anytime before or during questioning.
6. If I am under the age of 18, anything I say can be used against me in a juvenile court prosecution for a juvenile offense and can also be used against me in an adult court criminal prosecution if I am to be tried as an adult.

*I understand each of the above rights. I understand that I may exercise these rights at any time before or during any questioning. I wish to waive my right to remain silent and my right to the presence of an attorney at this time.*

SIGNATURE: Jack Deliste

I was driving back to fire station and was  
sleepy - swerved to miss deer got into shoulder "bag"  
and went crash out, a honola - ridge line - Seth helped  
me out of "bag" with a chain, I drove to back  
parking lot of fire station - Mike Preysa called Herb Crane  
investigated at 1144 am the 9th.

*I have read this statement, consisting of \_\_\_\_\_ page(s), and I certify that the facts contained therein are true and correct. I further certify that I made no request for the advice or presence of a lawyer before or during any part of this statement, nor at any time before it was finished did I request that this statement be stopped. I also certify that I was not told or prompted what to say in this statement.*

This statement was completed at \_\_\_\_\_ on the 9 day of March, 2013

Witness [Signature]

Signature of person giving statement [Signature]

Address where statement was signed 45 Lavender Lane

13-201529

Supplemental/Follow Up Narrative

On December 05, 2013, Undersheriff Distler asked me to clarify the accident location via a supplemental report.

I was dispatched to the Y intersection of Terrill Beach Road and Mt. Baker Road, Eastsound, Orcas Island, San Juan County, Washington State, 98245.

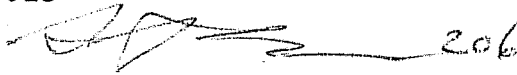
Near the north west intersection, I found damaged trees and tire marks in the roadway and shoulder that indicated a recent accident. I also found large pieces of automotive debris including a section of what appeared to be a bumper. It was white and had "Honda" written on the underside, non painted side, from the manufacturer.

Unit 1 in this accident has consistent damage to what I found at the scene.

No further.

I hereby certify (declare) under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct. (RCW 9A.72.085.)

S. Johns 206, December 06, 2013

 206





Motor Vehicle Crash: Case #13-001529

Name: MCNULTY, Lin R DOB: 01/01/46  
EMAIL: [orcawoman@gmail.com](mailto:orcawoman@gmail.com)

Name: PREYSZ, Miklos P (Mik) DOB: 08/01/56  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: KIMPLE, Chad D DOB: 06/02/86  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: KINISKI, Nick C DOB: 01/07/61  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 376-2331

Name: DELISE, Jack R DOB: 10/22/62  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: HARVEY, Rita DOB:  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: KIMPLE, Alicia H DOB: 11/04/84  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: YBARRA, Seth R DOB: 05/16/66  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

Name: SCHIRMER, Lindsey A DOB: 04/04/77  
Business Address: 45 Lavender Lane, Eastsound WA 98245  
Business Telephone: 360-376-2331

On 10/21/2013 I became aware of public concern about the handling of a Motor Vehicle Collision Investigation conducted by the San Juan County Sheriff Office in March of 2013 because of Public Records requests from Lin McNulty.

I reviewed the original report and found that the investigation was sufficient on its face. I decided to contact Assistant Chief Mik Preysz since the accident involved a member of the Orcas Fire Department.

On 10/22/2013 I contacted Assistant Chief Mik Preysz, by telephone, concerning the issue. I learned that in the early hours of March 9, 2013 he received a telephone call from Seth Ybarra advising that Jack Delisle was

involved in a MVC and Ybarra had assisted in pulling the vehicle onto the roadway. Preysz immediately went to Fire Station 21 to investigate the incident.

Preysz told me he arrived at the station sometime after 0200 hours. He contacted Nick Kiniski, the on-duty paramedic and registered owner of the vehicle. Preysz told me he called 9-1-1 and asked to speak to Deputy Crowe, knowing he was on duty, in order to make the initial report.

I requested a copy of the telephone call to dispatch concerning that incident. I was advised the call was received at 0300 hours; Deputy Crowe was called and advised to contact Preysz.

At approximately 1845 hours I spoke Deputy Crowe, in person, at the Orcas Station concerning his contact. Deputy Crowe explained that when he spoke with Preysz he was made aware that the damaged vehicle was located in the back parking lot of the Station 21 and the Jack Delisle was nowhere to be found. Deputy Crowe, realizing the investigation could not be completed without the vehicle driver, provided Deputy Johns, the on-coming day shift deputy, with the known information.

On 10/23/2013 I contacted Deputy Johns by telephone concerning the written statement completed by Delisle on March 9, 2013. Deputy Johns stated he had interviewed Delisle, in person, at Station 21 after advising him of his Miranda Rights.

On 10/25/2013 I visited Station 21 and spoke with Chief O'Brien via speaker telephone while seated in Assistant Chief Preysz's office, who was also present, at approximately 1530 hours. I discussed the need for the supplemental investigation and Chief O'Brien and Assistant Chief Preysz strongly agreed and were supportive of the process.

During a casual conversation with Assistant Chief Preysz I determined that on March 8, 2013 Chief O'Brien held a party at his residence to celebrate the hiring of Jack Delisle as a full time member of the Orcas Island Fire Department. The guests were fed and alcoholic beverages were consumed.

I conducted an interview with Assistant Chief Preysz in his office at approximately 1540 hours. Preysz explained that he attended the party at Kevin O'Brien's home along with Chad Kimple, Seth Ybarra, and Jack Delisle.

The party started at approximately 1730-1800 hours, according to Preysz. Everyone ate food and Preysz said he had a couple of drinks and then fell asleep on the couch at approximately 2000 hours.

Preysz told me he was awakened by a telephone call from Seth Ybarra at approximately 0230 hours on 03/09/2013 reporting that he had assisted Delisle in pulling the vehicle from the ditch.

Preysz explained that he drove past the scene where he observed vehicle parts near the roadside before arriving at Station 21 at approximately 0250-0300 hours and located the vehicle registered to Nick Kiniski parked near the rear of the back parking lot. Preysz was not sure the actual sequence of events from this point; however, he notified Dispatch about the incident and requested contact by a deputy, found Nick Kiniski and they went and looked at the damaged vehicle.

Preysz tried, without success, to contact Delisle by telephone. Preysz explained that Rita Harvey had arranged for a rental house, but he did not know the address.

Preysz spoke with Deputy Crowe on the telephone and provided the known information concerning incident. As stated earlier the decision was made to wait for daylight to continue the investigation.

On 10/25/2013 I interviewed Captain Chad Kimple in his office at approximately 1600 hours. Kimple explained the party included food and alcoholic beverage. Kimple confirmed the list of attendees provided by Preysz.

Kimple told me that his wife came to the house later in the evening (estimated 2400-0100 hours) to take him home; he believes that she offered rides to Ybarra and Delisle but believes they refused.

I told Kimple I intended to interview his wife at a later time since she was out of town.

On 10/25/2013 I met with Paramedic Nick Kiniski in his work area at approximately 1625 hours. Kiniski explained he was the duty medic at Station 21 the evening of the incident and he had loaned his vehicle to Delisle for the evening.

Kiniski explained he had responded to a call that came in at 2255 hours and he was back at the station around 0030 hours; he was seated at his desk doing reports when he was noticed two vehicles drive into back parking lot. When asked to estimate the time of this sighting Kiniski checked the computer and determine he was working on reports between 0130 and 0200 hours. Kiniski explained a short time later a single vehicle drove out. Kiniski did not think this was unusual since member of the department routinely park their vehicles in the back while sharing rides.

Kiniski told me he was in upstairs in the living quarters at approximately 0230-0300 hours when Preysz contacted and told him that Delisle had damaged the vehicle. Initially, Kiniski explained, he thought Preysz was pulling a prank. They went down and looked over the vehicle and checked the damage; Kiniski remember seeing a chain still attached to the vehicle.

Kiniski could not remember when he tried to remove the chain; but did remember he was unable to remove the chain by hand, "It seemed to be stuck". Kiniski and Preysz went into the apparatus bay to retrieve a hammer to help get the chain off when they noticed a compartment on one of the Engines open, this compartment is where the chains are kept. Kiniski told me that when he did the walk through the apparatus bay, after returning from the last call, all the apparatus compartments were secure.

I asked Kiniski about doing a medical assessment of Delisle after the vehicle was returned. Kiniski stated he did not see Delisle when he returned the vehicle. Kiniski mentioned that he believed Delisle returned to Las Vegas the morning after the incident, since this was Delisle's routine.

On 10/25/2013 at approximately 1650 hours I was in the Station 21 kitchen when Preysz came into the room. I asked Preysz if he remembered the engine compartment door being open when he and Kiniski walked through the apparatus bay and he told me he did remember an open compartment door.

On 10/26/2013 at approximately 0830 hours I met with Jack Delisle in the main meeting room of Station 21.

I explained the reason for the re-investigation and his interview concerning the March collision. I asked Delisle to recount the events of the evening that led to the collision.

Delisle told me he borrowed Kiniski's vehicle to drive to Chief O'Brien's house for the party. Delisle admitted to eating food and consuming alcohol during the party.

Delisle explained that navigating the Chief's driveway was difficult and he rationalized that his safe navigation of that driveway would indicate he was not impaired at that time.

Delisle stated that as he was driving home the defroster must have "kicked in" causing a change in the visibility through the windshield and he swerved and came to rest on the side of the road.

Delisle continued by saying Seth Ybarra arrived shortly after the incident and they went to the station and got the chain from the engine and returned to retrieve the vehicle. Delisle said, he and Ybarra towed the vehicle back to the station and put it in the back of the parking lot. Delisle told me he took "the green car" parked in the back of the lot and drove home to the house where he was staying on end of School Street near North Beach Road/Prune Alley intersection. Delisle mentioned the front door combination lock was difficult to open and again referenced that his ability to work the lock would indicate the lack of impairment.

When asked why Assistant Chief Preysz could not contact him by telephone Delisle explained that his cellular telephone battery had died and he plugged it in to charge when he went to bed. When he arose in the morning, Delisle said, he checked the phone and found several messages. Delisle went to work that morning and that is when he was contacted by Deputy Johns concerning the incident.

Delisle told me he realized that he did not follow proper procedure and that he expected to have to answer for his mistake.

I met with Rita Harvey in Conference Room at Station 21 at approximately 0850 hours on 10/26/2013.

The only question I wanted to ask concerned where she had made arrangements for Delisle to stay while in town for the hiring process. Harvey described where the house was location but could not recall the actual number. I later checked the area and found the number "461" at the top of the driveway.

Harvey further stated that the front door combination lock had since been changed; however, when Delisle originally moved into the house he frequently had difficulty operating the combination lock.

Harvey stated that she had not seen Delisle the night of the incident but felt that had Delisle been impaired he would not have been able to work the combination lock.

On 10/28/2013 I met with MS Kimple on the car deck of the Evergreen State at approximately 1750 hours.

She told me she went to pick her husband up at the O'Brien residence at approximately 0100 hours.

She stated she had contact with Delisle and told me she realized he had been drinking although she observed no outright signs of impairment. She told me it was how he spoke with her that made her feel that he had been drinking.

She offered both Delisle and Ybarra a ride home understanding they had been drinking. They politely refused the offer.

On 10/29/2013 I contacted Ybarra at approximately 0740 hours on the car deck of the Evergreen State.

I asked Ybarra to tell me what happened on the night of the incident.

Ybarra stated that he was enjoying the bar-be-que and drinking some alcohol; however, he stated he only drank water for the last 1.5 hours prior to



leaving for home. Ybarra estimated that he left around 0130-0145 hours, shortly after Delisle.

Ybarra came upon Delisle and the vehicle off the side of the road. Ybarra told me he helped tow Delisle on to the road. When I asked what he used to tow the vehicle he explained they went to the station and retrieved a chain from one of the engines.

When they returned to the vehicle Ybarra said they pulled it out and then Delisle drove the vehicle to the station while Ybarra followed. After making sure Delisle was at the station Ybarra left.

A short time later Ybarra, not having Preysz's phone number contacted Lindsay to obtain it. Ybarra called Preysz and told him about the incident.

On 10/29/2019 at approximately 1530 hours I contacted Lindsey by telephone and confirmed Ybarra did call and she provided Preysz's phone number.

After reviewing the report I realized that there were more questions to be asked of Ybarra and Delisle.

On 11/04/2013 I contacted Ybarra on the Evergreen State and asked if he had towed Delisle back to the station, Ybarra confirmed he helped Delisle pull the vehicle out of the ditch and then followed him to the station. I asked about the chain being stuck on Delisle's vehicle and Ybarra explained they placed the chain on the engine hood of the vehicle so it could be driven to the station.

On 11/12/2013 I contacted Delisle at Station 21 and asked about the stuck chain. Delisle said when they could get the chain detached from the vehicle he placed it on the "hood" of the car and drove it to the station.

I also asked Delisle about the swerved to avoid the deer story from the initial interview. Delisle looked confused and could not provide an answer.

I also asked about the defroster problem. Delisle said the defroster was working well blowing the warm air into his face and he believed he got tired and may have dozed off.

I swear under penalty of perjury under the Laws of the State of Washington that foregoing is true and accurate. Signed 10/30/2013 at 96 Second Street North, Friday Harbor WA 98250.

  
Undersheriff Bruce Distler  
San Juan County Sheriff's Office

DISTRICT COURT  
FILED - COPY  
JAN 09 2014  
By \_\_\_\_\_ Clerk  
San Juan County, Washington

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SAN JUAN

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Delisle, Jack Robert, )  
 )  
 Defendant, )  
 \_\_\_\_\_ )

CASE NO. I 15075  
DECLARATION OF MAILING

I hereby certify under penalty of perjury under the laws of the State of Washington that a true and correct copy of:

I 15075 Negligent Driving 2<sup>nd</sup> Degree )

Was mailed postage prepaid to the address stated below on the 9th day of January 2014:

Jack Delisle

45 Lavendar Lane

Eastsound, WA 98245

Dated this the 9<sup>th</sup> day of January 2014, at Friday Harbor, Washington.

\_\_\_\_\_  
Clerk

IN THE DISTRICT COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SAN JUAN

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 v. )  
 )  
 Delisle, Jack Robert, )  
 )  
 Defendant, )  
 \_\_\_\_\_ )

CASE NO. I 15075  
DECLARATION OF MAILING

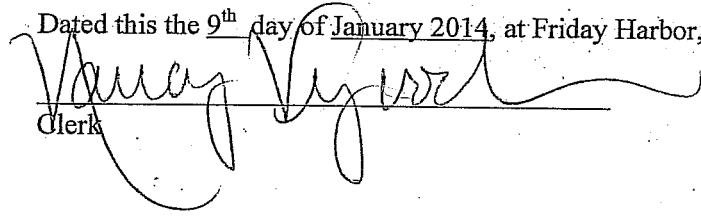
DISTRICT COURT  
RECEIVED  
JAN 27 2014  
San Juan County, Washington

I hereby certify under penalty of perjury under the laws of the State of Washington that a true and correct copy of:

I 15075 Negligent Driving 2<sup>nd</sup> Degree )

Was mailed postage prepaid to the address stated below on the 9th day of January 2014:

Jack Delisle  
45 Lavendar Lane  
Eastsound, WA 98245

Dated this the 9<sup>th</sup> day of January 2014, at Friday Harbor, Washington.  
  
Clerk