Our Civil Rights Violations by Town of Madawaska

Allegations of Wrongful Use of Civil Process, Abuse of Process, Intentional Infliction of Emotional Distress, and Negligent Infliction of Emotional Distress

RV CODE VIOLATION GENERAL ALLEGATIONS

1. Plaintiffs own a certain piece of property located at 57 Chapel Road, Lot 468, in the shoreland zone in the Town of Madawaska, which property is improved by a seasonal camp with an access driveway, running water, and subsurface waste water disposal system (hereafter the "Property").

2. In the third week of May in 2010, Plaintiffs rented the Property to a couple for use as a camp during the summer season.

3. The tenants arrived with a recreational vehicle (RV) camper trailer in order to facilitate their stay at the camp which was discussed and allowed by Plaintiffs.

4. Tenants asked if a second RV could be allowed on the camp lot and Plaintiffs clearly refused to allow a second RV without CEO authorization, even though Plaintiffs knew that it would be legal to do so based on the Board of Selectmen statements at Board meetings and the non-action by the Board in regards to Plaintiffs written complaints concerning the Rouleau properties.

5. For many years, Plaintiffs had received several complaints by the CEO in regards to RV's on this lot because the CEO claimed that the RV caused a -change of use-. Plaintiffs disagreed with the CEO's interpretation of the word use. These complaints were initiated by his neighbor David Rouleau.

6. Unbeknownst to Plaintiffs, the tenants placed a second recreational vehicle on the property when the tenants occupied the property.

7. Because Plaintiffs owned and operated a campground abutting the camp being rented, Plaintiffs did not want a second trailer to be placed on the camp lot because it generated no additional income and increased operational cost at the camp. This would be analogous to renting a campsite at Plaintiffs campground and allowing a second RV trailer to be added on the same site for the same price.

8. On June 4, 2010, Defendant, Robert Ouellet, the Town of Madawaska's Code Enforcement Officer (CEO), issued Plaintiffs, by registered mail, notice of an alleged violation at the property as a result of the placement of the two RV's on the Property. The Notice of Violation failed to meet even the basic mandatory notice requirements and provisions in order to satisfy the procedural due process requirements of the SZO under, §16. (I). Enforcement. §16 (I). (2)(a) states, *"[I]f the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuation of illegal use*

of land buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions."

9. Plaintiffs Richard and Ann Cayer regarded this June 4, 2010 registered mail - Notice of Violation - as the start of a legal court action pursuant to Title 30-A §4452 and Title 38 §435-§447, because the penalty/fines accrue from the date of Notice of Violation pursuant to Title 38 §349 Penalties. For this reason, Plaintiffs took immediate and decisive action to correct and comply with the Notice of Violation by instructing the tenants to remove the second RV trailer from the property, even though the notice of violation did not provide the mandatory information to identify and correct the alleged violation. Plaintiffs understood that having two RV's on a camp lot was not a violation.

10. The CEO failed to include many of these mandatory requirements in the notice of violation. First, he did not notify in writing the person alleged to be responsible for the alleged violation - the tenant- and willfully ignored the M.R.civ P 80K, and the SZO provisions of §16 I (2)(a) when the CEO served the owners Richard and Ann Cayer as the violators. At the June 29, 2010 Selectmen's meeting, CEO Ouellet said "[I] sent notice of the violations to the owners which was the Cayer's."

11. Second, the CEO willfully ignored these required provisions and did not serve the violator, the tenant, and did not provide the Plaintiffs (landowners) a copy of the alleged violation as also required pursuant to M.R.Civ.P and RULE 80K. LAND USE VIOLATIONS.

    (2) Additional Service on Property Owner. When the alleged violator is not the owner of the property on which the violation is alleged to have occurred or is occurring, the person making service on the alleged violator shall serve, or cause to be served, a copy of the Land Use Citation and Complaint upon the owner of the property by any appropriate method provided in Rule 4 of these rules.

12. Third, the CEO did not properly indicate the nature of the violation.

13. Fourth, the CEO willfully omitted to order the action necessary to correct it.

14. The enforcement process in §16(I) of the town's SZO is intended to provide all citizens a uniform, consistent, and equally fair method of code enforcement clearly outlined in the SZO which must be applied consistently to all citizens without discrimination.

15. In this instant case, Richard and Ann Cayer were not provided with the same enforcement action, and fines, as other citizens are subject to pursuant to §16. I.(2)(a) of the SZO. The alleged violators were not provided with the Notice of Violation, instead the landowners Richard and Ann Cayer were served, contrary to the SZO provisions of §16. I. (2) enforcement and M.R.Civ.P. Plaintiffs view this, and other willful procedural due process acts by the CEO and the Town as discrimination, selective enforcement, abuse of process, malicious prosecution, and a violation of Plaintiffs Constitutionally protected Civil Rights to equal protection of the Law, and Due Process. (Town of Orangetown, v. John Magee, et al.88 N.Y.2d 41, 665 N.E. 2D 643 N.Y.S.2d 21(1996))

16. In the June 3, 2010 notice of violation letter, the CEO wrote, "[A]ll code violations are submitted to the Madawaska Board of Selectmen to determine what action will be taken in regards to the violations. The Town will notify you of the date and time when the Board of Selectmen will be discussing this issue."

17. At the time Plaintiffs received the June 4, 2010 "Notice of Violation", they understood that there might be one RV/travel-trailer placed on the Property, and that it was legal to have one RV/travel-trailer on the Property.

18. Notwithstanding their understanding regarding the legality of allowing RV/travel-trailers on the property, Plaintiffs had the tenant immediately remove the relative's RV/travel-trailer from the Property on June 4, 2010.

19. Plaintiffs Richard and Ann Cayer were willfully and fraudulently charged as the violators in this meritless 80K violation lawsuit based on the fact that they are the landowners. The Law Court has made clear that a landowner is only responsible for the actions of its tenants if the landowners fail to correct the violations. In *Town of Boothbay et al. v. Barbara Jenness et al. 2003 Me. 50. Lin-01-554* the Law Court held "[T]he consensus from the few jurisdictions that have considered the issue is that a landlord can be held responsible for the tenant's violations if the landlord (1) has knowledge of the violation, *DeLoach,* 714 A.2d at 486-87; *City of Webster Groves v. Erickson,* 789 S,W,2d 824, 826-27 (No. Ct.App. 1990); and (2) has the power to obtain the tenant's compliance or to evict the tenant after she receives knowledge of the violation. *DeLoach,* 714 A.2d at 486-87; *People v. Scott,* 258 N.E.2d 206, 209 (N.Y). 1970).19.

20. The Law Court continued, "[A]ccordingly, we hold that a landlord can be held to have violated the ordinance and can be sanctioned for the continuing violation of an ordinance by a tenant when: (1) the ordinance authorizes separate penalties against a landlord: (2) the landlord has notice of the violation; (3) the landlord has a reasonable ability to control the use of the land: and (4) the landlord has been given a reasonable opportunity to obtain the tenant's compliance or eviction."

21. In this instant case, although Plaintiffs Richard and Ann Cayer were not properly served by the CEO identifying the exact violation, i.e.: was the alleged violation on June 4, 2010, as claimed in Count I, that the Plaintiffs were creating another residential dwelling on their camp lot when the tenants parked their RV at the camp they had rented from Plaintiffs? Judge Daigle made clear to Attorney Currier "[R]ecreational vehicles are not residential dwelling units." Or, were the tenants creating another campground as alleged in Count II, and served on February 5, 2013 (895) (*emphasis added)* days after all RV's had been removed without providing Plaintiffs any notice of violation pursuant to §16 I(2)(a)?

22. On June 21, 2010, CEO Ouellet sent Plaintiffs a letter by regular mail, "[T]his letter is to inform you that the Board of Selectmen will be addressing what action will be taken regarding the violation on 57 Chapel Road Lot 468. Your attendance is requested at the <u>meeting</u> (*emphasis added)* to be held in the Selectmen Meeting Room on Tuesday, June 29, 2010 commencing at 4:30 PM."

23. On June 29, 2010, the Town of Madawaska subsequently conducted a regular Board of Selectmen's meeting and discussed Article 3 Code Enforcement Violation, Cayer.

24. The Madawaska Town Attorney Richard Currier possibly traveled over 100 miles to be present at this June 29, 2010 Selectmen "meeting" specifically for the Plaintiffs RV matter. This appearance by any Attorney to discuss a possible code violation was unprecedented before or since that Board meeting. Plaintiff's question if the $500.00 fine was not simply to cover the attorney's expenses for traveling to Madawaska simply to intimidate Plaintiff's into signing a consent agreement and paying this fine, to cover expenses, because he said nothing pertaining to the RV violation at that board meeting.

25. At the June 29, 2010 meeting, CEO Ouellet clearly said *"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."*

26. Plaintiffs neighbor, David Rouleau who was also present at the June 29, 2010 meeting spoke against Plaintiffs' RV on the lot at issue, and according to the Town minutes, said, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it. His case has been going on for three to four years. If it is not allowed for me, then it should not be allowed for him." Richard Cayer responded that is different because Rouleau's lot is an individual private campsite. The first important thing to note here is that Plaintiffs original complaint in 2001 against Rouleau was initiated because Rouleau had been filing complaints, inter alia, June 1996, July 1998, June 16, 2009, with the CEO for many years claiming that Richard and Ann Cayer were violating the town code by allowing RV's on Plaintiffs camp lot. David Rouleau's illegally subdivided part of his house lot and was renting 39 feet to be used as an illegal Individual Private Campsite, pursuant to, and in violation of the Madawaska and DEP SZO §15E. The second important thing to note is that the Town did take an enforcement action for the building violations, but willfully refused to prosecute the more serious mandatory DEP violations, such as, the individual private campsite, pursuant to DEP SZO §15E, or the illegal cesspool Rouleau created. Furthermore, the individual private campsite was still willfully in operation in 2012 while the Town was prosecuting the RV violation against Plaintiffs even after Rouleau told the Board, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it." Rouleau never received a permit for any RV's on his house or individual private campsite and never received a notice of violation.

27. After the Town discussed the alleged violation, Plaintiff Richard Cayer told the Board "[i]f that's the intent, that you are not going to allow that anymore , all I can say is, I apologize that I didn't know and I will have it removed as quickly as I can." Plaintiff said this to the Board before anyone had ever instructed or requested Plaintiff to remove the last RV from the camp lot, including the CEO's notice of violation, as required pursuant to §16. (I) (2)(a) under Enforcement.

28. Plaintiffs Richard and Ann Cayer should have been commended for their usual level of polite cooperation at the June 29, 2010 meeting in spite of the willful malicious prosecution, and

fraudulent enforcement of a meritless lawsuit, perpetrated on two (2) of its citizens, by the CEO and the Town of Madawaska.

29. It was only after Plaintiff apologized and said that he would have the one remaining RV removed the next day that the Board acting without any legal authority to do so, willfully instituted a fraudulent act when they maliciously, found a violation existed on the property, imposed a $500 fine on Plaintiffs, and rewarded the alleged violator, the tenant, by allowing the RV trailer to remain an extra 5 days beyond the date Plaintiff said they would have it removed. Audio and video recordings are available of this meeting.

30. The Board maliciously and willfully informed Plaintiffs that they would have to sign a Consent Agreement admitting to meritless code violation charges to which Plaintiffs did not commit. This fraudulent act by the Town would have incriminated Plaintiffs for meritless code violations preventing Plaintiffs from forever allowing RV's on their camp lots. This is only one citation of the many methods the Town fraudulently used the legal system to intimidate and coerce Plaintiff's Richard and Ann Cayer into submission.

31. The Town through its CEO, Town Manager, Selectmen, and Attorney R. Currier willfully violated Plaintiffs Constitutional procedural Due Process Rights by willfully ignoring the plain language provided in the Town SZO requiring all provisions of §16.I.(2)(a) to be applied before threatening Plaintiffs Richard and Ann Cayer, with a $500 fine pursuant to §16.I.(3), for Legal Actions when a violator refuses to comply.

32. In this instant case, the willful abuse of process, pursuant to Section §16.I.(3), Legal Actions, was used fraudulently to willfully punish, coerce, intimidate, and forever bar Plaintiff's from placing RV's on their camp lots, while all others in this municipality continue to enjoy this privilege, as is allowed to this day, without permits.(*emphasis added*)

33. CEO Ouellet questioned if the fine should be $1,000 because there had been 2 RV's at one time.

34. After Plaintiffs cooperated with the Board and agreed without hesitation, to have the last RV removed by the tenant who placed it there, before anyone instructed Plaintiff to do so, the Town through its Attorney Currier willfully took fraudulent “[L]egal Action” pursuant to the Madawaska SZO under §16 I.(2)(3) against Plaintiffs.

35. The CEO, Selectmen, and Attorney Currier willfully ignored the provisions of §16. I. (2)(a) where an alleged violator can correct an alleged code violation, and fraudulently applied §16. I. (3) Legal Actions against the Cayer’s who were not the violators. Because of this willful fraudulent act in violation of Plaintiffs Constitutionally protected right to Due Process, Plaintiffs had to endure years of pain and suffering at great financial cost.

36. It is well established that before this June 29, 2010 meeting, fines for code violations were $200. Fines were increased for Plaintiffs that night to $500 with discussions by the CEO and Board members if Plaintiffs should pay $1000 because there were 2 trailers involved prior to June 4. However, because Plaintiffs instructed their renter to remove one as soon as it was known to them, and there was only one left at that time, the discussion by the Board of

Selectmen was based solely on the one single RV trailer, and the fine remained at $500, because there was only one violation. All code violation fines remain at $200 to this day; and if the violation is corrected before a certain date, the fine is withdrawn in most cases, except for Plaintiffs.

37. In the first six months of 2018 alone, there have been, inter alia, two (2) serious shoreland zoning violations in Madawaska for work done without the necessary building permits or proper determination of the greatest practical extent (GPE) from the high-water mark (HWM). The CEO through its Planning Board held “emergency” meetings and issued after the fact permits without fines.

38. Plaintiffs were also very clear to the Board and CEO that they were not responsible for placing the trailers on the lot and were not the violators and would follow up with a letter requesting time to look into the legality of the matter, and prepare for a Hearing.

39. Plaintiffs did have the remaining RV travel trailer removed from the property on or before July 6, 2010 as instructed by the Board, even though Plaintiffs understood and believed that it was legal for them to have one (or more) RV's/travel-trailers on the property under the existing Shoreland Zoning Ordinance.

40. Based on the June 21, 2010 letter from the CEO, Plaintiffs were not prepared for an opportunity to defend themselves at the Board of Selectmen regular meeting. Plaintiffs followed up with 2 letters dated August 4, and August 18, 2010, to Attorney Currier and the Board of Selectmen requesting an opportunity to defend the meritless allegations against them, and to explain other legal facts such as “we are not the violators.” These letters, and other questions were willfully never answered by the Board of Selectmen.

41. At that time, based on these letters, CEO Ouellet and Attorney Currier clearly understood that the Plaintiffs Richard and Ann Cayer were not the violators, but simply the landowners that corrected the Town's complaint by instructing the renters to remove their recreational vehicle from the camp they had rented. Because the renters could not park their RV on their rented camp lot, they demanded and received all their money, and left.

42. At the June 29, 2010 Selectmen meeting, Plaintiff Ann Cayer asked who complained. CEO Ouellet willfully refused to divulge the name of the person who complained because it was not in writing. Attorney Currier supported and reiterated that if it is not in writing, the CEO does not have a duty to divulge who complained. However, CEO Ouellet did have a 6/1/10 note that he wrote indicating the name of the person who called. This willful violation of Plaintiffs rights to information allowed by Title 1. §408-A (Public records available for inspection and copying). Note: the person who called was Roger Collin. The Town and CEO protected Collins from being identified and did not require a written complaint as required by Plaintiffs. The Town and CEO willfully repeated Plaintiffs names in many other proven legitimate complaints, causing irreparable damage to Plaintiffs Richard and Ann Cayer's reputation. These complaints were repeated in newspapers, and in court documents.

43. Because Plaintiffs neighbor, David Rouleau, was also allowing up to 5 additional RV's, travel trailers, and tents on his house lot, and his illegally sub-divided non-conforming lot while

complaining to the CEO about RV's on Plaintiffs lot, Plaintiffs pointed this out to the CEO and the Board of Selectmen at a regular meeting and in written letter form circa 2003.

44. Plaintiffs assert that David Rouleau made the statement repeated in court documents, DOCKET NO. CV-09-035 *(J. Hunter)* "[T]he second was that it failed to include a provision that he thought was essential. That provision would have imposed an obligation upon the Town to commence enforcement action against Mr. Cayer whom the Defendant believed was also in violation of the 1993 Code for having built an addition onto his home that was too close to the water. The parties were not able to resolve their differences and no Consent Agreement was reached."

45. Because Plaintiffs filed a complaint with the CEO against David Rouleau's placement of RV's, travel trailers, and tents at his illegally subdivided house lot, Selectman Lloyd Tardif, at a Selectmen Board meeting, told Plaintiff, "[B]ick Cayer, you are not going to stop us from allowing RV's and campers on house and camp lots".

46. And, at another Selectmen meeting, Selectman Bob Williams willfully defended RV's on David Rouleau's house and camp lots when he fraudulently said," [I]t is legal as long as the RV is licensed and the landowner has given permission." In David Rouleau's case, this was not true because there is specific language in the SZO for individual Private Campsites pursuant to §15 (E) (a mandatory State DEP statute) which Rouleau did not meet. CEO Ouellet fraudulently and willfully ignored this DEP violation well into 2012 while the Town was enforcing the meritless lawsuits against Plaintiffs Richard and Ann Cayer brought by David Rouleau's complaints.

47. Because the CEO Freudianly claimed that permits were required to place RV's and trailers on house and camp lots, and that he had to check his records if a permit had been issued to the Cayer's for this use. Plaintiffs knew this to be false so pursuant to the FOAA Plaintiffs requested to see the CEO's, permit book which is public information, to prove this fact. Attorney Currier willfully made this FOAA request very difficult and expensive to receive even though it was readily available.

48. Town Attorney Richard Currier denied Plaintiffs their motion for Discovery of proof that the CEO never issued permits for RV's to be placed on house and camp lots. Inter alia, Currier claimed this was a delaying tactic by Plaintiffs. It took the Town 24 months, two (2) years (*emphasis added*) to schedule a settlement conference with Justice Daigle, and 27 months to file count II.

49. Plaintiff Richard Cayer filed a FOAA request for information intended to prove that the CEO Ouellet never issued permits to allow RV's, trailers, or any recreational vehicle on house or camp lots.

50. Town Attorney Richard Currier fraudulently insisted that Plaintiffs pay $325.00 up front in order to review information compiled in a book instantly and readily available by the CEO. After months of delays, Plaintiff did review the CEO's permit book and there was not one permit issued for a trailer or RV unless there was construction being done on the property. This verified that the CEO was lying at the June 29, 2010 meeting about issuing permits for RV's

and trailers on house and camp lots, and has also willfully committed fraud on the courts in their Briefs and Affidavit about this fact.

51. Plaintiffs received a Consent Agreement which the Plaintiffs refused to sign because, (1). there was no violation, (2). even if there was a violation, they would not have been the responsible party. Plaintiffs assert that the five (5) statements by the town in the Consent Agreement were willfully and knowingly false claims intended to fraudulently incriminate Plaintiffs. Plaintiffs believed the Consent Agreement and the letters from Attorney Currier to sign the agreement was a willful abuse of process and extortion.

52. On or about August 11, 2010, the Town of Madawaska, by and through its Code Enforcement Officer and Attorney, willfully filed a Land Use Citation and Complaint, fraudulently alleging that Plaintiffs violated Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance by having more than one residential dwelling unit on the property without meeting the dimensional requirements for each additional dwelling units, and by placing the RV/travel-trailers on the property without a land-use permit.

53. On August 23, 2010, approximately (51) days after Plaintiffs removed the last RV from the lot, the town Attorney Richard Currier willfully sent Plaintiffs a letter instructing Plaintiffs to sign a Consent Agreement and pay a $500 fine immediately. Currier wrote, “[I]f you wish to sign the Consent Agreement and pay the penalty, please do so immediately and I will dismiss the pending Land Use Violation Complaint.” Currier threatened Plaintiffs with a meritless lawsuit when he said, “[I]f you wish to sign the Consent Agreement and pay the penalty,” '[I] will dismiss the pending Land Use Violation Complaint.” Because Currier was at the June 9, 2010 meeting, he knew full well there was no violation, and even if there had been one the plaintiffs would not have been the violators.

54. On August 24, 2010, Plaintiffs sent Attorney Currier a letter and copied the Chairman of the Board Don Chasse, requesting an opportunity to meet with the Board, and “[c]lairifing some important facts”, such as:

    1. Plaintiffs agreed to remove (1) RV placed by tenant, and pursuant to §16.(I).(2)(a) Enforcement “[T]he CEO “shall notify in writing the person responsible for such violation,...ordering the action necessary to correct it...including removal of illegal building or structures,...”

    2. (2) “[A]nd the “Legal Actions” provides for, 'When the above action does not result in the correction of the violation ....'" In this case the Plaintiffs agreed to, and corrected, the alleged code violation created by their tenant, because they were the landowners before even being instructed to as required by §16. (I). (2)(a) Enforcement.

55. Plaintiffs continued in their letter with numbers 2, 3, and 4, explaining that “[w]e never agreed to sign any Consent Agreement, never admitted to installing or partaking in any way the installation of said camper trailer, and did not agree to pay a fine.

56. Notwithstanding Plaintiffs letters of August 4, and August 18, 2010, that were never answered, Attorney R. Currier sent Plaintiffs another letter on September 9, 2010 warning that “[F]failure

to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings." Because these fraudulent claims were clearly meritless, Plaintiffs assert this willful act by Currier was intended to punish Plaintiffs for their public participation in local Town Government and was acknowledged as extortion.

57. On September 13, 2010, Plaintiff sent Mr. Currier a "good faith" letter that read, "After reading your letter of 9-09-10, this is my response. Thank you, but no thanks. I will also reciprocate "in good faith" by giving the Selectmen one last chance to drop this harassment and discriminatory act against us. All that I am requesting at this point is a public apology by the Board of Selectmen and a promise to seriously review the actions by our Town Manager, Christine Therrien and CEO Bob Ouellet concerning this and previous actions against us. Otherwise, I will move forward and any future settlement will be much more difficult and demanding. You have until 4:00 p.m. Friday the 17th of September to accept this offer".

58. This response to Currier's threatening letter was intended to let everyone involved know that Plaintiffs had no doubt that the enforcement action was meritless. Plaintiffs believed that the courts could, and would protect them if the town persisted with these fraudulent threats of extortion.

59. Plaintiffs lost, and continue to lose the income that they would have earned from the one RV/travel-trailer that could have, and should have, remained on the Property.

60. The Town did not provide any reference or citation to any provisions of the Shoreland Zoning Ordinance or any past practice in support of its allegation in the Land Use Citation and Complaint that a land-use permit was required to place an RV/travel-trailer on the Property.

61. Because Plaintiffs believed that the enforcement process §16 I (2)(a) willfully violated Plaintiffs Constitutional Due Process rights, they filed a timely request to remove the matter to the Superior Court for a jury trial as allowed under M.R.Civ.P. 38 and City of Biddeford v. Holland, 2005 ME 121, ¶¶ 10-15, 886 A.2d 1281, 1285-869.

62. After 2 years (728 days) (*emphasis added*) on August 9, 2012, the Superior Court (*Daigle, J.*) conducted a judicial settlement conference on the matter. The Town of Madawaska CEO and town Attorney Richard Currier acknowledged Justice Daigle's reference to the SZO that the Notice of Violation and the Land Use Citation and Complaint erroneously cited Plaintiffs for violations under a section of the Town of Madawaska Shoreland Zoning Ordinance that did not apply due to the fact that the ordinance plainly defined Residential Dwelling Units, and clearly states, "[R]ecreational vehicles are not Residential Dwelling Units."

63. With the knowledge that the alleged Count I violation was without probable cause, or reasonable grounds to support the original Count I charge, the town CEO, and Attorney Currier, requested (*Judge Daigle*) to allow them to amend Count I which was granted.

64. After acknowledging their clear error to Judge Daigle, on November 13, 2012 the Town of Madawaska willfully filed a fraudulent Motion to Amend its Land Use Citation and Complaint, more than 3 months (94) days, after Judge Daigle allowed the Town to amend the meritless claim, and (821) days after the town filed Count I. (*emphasis added*)

65. The Town once again fraudulently charged Plaintiffs Richard and Ann Cayer with the identical and original Count I without any amendments, even after being told by Judge Daigle that Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance did not apply to Recreational Vehicles.

66. The Town, through its Attorney Richard Currier, rather than amend Count I as agreed by Judge Daigle, fraudulently added another new meritless violation unrelated to the meritless Count I. This new Count II SZO violation was based on the provisions of Section §15(D)(1) related to campgrounds. The Town and Attorney Currier's fraud on the court claimed, "[T]he activity alleged to constitute the violation involved placing **[several]** travel trailers-camper units on a single lot." It is well documented there was only one trailer at the time of the meeting on June 29, 2010 because Plaintiffs had the second RV removed by the person responsible for placing it there the same day Plaintiff was made aware of it by the CEO, and there was never a third RV necessary to claim "several." Furthermore, at the June 29, 2010 Board of Selectmen Meeting it was confirmed by CEO Ouellet that there was only one trailer on the lot . CEO Ouellet said ***"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."***

67. In their complaint to the Superior and Supreme Court, the Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully made fraud on the court statements when they claimed, "[a]fter a "Hearing" (*emphasis added*) in front of the Plaintiffs Board of Selectpersons." And, "[T]he Defendants were notified of the "Public Hearing," regarding their violations, the Defendant's appeared to contest the violation, ." First, there never was a notice of any ("Hearing"), Second, there was no "Hearing". Third, Plaintiffs could not appeal the CEO enforcement action, and lastly, Currier wrote, "[P]laintiffs did not appear to contest the violation." Plaintiffs appeared at the Selectboard meeting simply because they wanted to understand what the notice of violation was about.

68. In their Superior and Supreme Judicial Court filing against Plaintiffs, the Town Attorneys, Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully claimed fraud on the court statements when they claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance. The Defendant's never provided any evidence, either testimonial or documentary in nature, to the Plaintiffs Board of Selectpersons detailing their compliance with §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance."

69. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance." After a short explanation, Plaintiff Richard Cayer politely apologized and told Mr. Ouellet and the Board that he would have his tenant remove the last remaining RV trailer from the camp lot. Therefore, Plaintiffs did comply

with §15(A)(5) (Count I) by having their tenant remove the last RV, contrary to the Town Attorneys, Richard Currier's Esq. (#2245) and Jon Plourde's Esq. (#4772) fraud on the courts' statements.

70. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed to the Courts "[D]efendants never complied with the minimum lot standards enumerated by §15(D)(1) (Count II). The Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) instituted fraud on the courts by claiming that Plaintiffs had to comply with §15(D)(1) Count II. Plaintiffs could not comply with the Town's request, first, because Plaintiffs were not creating a campground, second, there were no RV's to remove on the camp lot after July 6, 2010 or since, and Plaintiffs were vehemently opposed to signing the Consent Agreement and paying a $500 fine, admitting to something they did not do, and agree to pay what Plaintiffs believe to be extortion.

71. Plaintiffs were denied procedural Due Process and equal protection rights (1988 equal protection and Due Process Rights) with Count II because Count II was first filed and claimed against Plaintiffs on February 5, 2013, (895) days after service of the Town's Count I complaint, and (971)(*emphasis added)* days after the June 29, 2010 Selectmen's regular Board meeting where CEO Ouellet said, and it was confirmed by CEO Ouellet, that there was only one trailer on the lot. CEO Ouellet said ***"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."*** Therefore, Plaintiffs were denied an opportunity to defend against these fraudulent accusations filed by Attorney Richard Currier Esq. with Count II.

72. Plaintiffs also find it perplexing for the Town to claim Plaintiffs changed the "use" of the tenants RV trailer to another residential dwelling in Count I, and in the other breath claim a new and different code violation in Count II that the camp lot is also now converted into a campground because there had been an RV on the property over two and a half years prior, and none since July 5, 2010. This camp lot is 49 feet by 100 feet.

73. This is especially true since after July 5, 2010, there has only been a single camp on the property with no RV's or trailers. The Town and the courts have also repeated another false claim that there was a mobile home on that lot. This is false. There has never been a mobile home on lot 468, and there has not been an RV/travel trailer on that lot since July 5, 2010.

74. When Plaintiffs first saw the Town's amended Count II filing proposed on November 13, 2012 with the --(Relief Sought from Court) -- which was (1). a Civil Penalty for each day of violation, (2). Removal of Violation, (3) Removal of the two travel trailers, and (4). Attorney fees, witness fees, and costs, Plaintiffs never imagined that any fair and competent court would grant such a motion, and believed rather that the court should impose sanctions pursuant to M.R.Civ.P rule 11. on the Town, and Town Attorney Richard Currier Esq. (#2245) for intentionally making these fraudulent statements on court filed documents.

75. Attorney Currier willfully claimed with fraud on the Courts about (1) there being "[s]everal travel trailer-camper units on a single lot," because Attorney Richard Currier Esq.(#2245) knew this to be false, and (2) for willfully refiling Count I, to which the Court (Judge Daigle) informed the

town that RV's are not Residential dwelling units, and (3) for claiming that "[t]he Town requires a land-use application or Permit for these travel trailers; (if allowed at all)." Plaintiffs proved without any doubt that the Town has never required permits to place RV's or trailers on house or camp lots, and the CEO has never denied anyone from placing RV's or trailers on house or camp lots with, or without a permit, as claimed by Justice Alexander. And, (4) for falsely claiming "[T]he Defendants agreed to sign a Consent Agreement". This is false, Plaintiffs never agreed to sign a Consent Agreement or pay a fine.

76. Plaintiffs disagree with Attorneys Richard Currier and Jon Plourde that *MRE 408* applies to the determination made by (*Daigle, J.*) at the Judicial settlement conference as claimed in the June 11, 2014 "Brief of Appellee," because, being told that their claim was not valid/in error, or meritless by Judge Daigle, is not, pursuant to *MRE 408,* an offer of "[S]ettlement Discussions furnishing, promising, or offering "a valuable consideration." Willfully applying *MRE 408* to prevent the Courts from knowing the truth, that Judge Daigle made clear to Richard Currier, §15(A)(5) (Count I) did not apply to Recreational Vehicles, is an intentional misuse of the *MRE* 408 intended to willfully falsify the record and facts presented to the Maine Judicial Supreme Court (fraud on the court) with clear knowledge by the Town that Count I was meritless.

77. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the CEO, and the Town, all understood and acknowledged that Count I was without probable cause according to Justice Daigle, can only be seen as applying *MRE 408* to justify the intentional misleading of the courts in order to continue filing Count I against Plaintiff. Plaintiffs believe that Attorneys Richard Currier and Jon Plourde should have been sanctioned by Justice Hunter pursuant to Rule 11. M.R.Civ. P. for intentionally misusing MRE 408 to deceive the courts from knowing the truth.

78. The Court (Justice Hunter) granted the Town of Madawaska's Motion to Amend Complaint on January 24, 2013.

79. Included in Attorneys Currier and Plourde's brief in support of the right to file an amendment, Currier claimed, "[A]s *M.R. Civ. P. 80K (2)* provides "motions for appropriate amendments of the Land Use Citation and Complaint shall be freely granted." Plaintiffs assert that once an 80K (District Court) complaint is removed to Superior Court, as this case was, it no longer remained an 80K violation. Once Plaintiffs removed the case to Superior Court for a Jury trial, it became an 80B code violation.

80. On February 5, 2013, (895) (*emphasis added)* days since service of the Town's Complaint, Plaintiffs received the order granting the Town's amended complaint and were stunned that any court would allow the town to amend the complaint with a different violation claim without providing Plaintiffs the equal protection and due process as outlined in §16 (I)(2)(a) under Enforcement.

81. Count I claimed Plaintiffs were converting an RV trailer into a Residential Dwelling exactly as it was originally filed. Plaintiffs believed Count II was another new willful fraud on the court by Attorney Richard Currier and Jon Plourde, that there were now **[several]** travel trailer-camper units on a single lot, including a mobile home, and that Plaintiffs had now created a new campground. It was at this point approximately 910 days after the first notice of violation filing

by the CEO that Plaintiffs understood that the Town, with the Court's deferential protection of municipalities, could, and would continue filing these meritless lawsuits against Plaintiffs Richard and Ann Cayer until Plaintiffs pay the extortion demand for $500 and sign the Consent Agreement admitting to something they did not do forever barring Plaintiffs from allowing tenants to arrive at the camp lot with an RV even though everybody else was allowed. This fraudulent act by the town was clearly seen by Plaintiffs as an abuse of process.

82. Plaintiffs believe these willful acts by the town are an Abuse of Process intended to (1) extort money from Plaintiffs, and (2) requiring Plaintiffs sign a confession to an act they did not commit, (3) for an act that never existed. Attorney Currier's September 9, 2010 letter warning that "[F]ailure to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings."

83. Because there had been no trailer to remove for more than two and a half years, the Maine Rules of Civil Procedure [M.R.Civ.P.] 12B(6) "Failure to state a claim" would or should have applied, or at least that sanctions under Rule 11 of the M.R.Civ.P. should be imposed on the town and it's Attorneys for willful fraud on the Superior Court, and the Maine Supreme Court, claiming inter alia, that Plaintiffs Richard and Ann Cayer placed **[several**] RV trailers on this [**mobile home]**camp lot and had a **Hearing**. Plaintiffs Richard and Ann Cayer did not place any RV/trailer on any lot, and was not aware that any RV/trailer had been placed on their rented lot. Simply put, there was no violation, and even if there was a violation, Plaintiffs Richard and Ann Cayer were not the violators. They are simply the landowners who corrected the alleged violation.

84. The Town of Madawaska willfully failed to provide Plaintiffs a new written notice of the alleged, new violation, in accordance with the applicable provisions pursuant to §16(H)(2) of the Shoreland Zoning Ordinance relating to enforcement actions in effect at that time, and the relief sought did not exist (remove 2 travel trailers) except for the $500 fine and signing the Consent Agreement which Plaintiffs believe was a willful act of abuse of process.

85. Because the Town was successful in punishing Plaintiffs with all the delays, and filing of newer, and meritless lawsuits "based on" Plaintiffs exercised their Constitutional rights to public participation in local government, Plaintiffs asked their Attorney to file a Special Motion to Dismiss.

86. Because Plaintiffs Attorney, Mr. Rossignol, was not familiar with the relatively new (1995) Special Motion to Dismiss, anti-SLAPP statute, more time and money was expended for researching the Special Motion to Dismiss.

87. On or about March 25, 2013, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556.

88. On 4-16-2013, Town Attorney Currier filed for enlargement of time.

89. On 4-24-2013, Justice Hunter granted motion for enlargement of time to Attorney Currier. The Special Motion to dismiss language is intended to quickly dismiss meritless lawsuits against the moving party. The Maine anti-Slapp Law clearly states, "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require." In Plaintiffs case the courts did the opposite and delayed justice.

90. On August 29, 2013, Town Attorney Currier wrote to Town Manager Christina Therrien telling her, "[J]ustice Cuddy of the Superior Court held a conference today on Mr. Cayer's Special Motion to Dismiss the Amended Complaint under the anti-SLAPP statute. In the course of our discussion, we advised that a recent Supreme Court Decision in the *Bradbury v. Town of Eastport* might have some bearing on the outcome, Justice Cuddy requested that we submit a Supplemental Brief by September 4th and advised Mr. Cayer to respond by September 9th. He will take the matter under advisement and issue a decision based on the Motions, Briefs and Opposition filed by the parties. A copy of the Supplemental Brief will be sent to you in the next few days."

91. Title 14 §556 Special Motion to Dismiss clearly states "[A]ll discovery proceedings are stayed upon filing of the special motion under this section, **except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted.** The stay of discovery remains in effect until notice of entry of the order ruling on the special motion."

92. None of this was done, which prejudiced Plaintiffs Richard and Ann Cayer's filing of the anti-SLAPP statute in violation of Plaintiffs Constitutional Right to file and defend themselves pursuant to Title14 §556 Special Motion to Dismiss.

93. In this instant case, Justice Cuddy specifically instructed Town Attorneys Currier and Plourde, to supply the court with a supplemental brief (discovery) with information that Justice Cuddy could and did use to defeat Plaintiffs right to file the anti-SLAPP motion, contrary to the plain language of the Maine statute Title 14 §556 Special Motion to Dismiss.

94. Plaintiffs question the legality, and court rules of such court instructions to defendants to provide the court with specific evidence that could be used to defeat a Special Motion to dismiss.

95. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) on page 7, where they willfully made fraud on the court statements to the Maine Supreme Judicial Court claiming there were now "**[s]everal** (*emphasis added*) travel trailer-camper units on their lot **with a mobile home** which constituted a violation of section 15(D)(1)." Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) knew or should have known that nowhere in any related discussions or documents that a claim had been made that there were now, or ever had been, "**[s]everal** travel trailer-camper units on Plaintiffs lot including a mobile home. These false claims by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) to the Maine Supreme Court were intended to justify the false Count II allegation that Plaintiffs had created a new campground because two

or more trailers were necessary to meet the campground provision §15(D)(1). The definition of "several" is ..." More than two."

96. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) also willfully fabricated these false claims on page 13 and elsewhere to the Courts when they claimed, "[T]he amendment directly relates to Richard and Ann Cayer's placement of two travel trailers on their lot on June 3, 2010." Plaintiffs assert that they never placed, requested, or ordered placement of any RV on their camp lot.

97. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245), and Jon Plourde Esq. (#4772), p.(2) where they willfully made false statements to the Maine Supreme Judicial Court claiming many times, that the "Plaintiffs had placed 2 trailers on their lot", and held a "Hearing". They also claimed fraud on the court statements that Plaintiffs received a "notice of public hearing"; and "[O]n June 29, 2010, the Town's Board of Selectpersons proceeded with the "hearing" as to the violation. These are all false claims under oath made by Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) to the Maine Supreme Court to which the Maine Supreme Court repeated in their CASE HISTORY.

98. The false statements repeated by the Maine Supreme Court include;

    (1) "[t]o a lot where one mobile home was already located." There never was a mobile home on this camp lot.

    (2) There never was a June 29, 2010 "Hearing" held with Plaintiffs.

    (3) Attorney Jon Plourde and The Maine Supreme Judicial Court repeated that the Plaintiffs could appeal the enforcement action -[of the June 29, 2010 meeting]-. This is false. The Madawaska SZO clearly states, on p.35 §16 H Appeals (1)(a) Administrative Appeals, "[A]ny order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals," and in the alternative, M.R.Civ. P. 80K (e) (2) No Joinder. "[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, **nor shall an alleged violator file a counterclaim or cross-claim."** (*at this time, it was an 80K enforcement action.)*

    (4) The Court also repeated these false statements made by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) and ignored important facts produced by Plaintiffs such as;

        (a) In Note [3] page 2 of Justice Alexander's CASE HISTORY he repeats many incorrect facts such as, "[W]here one mobile home was already located. This is not so. There has never been a mobile home on that lot.

        (b) "[A]s the Cayer's had not submitted an application to the Town to allow additional trailers." ... Justice Alexander failed to believe Plaintiffs defense, that no permits had ever been issued for Recreational Vehicles because Recreational Vehicles are

licensed and on wheels and have always been allowed on house and camp lots in Madawaska without permits.

(c) Justice Alexander goes on in page 3, "[A]fter a June 29 hearing before the Town Board of Selectmen, during which the Board members heard testimony from the Cayer's....First, there was no "Hearing". Second, there was no testimony. For Justice Alexander to believe the Town Attorney's Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) claims to the Maine Supreme Court over documented material facts Plaintiffs provided in their brief, leads Plaintiffs to believe the Court grants municipalities, as in this case, the Town of Madawaska, too much deference. According to Maine Statute 30-A §2002. Municipality as body corporate; The residents of a municipality are a body corporate which may sue and be sued, appoint Attorneys and adopt a seal. It is unimaginable that the courts ignored the plain, simple fact, that the Plaintiffs Richard and Ann Cayer were not the violators, and that there was no violation.

(d) Justice Alexander goes on in page 3, "[T]he Cayer's did not appeal the Board's June 2010 decision to the Superior Court pursuant to M.R.Civ. P. 80B." The plain fact is that after the June 29, 2010 Board of Selectmen's meeting Plaintiffs Richard and Ann Cayer followed up with 2 letters dated August 4, and August 18, 2010, trying to set up a Hearing to discuss the alleged violation; however, the Board willfully did not respond to Plaintiffs letters. Furthermore, Justice Alexander is familiar with M.R.Civ. P. 80K (e) (2) No Joinder. "*[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, nor shall an alleged violator file a counterclaim or cross-claim."*

(e) On page (4) Justice Alexander goes on by stating "[T]he amended complaint alleged an additional violation of section §15(D)(1) of the ordinance, "[b]ut alleged no additional facts." Justice Alexander should have been aware that the amended Count II complaint did not reflect in any manor the violation of Count I which was a claim by the town that the Plaintiffs were creating a Residential Dwelling Unit, which is what the Town was allowed to amend. Rather, the town willfully filed a new violation claiming the Plaintiffs were now creating a new campground. The Superior Court did not provide Plaintiffs' their Due Process rights for a new notice of violation. The CEO also violated Plaintiffs rights because he did not apply the mandatory provisions of §16 I(2)(a) for count II.

(f) Count II claimed that Plaintiffs were creating a new campground two and a half years (910 days) (emphasis added) after Plaintiffs removed both RV's from their properties. Plaintiffs fail to understand how the Town can file a new and completely different code violation 910 days after the original complaint, "[b]ut alleged no additional facts." Plaintiffs believe this to be a violation of their Constitutionally protected procedural due process rights for a "Hearing" and to a proper notice of violation pursuant to §16 I(2)(a).

(g) Justice Alexander goes on; Note; [7] "[A]lthough the Cayer's filed the special motion to dismiss 131 days after the Town filed its motion to amend, they did not request

leave from the court to file the motion beyond the anti-SLAPP statute's sixty-day time limitations."

(h) The Court failed to apply the common Law, and court rule that the Maine Supreme Judicial Court adopted and applied "the challenged pleading," as in this instant case which was Count II. For the Plaintiffs Count II was the trigger, the final straw, the instant that Plaintiffs decided to apply the Special Motion to Dismiss. The Law is unambiguous and clear. "[W]hen the moving party asserts (emphasis added) ...." is when a special motion to dismiss is filed. Not before! Filing any meritless lawsuit, including a Special Motion to Dismiss that Plaintiffs believe is not ripe for adjudication is subject to court sanctions. It is also absurd to claim that the anti-SLAPP must be filed at the onset of a complaint, as claimed by justice Cuddy. The anti-SLAPP should only be filed "[W]hen the moving party asserts that the civil claims.... are based on the moving party's exercise of the moving party's right of petition under the Constitution of the United States...the moving party may bring a Special Motion to Dismiss. "

(i) On page 3 of the Law Court decision/ CASE HISTORY the court states, "[A]s of August 2010, the Cayer's had not paid the assessed civil penalty or signed a Consent Agreement." Because Plaintiffs voluntarily corrected the alleged violation by removing the RV from their properties before being instructed to, Plaintiffs assert the Town abused the [legal] process by willfully bringing a meritless lawsuit and demanding Plaintiffs sign a fraudulent Consent Agreement, admitting to something the Town clearly understood to be false, and pay a $500 penalty. Plaintiffs told the town this was extortion.

(j) Note; [10] of the Law Court decision points out how Maine's Special Motion to Dismiss is different from any other anti-SLAPP law because "[T]he statute broadly defines "a party's exercise of its right of petition to include any written or oral statement made before or submitted to a legislative,....or any other governmental ....." and yet did not even give the Plaintiffs Richard and Ann Cayer the benefit of the doubt and make an effort to understand the facts of the case, when it wrote, Note: (11). "[T]he Cayer's contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions seeking to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or Local government seeking to enforce law. Nothing in the anti-SLAPP statute or its history expresses or even implies that it would protect the Cayer's from the Town's efforts to enforce an ordinance limiting the number of trailers that they are permitted to maintain on their land." Plaintiffs respectfully respond to these incorrect claims by the court by saying, "[n]nothing could be further from the truth."

99. In 2010, Plaintiffs Richard and Ann Cayer owned the only campground in the town of Madawaska. An ordinance prohibiting RV's, trailers, or any camping facility on any house or camp lot would have increased tremendously the demand, and price for a site, campground income, and business value of the Cayer campground.

100. Although it would have been in the Plaintiffs favor to prevent RV's from being on house and camp lots, Plaintiffs never once asked for this to be enforced (except for the Rouleau DEP violation SZO §15E.), because it was not illegal. Plaintiffs did not believe it would have been fair to prevent anyone wishing to park and use a RV/trailer on anyone's house or camp lot. Note: Because Rouleau was the one complaining most of the time, and because Rouleau's lot had been illegally subdivided, and because Rouleau placed structures in violation of Maine SZO, and because Rouleau built an illegal cesspool on the lot, and because Rouleau's illegally subdivided lot had an Individual Private Campsite in violation of Maine's SZO, pursuant to §15. E. Plaintiff Richard Cayer pointed out to the CEO and the Board of Selectmen that the person complaining about an RV on Plaintiffs camp lot, Rouleau himself had up to 5 RV's on his property. It is important to note that in 2012 while the town was bringing an enforcement action against Rouleau for the illegally placed structures on the same Rouleau lot, the Town ignored the cesspool violation and the fact that there still was an RV camper trailer on the same lot 2 years after the town brought an enforcement action against the Plaintiffs Richard and Ann Cayer. The camper trailer was still being used on the illegally subdivided lot, on an illegal *Individual Private Campsite* pursuant to §15 E of the Town SZO. The CEO ignored those violations at the Rouleau lot while Plaintiffs were in court for the instant RV case. (emphasis added)

101. It was for this reason when Plaintiff Richard Cayer complained about all the campers and tents on the illegally subdivided Rouleau lot that Selectman Lloyd Tardiff told Richard Cayer at a Madawaska Selectmen meeting, **"[B]ick Cayer you are not going to prevent the town from allowing RV's and trailers on house and camp lots in Madawaska."** And, at another Selectmen meeting, Selectman Bob Williams told Plaintiff Richard Cayer when he complained about another RV trailer on the Rouleau lot **"[I]t is legal to have the RV/trailer on the lot as long as the owner approves and it is licensed."**

102. Attorney R. Currier was allowed to amend Count I; an alleged §15 A (5) for a change of use to a residential dwelling unit, that Judge Daigle made clear did not apply because, "[R]ecreational vehicles are not residential dwelling units." Based on Plaintiffs understanding of the Madawaska SZO, Plaintiffs did not believe that the courts would allow the Town to file a new violation without the proper notice of violation and a corrective action as provided pursuant to 16(H)(2) of the Shoreland Zoning Ordinance. Plaintiffs were shocked on January 24, 2013 that any court in the United States of America would allow such a miscarriage of Justice. For this reason, the Plaintiffs never took the notice to file as proposed by the Town on November 14, 2012 seriously because they did not believe any court would ever allow another meritless code violation without the proper notices pursuant to the SZO 16 (I) Enforcement. There was never any doubt, and it was very clear in both Plaintiffs minds, that for many years the Town was discriminating and punishing the Cayer's because Plaintiffs were filing lawsuits against them.

103. It was only after this second meritless lawsuit was filed by the Town that Plaintiffs were convinced that this action by the Town was only intended to punish the Plaintiffs by filing meritless lawsuits, and they would continue unless Plaintiffs could stop them, the only way they knew how, which was with the courts. Therefore, at that time, and for reasons clearly outlined in the Maine Legislation pursuant to M.R.S.A Title 14: §556 Special Motion to Dismiss, Plaintiffs decided to file the Special Motion to Dismiss against the town because this was the instant, "[W]hen a moving party asserts that the civil claims, counterclaim or cross claims

against the moving party are based on the moving party's exercise of the moving party's right of petition...."

104. Based on all previous Title14: §556 Special Motion to Dismiss decisions by the Maine Supreme Court, Plaintiffs understand the Courts great disdain for the anti-SLAPP law and would never file such a claim again unless the Maine Legislature amends the statute and, or, subjects the Special Motion to Dismiss to the M.R.Civ. P similar to California's anti-SLAPP laws.

105. Plaintiffs disagree with the courts' past decisions abrogating the Special Motion to Dismiss into common Law, contrary to its intent Inter alia, especially the use of Bradbury v. City of Eastport for establishing case Law to determine when or whether a Special Motion to Dismiss is timely or not. In Bradbury, the court (J Silver) has decided "[A]lthough the statute uses the word "complaint," we interpret the sixty-day period as running from the date of service of the challenged pleading, as the statute expressly permits special motions to dismiss "civil claims, counterclaim or cross claims," which may or may not themselves be served within the sixty days of the complaint."

106. In Justice Cuddy's Discussion he claims, "[I]n Count 2, no additional facts are alleged but it is alleged that these underlying facts also constitute a violation of Section §15. D.1 of the Shoreland Zoning Ordinance."

107. Justice Cuddy also claims "[T]he claims or defense asserted in the amended pleading arose out of the conduct, transaction or occurrence set forth or attempted to be set forth in the original pleading." The first Count I complaint by the town claimed Plaintiffs were creating a new Residential Dwelling until Judge Daigle said it did not apply to §15(A)(5). §15(D)(1) Count II claimed that Plaintiffs were creating a new campground even though there had not been a RV on said lot for over 971days because Plaintiffs Richard and Ann Cayer had the parties responsible for placing those RV's on Plaintiffs land remove them and did not allow any more RV's on said lot.

108. Justice Cuddy also claims "[w]e interpret the sixty-day period as running from the date of service to the challenged pleading..." The challenged pleading in this case is Count II. The new Count II code violation "challenged pleading" was entered in the docket on February 1, 2013 and the Cayer's filed the anti-SLAPP on March 25, 2013.

109. Notwithstanding this fact, the Maine Supreme Court ignored the timeliness of the filing of the anti-SLAPP which was on appeal, and arbitrarily and capriciously ruled, "[B]ecause we conclude that this was not an appropriate circumstance for application of the anti-SLAPP statute, we affirm the judgment for reasons different from those stated by the trial court."

110. The simple facts of this case cry out for a Special Motion to Dismiss because: Fact (1). The Cayer's are not the alleged violators, they are the landowners. Fact (2). There never was a violation and the Town, the Town's Attorneys, and the CEO knew it, and were successful in convincing the court by willfully repeating fraudulent material facts such as; Several, Hearing, Notice of Hearing, agreed to sign Consent Agreement, agreed to remove 2 trailers, etc.etc., to

the point the Maine Supreme Court failed to understand, or investigate court documents, material facts, and finally simply claimed “[T]his is not such a case.”

111. Plaintiffs believe the Bradbury rule by the Maine Judicial Supreme Court for determining when a Special Motion to Dismiss should be filed is in derogation to the statute. “[W]hen a reasonable interpretation of a statute would satisfy constitutional requirements, we apply that interpretation. *Francis S. Driscoll JR. et.al. v. Ernest w. Mains JR. Et al. See Town of Baldwin v. Carter, 2002* ME 52, 9, 794 A.2d 62, 66-67.

112. On June 11, 2014, Attorney Richard Currier filed the Brief of Appellee in relation to ARO-14-51. In this brief on page 19, Jon Plourde states, “[I]n this matter, the Superior Court never addressed the merits or lack of merits of Appellants Special Motion to Dismiss. (*A. Tab 3).*

113. The Special Motion to dismiss is clear, “[T]he court shall grant the special motion, unless the party against whom the special motion is made shows that the moving party's exercise of its right of petition was devoid .....in making its determination, the court shall consider the pleading and supporting and opposing affidavits stating the facts upon which the liability or defense is based.”

114. Plaintiffs claim the Superior Court (J. Cuddy) decision without addressing the merits or lack of merits of Appellants Special Motion to Dismiss, violated Plaintiffs rights that led to a costly Supreme Court appeal where once again the court failed to apply the statute as intended.

115. Title 14: §556 the Special Motion to Dismiss is clear, “[T]he Special Motion to Dismiss may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms the court determines proper.” The simple and clear language of the statute allows “[i]n the court's discretion, at any later time upon terms the court determines proper” can only be achieved after the court understands the “merits” of the case. Attorney Plourde made clear this was not done.

116. The Special Motion to Dismiss is clear, the determination of when, or if, the Special Motion to Dismiss should be filed is a decision that must only be made by the moving party, and only “[W]hen a moving party asserts....” The courts should not be allowed to make that determination, as claimed by Justice Cuddy in his cv-12-155 decision claiming, “[I]t is noted that the Special Motion to Dismiss is intended to be filed at the commencement of the action to minimize expense in terms of litigation cost.”

117. Plaintiffs believe that unless the courts can assure every moving party they will not sanction a moving party for any filing of the anti-SLAPP statute, the courts should apply the statute as intended. The 60-day period for filing is not mandatory, it simply allows when the anti-SLAPP “may” be filed. The determination when or if it should be filed must be “[W]hen a moving party asserts that...the moving party *may* (emphasis added) bring a Special Motion to Dismiss.” Or, “[i]n the court's discretion, at any later time upon terms the court determines proper.” In order for this level of judgement to be made fairly, the court must apply facts, and issues of the motion which was not done in Plaintiffs Richard and Ann Cayer's case because the Plaintiffs would not be the violator even (*IF)* there had actually been a violation.

118. Because of this perceived error by the Supreme Court, Plaintiffs Richard and Ann Cayer continued to be punished by the Town, causing them to endure many more (8) years of much undeserved financial loss, and irreparable pain and suffering inflicted on them willfully by the Town of Madawaska and its employees.

119. Superior Court (*Cuddy, J.*) also requested that the Town Attorneys file supplemental briefs contrary to the State statute, adding more delays and costs to Plaintiffs contrary to the statute's intent.

120. Furthermore, Plaintiffs believe this request to the Town attorneys by J. Cuddy to supply him with a supplemental brief on the Bradbury Law Court decision to be used as the deciding factor was a violation of court rules, Law, and Plaintiffs rights.

121. The Special Motion to Dismiss is unambiguous, "[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the Special Motion. [1995, c. 413, §1 (NEW).] (3) Cuddy allowed supplemental briefs."

122. Ultimately, the Superior Court (*Cuddy, J.*) denied Plaintiffs Special Motion to Dismiss based on Bradbury.

123. J. Cuddy goes on "[L]ikewise the procedure provided in Rule 80K is designed for expeditious resolution of a land use violation." "[C]learly, for a variety of reasons, the policy goals of the legislation and civil rules were not accomplished."

124. Apparently, J. Cuddy failed to understand once a claim is removed from District Court it is no longer an 80K violation.

125. It took Justice Cuddy Ten (10) months to adjudicate this case, partly because of the supplemental briefs and "[T]he Court's traveling schedule cause it to be delayed in getting to this matter." Maine and California's anti-SLAPP statutes of both States have similar language, except for the "Governmental actions." "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require." Adjudication of anti-SLAPP cases in California takes a few weeks. (It must be on the docket within 30 days). In the State of Maine, the time for an anti-SLAPP to be adjudicated is approximately 10 months.

126. The Law Court ignored the crucial facts, (1) that the Cayer's were not the person responsible for the meritless lawsuit, (2) there were no violations, and (3) Plaintiffs removed both RV's before even asked by the Town. Therefore, according to §16.I(3) *Legal Actions*: Legal actions for fines and Consent Agreements are not allowed and are only legal "[W]hen the above action does not result in the correction or abatement of the violation or nuisance condition....."

127. Plaintiffs claim, the willful failure by the Town, it's CEO, and Attorney Richard Currier Esq. to provide Plaintiffs with all the procedural Due Process protections of all the steps required in

Madawaska SZO §16. I. Enforcement, violated Plaintiffs Richard and Ann Cayer's equal protection and due process rights pursuant to 42 §§ 1983 and 1988.

128. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Judicial Supreme Court, against Plaintiffs by fraud on the court about material facts such as, inter alia, the *M.R.E 408* claim that Plaintiffs could not repeat Judge Daigle's decision of August 9, 2012 because it was a settlement offer.

129. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) also willfully and with fraud on the court, claimed that permits were required for RV's and trailers, that Plaintiffs had Hearings, Notice of Hearings, and that the Cayer's placed several trailers on their lot and the lot had a mobile home, and Plaintiffs had to "[r]emoval of 2 trailers", these were violations of §15(A)(5), and §15(D)(1).

130. Based on this information, the Maine Supreme Court incorrectly concluded, "[T]he Cayers contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or local government seeking to enforce the law."

131. Plaintiffs Richard and Ann Cayer were successful in five (5) out of five (5) appeals before the Maine Superior Court against the Town for code related issues from 2003 to 2008.

132. Plaintiffs have on many occasions told the Selectpersons, and CEO that Plaintiffs Richard and Ann Cayer have no problem respecting the Town's codes. All Plaintiffs want is for the code to be applied evenly, fairly, and consistently.

133. Circa 2006, Plaintiff Richard Cayer wrote a letter for DEP Richard Baker requesting that he come to Madawaska to educate the members of all Boards including the Selectpersons, Planning Board, and Board of Appeals, about the law and how to apply it consistently.

134. Based on the willful fraud on the court material facts provided by the Town, it's CEO, and Attorneys Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the Maine Judicial Supreme Court concluded "[T]his is not such a case." "[B]ased upon the plain language of the statute and its limited scope of application, we conclude that the anti-SLAPP statute cannot, in *ordinary circumstances* (emphasis added) such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law."

135. At the onset of the decision by Justice Alexander, he asserts "[T]his is not such a case." Based upon the plain language of the statute and its limited scope of application..." Plaintiffs believe, Maine's Special Motion to Dismiss statute is known to have the most liberal language in all of the United States of America allowing the anti-SLAPP statute to be filed against *any governmental proceeding*; (emphasis added) including written or oral statement .....by a legislative, executive or judicial body, or any other governmental proceeding; ...or any other statement falling within constitutional protection of the right to petition government."

Furthermore, Justice Alexander included note 8 in his decision which stated, “[T]he enacting bill's brief statement of fact does indicate, however, that the Legislature intended for a Special Motion to Dismiss to apply to those claims or counterclaims filed for retributory or otherwise frivolous reasons. This bill allows a person exercising the first amendment right to bring an action and if a counterclaim is filed against that person for apparently dilatory expense incurring reasons or other frivolous reasons for seeking redress and accord, then that person has a right to a Motion to Dismiss and have that motion advanced so that the motion can be heard as soon as possible and if the Motion to Dismiss is granted, to have the case dismissed as soon as possible.”

136. The Plaintiffs filed the Special Motion to Dismiss on March 25, 2013 and the Supreme Judicial Court decision was filed on November 4, 2014, one year and eight months, or almost 20 months and tens of thousands of dollars later. For this reason, inter alia, Plaintiffs believe the courts failed to protect the Plaintiffs Richard and Ann Cayer Constitutional Rights, or fulfill the legislative intent of the Special Motion to Dismiss statute.

137. The Maine Judicial Supreme Court believed and accepted the willful fraud on the court claims by the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) when they asserted, “[w]e conclude that the anti-SLAPP statute cannot, in ordinary circumstances such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law.”

138. The Maine Judicial Supreme Court believed that Count I and Count II were “[o]rdinary circumstances” and (1) did not believe Plaintiffs Richard and Ann Cayer were simply the landowners who corrected the false claim by the town, and were not the violators. And, (2) that there were no violations. Two very simple facts to understand.

139. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court, against Plaintiffs anti-SLAPP, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the Superior Court's September 15, 2015 trial term.

140. At the September 2015 trial term for the RV violation, the Town immediately sought to dismiss the RV actions pursuant to M.R.Civ.P. 41. Because Plaintiffs had filed a written response denying the Land Use Citation and Complaint the Town could not do so. Plaintiffs refused to allow the town to simply “Dismiss” this meritless lawsuit against them. The Town then offered to dismiss both actions unilaterally, the RV, and the building violation, but could not do so because Plaintiffs believed the building violation was also meritless, and filed willfully and fraudulently to pressure Plaintiff's into dismissing the secession case. This was the same code violation that Town Manager Christina Therrien, Chairman Vince Frallicciardi, and Selectman David Morin had CEO Ouellet initiate an inspection on 43 hours (emphasis added) after Plaintiff R. Cayer filed their petition to secede on May 28, 2013. This was the same day the Chairman of the Board Don Chasse resigned, and was replaced by Vince Frallicciardi as Chairperson. Moreover, this is the same code violation that Chairman Vince Frallicciardi and Selectman David Morin told Plaintiffs they would help them with if Plaintiffs agreed to

dismissed the secession petition. Plaintiffs again refused, and demanded their right to a jury trial allowing the truth to come out. The Town then attempted to dismiss both cases with prejudice, and again plaintiffs refused to allow the town to dismiss any case, even with prejudice because they wanted the facts of what the town and Currier had to them to come out in public.

141. After the Town prevailed in a decision by Justice Hunter against a Special Motion to Dismiss in Superior Court, the Town was now offering to Dismiss with Prejudice the very same building code violation Justice Hunter had just decided in the Town's favor against a Special Motion to Dismiss.

142. Following the Plaintiffs refusal to Dismiss with Prejudice both code violations, defendant's Attorney Richard Currier Esq. requested to delay the trial based on the claim that the CEO Ouellet had been fired, and the Town Manager Christina Therrien had resigned as Town Manager, and that they may be hostel witnesses.

143. Plaintiffs disagreed with Justice Hunters decision to grant delay of the jury trial because the CEO had been fired and the Town manager had quit.

144. Plaintiffs believe that Justice Hunter should have questioned Attorney Currier's credibility and honesty especially after Justice Hunter had just denied Plaintiffs their Special Motion to Dismiss for the very same building violation on March 10, 2015 in favor of Currier/Plourde and the Town. Currier and Plourde's reasons why Plaintiffs should not be allowed to succeed with a Special Motion to Dismiss was based on this statement. “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities’ Comprehensive Plan is unable to be realized without strict compliance.”

145. Seven months after the Town successfully convinced the court, (Justice Hunter), that the Plaintiffs should not be allowed to prevail with the filing of a Special Motion to Dismiss the alleged building violation, the Town attorney was now determined to Dismiss with Prejudice the very same anti-SLAPP case providing dispositive evidence that their claims were willful fraud on the court statements simply to deny Plaintiff's filings.

146. Based on the fact that this case had been filed more than 5 years prior (emphasis added) and now key players were leaving the town employment, and Boards were changing, more delays would clearly compound this problem against Plaintiffs. It is for this reason, Plaintiffs believed they were denied justice because of Justice Hunters decisions. Plaintiffs assert that because Justice was delayed, Justice was denied.”

147. When the matter came on for jury trial a second time during the September 2016 trial term, the Town sought to dismiss the two code violations unilaterally once again, but could not do so pursuant to M.R.Civ.P. 41 because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had willfully done to them, come out in public.

148. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a Dismissal with Prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing retaliation from the court, Plaintiffs reluctantly accepted the Town's Dismissal of the action with Prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 6, 2016.

149. It is important to note that at this court proceeding before Justice Stewart, the Town had Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits in two (2) previous Superior Courts decided by Justice Cuddy and Justice Hunter and one Supreme Judicial Court decision.

150. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

151. Because of this Maine Supreme Judicial Court RV decision against Plaintiffs Richard and Ann Cayer's' Special Motion to dismiss, the Cayer's reputation will forever be unjustly damaged because the Law Court has established, and has already applied in Law Court decisions, that the Cayer anti-SLAPP case was "[N]ot such a case," when in reality it was exactly, "such a case."

152. The Town's Dismissal of the action with Prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the Dismissal of the action with Prejudice.

153. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town is allowed to deny RV's onto Plaintiffs camp lot without a permit and are denied the right to allow 2 RV's onto their lot. All other citizens are allowed to place one (1) or more than two (2) on their lots without permits. This discrimination against Plaintiffs continues today.

154. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

LOT 468 BUILDING VIOLATIONS GENERAL ALLEGATIONS

155. On May 21, 2008, Plaintiffs applied for a land use building permit requesting to remove a portion of a camp on lot 468 and expand according to the Town Shoreland Zoning Ordinance (SZO) 12C(1) Expansions.

156. On June 4, 2008, Plaintiffs received a letter from the town advising them that the plumbing inspector Don Deschaine would meet with them to determine if the same septic system could be used for the new expansion.

157. On June 6, 2008, the plumbing inspector informed Plaintiffs that the septic system was functioning properly and that Plaintiffs could go forward with the new construction.

158. On July 21, 2008, the CEO Bob Ouellet informed the Plaintiffs they would have to meet with the Planning Board to determine the greatest practical extent from the high-water mark.

159. Because the CEO determined that Planning Board approval was necessary since more than 50% of the market value of the camp was being removed and the new expansion required a foundation §12 C(1)(b) applied, and the Planning Board had to apply §12 C(2) of the Madawaska SZO to determine the greatest practical extent from the HWM. Based on the CEO's reason for Planning Board review, Plaintiffs decided to amend the permit application to remove all the camp as suggested by the CEO Ouellette July 14, 2008.

160. On July 29, 2008, the CEO sent Plaintiffs a letter claiming that a meeting with the Board of Appeals was also necessary because Plaintiffs permit was requesting to in-fill, or increase in non-conformance. It is an undisputable fact that CEO Ouellet had always allowed the side yard setback “increase in nonconformance” of a structure, or aka, in-filling and the SZO had not changed since 2004. This increase of nonconformance was always allowed and was never subject to a Board of appeals variance. Specific language amending the SZO to prevent in-filling was willfully and fraudulently added in 2009 by the Town Manager Christina Therrien and CEO Ouellet without anyone's knowledge.

161. It is important to note that the first time the CEO fraudulently required a variance for in-filling was in 2007 during Plaintiffs Superior Court appeal of the BOA decision. Moreover, at both, the 2006 Planning Board meetings, and the BOA meeting, the CEO made very clear that Plaintiffs were allowed to in-fill because this had always been allowed. Because Plaintiffs won their appeal in Superior Court against the town, the CEO changed that policy and denied Plaintiffs the very same right the CEO told both Boards, that the Cayer’s can in-fill because '[I]n-filling has always been allowed. Plaintiffs view this differential treatment as willful discrimination.

162. On August 7, 2008, CEO Ouellet sent Plaintiffs a letter informing them that Plaintiffs had amended the application not to include in-filling, or aka increase in nonconformance, and BOA variance was not necessary. Second, that the Planning Board will determine the greatest practical extent from the High-Water Line. (HWL). Third, “[E]nclosed you will find a copy of the Maine Subsurface Wastewater Disposal Rules concerning replacement structures for your review. This section would apply to the required septic disposal system for any replacement structure.” Although the CEO included this information in his letter, he never mentioned it at

the August 7, 2008 Planning Board hearing, but did use it in October 6, 2008 as a reason why he did not issue the permit.

163. It was only in 2009, two years after the Town willfully and fraudulently refused to allow in-filling for Plaintiffs camp, that the Town Manager Christina Therrien and CEO Ouellet were successful in fraudulently amending the SZO denying in-filling or increase in non-conformance.

164. The illegal in-filling amendment of 2009 was once again overturned in 2016, after Plaintiff Richard Cayer made the Madawaska Planning Board aware that it had been secretly amended to prevent in-filling in 2009.

165. At the August 25, 2008, Planning Board hearing CEO Ouellet asked “are you removing the whole building?” Plaintiff Richard Cayer replied, “yes, that is what we are doing.”

166. At the August 25, 2008 Planning Board meeting, a motion by Ron Dalgo “[t]o accept the land use application for a replacement location for a seasonal dwelling at the greatest practical extent from the normal high-water line for Richard and Ann Cayer.” second by Gary Dufour. All in favor, Motion carried.

167. Because the Madawaska Planning Board does not issue permits, Plaintiffs had to wait for the CEO to issue the permit as approved by the Planning Board.

168. On October 6, 2008, the CEO willfully and fraudulently sent Plaintiffs a letter outlining 5 highlighted requirements that needed to be addressed before a permit could be issued. The letter read, “[F]inally, I am returning the application for you to complete the highlighted portion. Once I receive the completed application, I will be able to determine the permit fee and discuss the internal plumbing permit with you.” Among these issues were questions on the septic system.

169. Although Plaintiffs were not required to include this information because the Plumbing Inspector Don Deschaine had approved the existing system, Plaintiffs supplied the CEO with a new septic plan. Furthermore, whenever a permit application is presented to the Planning Board, these issues that CEO Ouellet was requesting were supposed to have been addressed and the Planning Board decision is final, and the permit issued.

170. On November 6, 2008, CEO Ouellet willfully and fraudulently Informed Plaintiffs that he had received the permit application with the required completed information that he had requested in his October 6, 2008 letter; however, Plaintiffs now had to meet new requirements concerning non-vegetation that had already been addressed by Plaintiff and CEO.

171. Because of health and legal issues (Supreme Court ARO-09-45 contempt of court) and the 2010 (CARSC-CB-12-155) RV violation, Plaintiffs were not able to continue the permitting or building process.

172. On April 10, 2012, Plaintiffs applied for a new building permit for a replacement structure at the same camp lot as approved at the August 25, 2008 Planning Board meeting.

173. On April 17, 2012, Plaintiff sent CEO Ouellet a letter explaining “this is to replace and supplement the previous permit application dated May 21, 2008 Under Comments, Plaintiff added, (unless we have to go to the Planning Board.) The Town has a long history of making Plaintiffs attend Planning Board, Selectmen, and Board of Appeals meetings unnecessarily.

174. On April 23, 2012, CEO Ouellet emailed Stephenie Maclagan of DEP with willful fraudulent statements such as, (1) “[I] would need interpretation of section 12 non-conformance letter D non-conforming Uses #2 the last sentence. Does this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape upkeep to the property in the last 5-6 years, that if the removal of all structures, sic, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think.” Plaintiffs believe this to be an important material fact. The significance is that CEO is making claim that the camp may not be grandfathered because it is in disrepair, no electricity, etc. Most of these statements are fraudulently and willfully false. An example is that for every year we rented the camp and it had electricity.

175. DEP Stephenie MacLagan responded on April 26, 2012. Section 12.D does not apply. Her letter went on to advise Planning Board review and explained how to do it. Plaintiffs believe this is basic code enforcement, permit review by the Planning Board and CEO, and everyday function by the Planning Board to know how to determine the greatest practical extent from the high-water mark.

176. On April 26, 2012, Stephenie Maclagan responded to the CEO's letter correcting CEO Ouellet although he knew better, and Plaintiffs believe he was fishing for a way to prevent Plaintiffs from being allowed to build.

177. On April 26, 2012, CEO Ouellet sent Plaintiffs a certified letter that read, “[y]our applications request a replacement structure, larger than the existing structure, unless it has to be reviewed by the Planning Board.... to make the application easier to understand for myself and/or the Planning Board, please complete 2 different sketches. Once I receive this new application, I will then review it and if required, schedule a Planning Board/Board of Appeals meeting”.

178. On April 30, 2012, Plaintiff filed an amended application complete with drawings.

179. On May 01, 2012, CEO Ouellet received a letter from the Maine Subsurface wastewater unit project manager, James Jacobsen, stating “[A] malfunctioning system cannot be used to serve a replacement structure.”

180. The Town of Madawaska posted the agenda for the Planning Board Public Meeting scheduled to be on Thursday, May 10, 2012. At this public meeting, CEO Ouellet willfully provided the Planning Board fraudulently obtained information from DEP Stephenie Maclagan without informing Plaintiffs of the information.

181. At the Planning Board meeting, Plaintiffs explained the reason why they did not want to meet with the Planning Board was because the Planning Board had already decided the greatest practical extent from the HWM in 2008, and then asked the question, “[W]hy are we even here?”

182. The response from the CEO Ouellet was, “[A]w Bick, you would have been upset if I didn't.” CEO Ouellet said this even after Plaintiffs application said in his April 17, 2012 letter, “Unless we have to go to the Planning Board.”

183. The minutes show Jeff Albert who had resigned from the Planning Board in 2006 moved to table the Cayer request as noted in Article 4 and wait “until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried.

184. It is important to note that Jeff Albert had resigned from the Planning Board in 2006 and was not sworn in as a Planning Board member. Jeff Albert later did become a Planning Board member and Plaintiffs assert that the reason he was there was to prevent Plaintiffs from successfully defending themselves. Jeff Albert only attended Plaintiffs issues and quit again after Plaintiffs were charged by the town.

185. On May 17, 2012, Plaintiffs filed a new application to repair the old camp and on May 17, 2012 CEO Ouellet granted the permit. Plaintiff realized that no portion of the old camp could meet the new State rules under Mubec and pursuant to the town SZO §12 B(2). Because Plaintiff understood that they were under much greater scrutiny then everyone else, they decided to expand the camp pursuant to §12 C (1) of the SZO which would result in replacing most of the old camp that could not meet the town and State building codes.

186. Based on the August 25, 2008 Planning Board meeting where the Planning Board determined the greatest practical extent location of the new replacement camp, (structure) Plaintiffs understood they could expand and or replace the old camp. On May 22, 2012, Plaintiffs filed another permit application for expansions to existing camp to increase floor space and add a second floor with a cathedral ceiling and a loft.

187. On May 29, 2012, CEO Ouellet issued a permit and included the Project Description: “[E]xtention of Existing Camper and Addition by Constructing Steel Framework for a second floor 16' by 20'. Construct 2nd Floor with loft and Cathedral Ceiling. Height of Bldg shall be no higher than 20' within 75' of NHWL from existing ground level in Front. Dye testing of Septic System is required. New Construction shall be no closer than 5 ft. From property line.”

188. It is important to note this is the same permit which CEO Ouellet and Town Attorney's claim, “[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot , and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions.” CEO Ouellet and Town Manager Christina Therrien willfully repeated these fraudulent statements about the permits being issued for “less than 50% removal, and under §12 C (3) to justify the meritless code violations.

189. Plaintiffs assert that it was impossible to leave the old camp inside the new expansion especially “with loft and Cathedral Ceiling” as allowed with the new permit.

190. Based on the Plaintiffs difficult past history with the CEO and the Town concerning building permits, it was at this time Plaintiffs believe the CEO may now be granting Plaintiffs permits without the usual discrimination and difficulty with the intention of later revoking the permits, after Plaintiffs started to build. Although Plaintiff was certain, that the old camp could be removed based on the 2008 Planning Board decision for the greatest practical extent(GPE), Plaintiff began construction by removing only parts of the old camp that was necessary for construction of the new foundation, until the expansion increased the value of the camp by more than 50% of the market value of the structure before removal, pursuant to the town SZO §12C(3) as the CEO had done to another landowner, Harold Pelletier.

191. On June 14, 2012, CEO Ouellet sent Plaintiffs a letter explaining that he had conducted a test on our septic system and wrote, “[O]n this day, it appears that the system is functioning properly.” The CEO said this in spite of his October 6, 2008 letter from Jim Jacobson with a copy of the Maine Subsurface Wastewater Disposal Rules.

192. On June 18, 2012, Plaintiffs filed for another permit that was quickly granted on June 18, 2012 by CEO Ouellet for “45'x12' extension to Existing Structure. A 20' section of the recently purchased mobile home (65'x12') will be removed and the remaining portion 45'x12' will be attached to the existing structure as shown on the diagram.”

193. Plaintiffs assert that normally an amendment to a permit was sufficient, however, for Plaintiffs, the CEO requested Plaintiffs file a new permit application for every amendment, and pay a new fee, which Plaintiffs did.

194. On July 5, 2012, CEO Ouellet posted a memo to his file. The memo stated that he received a call from Roger Collins regarding the Plaintiffs permits.

195. On July 5, 2012, CEO Ouellet arrived at Plaintiffs camp with the police. CEO Ouellet said that he had received a call that Plaintiffs were doing something in violation regarding our building permits. This was upsetting for Plaintiffs carpenters. CEO Ouellet took pictures and was satisfied that Plaintiffs were not in violation of the permits.

196. On August 20, 2012, a notice of hearing on an untimely Administrative Appeal (*emphasis added*) by David Rouleau for application and permits approved by CEO regarding lot 20.

197. On August 27, 2012, the Board of Appeals held a hearing concerning an administrative appeal by David Rouleau for vested permits granted to Plaintiffs by the CEO. The CEO Ouellet defended all of Plaintiffs permits as being legal.

198. On September 18, 2012, CEO Ouellet took pictures of the camp after construction was stopped for the season.

199. Although Plaintiffs were not required to submit a new septic plan by the CEO, on September 17, 2012, Plaintiffs had a new septic site plan designed by soil site evaluator with attached email to CEO Ouellet and James Jacobsen from the Subsurface Wastewater Unit in Augusta.

200. On March 15, 2013, Plaintiffs applied for another permit with drawings, for an expansion to the structure permitted on June 18, 2012, "[T]o expand existing camp to maximum allowed expansion."

201. On April 8, 2013, Plaintiffs received a letter from CEO Ouellet stating, "[I] am in receipt of a land-use application dated March 15, 2013. This application is requesting on expansion to the structure that was permitted on June 18, 2012." Permit granted. Plaintiffs noted incredulously how simple it was to have their permit approved by the CEO compared to past permit applications in 2006.

202. On May 19, 2013, Plaintiffs began to remove all parts of the old camp that could not possibly meet the Town newly adopted (*emphasis added)* State Mubec and Town building codes.

203. Because, inter alia Plaintiffs decided to file a Special Motion to Dismiss after the Town issued Count II (approved by J. Hunter) in the RV violation, and after years of differential treatment by the Town; on May 28, 2013, Plaintiffs filed a Petition to Secede all properties from the town of Madawaska. (e*mphasis Added)*

204. On May 30, 2013, 43 hours (emphasis added) after Plaintiff filed a petition to secede all their properties from the Town, Plaintiffs observed CEO Ouellet willfully and fraudulently, caught on Plaintiffs security cameras taking pictures of the new camp expansions. The Town acknowledged this was the start of the enforcement action for the building violation.

205. On June 4, 2013, CEO Ouellet willfully and fraudulently sent Plaintiffs a Notice of Violation and Stop Work Order and added, "[T]his SWO is in force until the Board of Select People meet to discuss this matter." Plaintiffs assert a violation of 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988 because Plaintiffs permits were vested which required an injunction to be filed pursuant to the Town SZO §16(I)(3) in order to prevent the Plaintiffs from continuing work on their camp.

206. Plaintiffs assert the Stop Work Order was illegal because the 30-day appeal period was past. In *Wright v. Town of Kennebunkport, 1998 ME 184, note 8, 715 A.2d 162, 165. Frank Juliano, SR v. Town of Poland 1999 Docket: And-98-348,* the Maine Supreme court adds, "[T]he stop work order was issued nearly two years after the permit was granted and was not timely due to the thirty-day appeal period specified in the ordinance. We have noted that "[s]trict compliance with the appeal procedure of an ordinance is necessary to ensure that once an individual obtains a building permit, he can rely on that permit with confidence that it will not be revoked after he has commenced construction." It is for this, and inter alia, Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

207. CEO Ouellet willfully failed to follow the requirements as explained in the SZO pursuant to §16.I Enforcement: DEP Stephenie Maclagan instructed CEO Ouellet to indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance by stating,

"[P]lease issue a notice of violation as soon as possible." CEO Ouellet willfully ignored this request by DEP Stephenie M. and instituted a fraudulent act by issuing the notice of violation and stop work order without providing Plaintiffs the proper information as required by §16 I(2)(a).

208. Moreover, because CEO Ouellet willfully claimed Plaintiffs to be in violation of SZO §12 C (3), Plaintiffs defended themselves by asserting their right to have the Planning Board also be part of this determination as clearly stated in the SZO. §12 C(3) reads: "[I]f it is determined by the Code Enforcement Officer and Planning Board members that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."

209. Town Manager C. Therrein, and CEO Ouellet were willfully and vehemently opposed to allow the Planning Board determination if more than 50% was removed as stated in the Madawaska SZO. The Selectboard did approve to allow the Planning Board review a determination of more than 50% removal.

210. Plaintiffs believed that the reason the Town Manager and CEO were so vehemently opposed to allowing the Planning Board to determine if more than 50% of the value of the building had been removed was because; if the Planning Board agreed with the Plaintiffs, they would not have a legal argument to allege a code violation against Plaintiffs pursuant to §12 C(3).

211. It is important to note that after Plaintiffs filed the petition to secede from the town on or about May 28, 2013 the Chairperson Don Chasse, who's Board cited Plaintiffs for the RV violation resigned immediately and Vince Frallicciardi became Chairperson. Plaintiffs understood that Frallicciardi had allegedly embezzled $15,000 from Plaintiffs sister, which she had the FBI investigate.

212. Another reason Plaintiffs distrusted Frallicciardi was that to their knowledge, Frallicciardi personally told Plaintiffs sister that he had been dishonorably discharged from the U.S. Marine Corps for stealing military equipment, served 18 months in military prison, and was a convicted felon for those crimes.

213. On June 15, 2013, Plaintiffs met with the Selectboard Chairperson Vince Frallicciardi and Selectboard member David Morin to discuss and explain that we were not in violation and that §12 C(3) did not apply to the alleged building violations because there was no violation, Plaintiffs had legal vested permits, and the appeal period was past.

214. On June 22, 2013, Plaintiffs met again with the same two Board members to discuss the building violations. It was said by both Board members to both Plaintiffs, Richard and Ann Cayer, at both of these meetings, "[I]f you drop the secession claim, we will help you with the building violation."

215. It is important to note on June 22, 2013 when Plaintiffs met with the same two Board members to discuss the building violations, the two Selectmen knew the Town Selectboard had willfully taken legal actions against Plaintiffs secession petition by contacting the Maine Municipal Association (MMA), and our State Representative Ken Theriault, to willfully and fraudulently

amend the secession statute without Plaintiffs Richard and Ann Cayer's knowledge. It is also a fact, that the Town Manager Christina Therrien willfully took steps to make sure Plaintiffs did not know what she was doing with MMA and the Maine Legislature. Plaintiffs assert this willful fraud in the inducement, violated Plaintiffs Constitutional right to petition Government.

216. Plaintiffs believe that the willful secret conspiratorial action by the Town, MMA, and the Maine Legislature, - a legal association sworn to defend the Law - perpetrated extrinsic fraud, willfully violated Plaintiffs rights, and violated their oath of office by amending a State Statute without Plaintiffs knowledge, in secret, fraudulently claiming an emergency amendment, willfully, without any public notice, in violation of Maine Legislative Rules, and in clandestine meetings.

217. Within 3 weeks on July 1, 2013, (*emphasis added)* the Maine Legislature, willfully committed extrinsic fraud, in violation of their own rules requiring a public notice in newspapers, acting in a conspiracy with MMA, the Town, in clandestine hearings and meetings, fraudulently, and willfully, passed an “Emergency Amendment” bill preventing Plaintiffs from continuing with their petition without the Maine Legislature's authorization. Because this bill amended the secession State statute without any notice (in violation of Maine Law), and completely in secret, Plaintiffs were denied an opportunity to be heard before the Maine Legislature. However, the Town and MMA were present and were allowed to be heard by the Maine Legislature in these clandestine Hearings and meetings. Plaintiffs assert this was a violation of their Constitutional rights to petition and partake in governmental lawmaking process and procedures, denying them the right to take part in amending a State statute that directly affected them. This was also a violation of State Legislative Rules.

218. Plaintiffs believe this willful clandestine act by the Maine Legislature, MMA, the Town, Representative Ken Therriault, and Town Manager Christinna Therrien, caused extrinsic fraud, violating, inter alia, Plaintiffs' Constitutional rights of State Legislative Rules, and the right to petition government for secession pursuant to: the United States Constitution, and the Constitution of the State of Maine. Article I Section 2 Power Inherent in People.

219. §2171. Legislative intent: The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after following the process set forth in this subchapter. [1999, c. 381, §1 (AMD).]

220. Plaintiffs assert this extrinsic fraud by the Town, MMA, the Maine Legislature, Representative Ken Therriault, and Town Manager Christina Therrien constitute a willful conspiracy intended to prevent Plaintiffs from exercising their Constitutional Right to secede from the municipality.

221. Plaintiffs objected to Justice Hunter's reasons for his decision in the civil action to secede from the Town of Madawaska. Inter Alia, especially the claim that “[T]he Town has no obligation to apprise the citizenry at large about its efforts to further State legislation.” Plaintiffs assert that the Town does not have the right to conspire with MMA, the State legislature, State Representative, and the Selectpersons to circumvent Maine Law and Maine Legislative Rules

that shall provide for a “Notice” of bills to be presented to the Maine State legislature. Simply put, the Maine Legislature MUST publish a Notice of the bills to be voted on 6 months in advance of Hearings or in the alternative the Maine Legislature MUST publish a Notice of the bills to be voted on, and cannot amend State law in secret clandestine meeting and Hearings.

222. Furthermore, Plaintiffs vehemently object to Justice Hunter's claim that “[P]laintiffs do not succeed in arguing that the Town's surreptitious Lobbying deprived them of the right to participate in the legislative process (couched as a violation of their right to free speech or right to petition.” First, the definition of surreptitious is, “[k]ept secret, especially because it would not be approved of.” The citizens of Madawaska and the State of Maine do have a right to know when, and what, or which State Statute the Maine Legislature is amending. Plaintiffs also have a right to know what the Town is doing whenever it is conducting clandestine meetings. There was no public discussion or vote taken at any Board meeting on Therrien's conspiracy with MMA, Representative Therriault, and the State Legislation, to secretly amend a statute in violation of a citizen's rights under the U.S. Constitution, and the Maine Constitution, especially if “it would not be approved of.” In fact, video of the July Selectpersons meeting clearly show Therrein willfully concealed by extrinsic fraud, her actions with the Maine Legislature, as she had done in many previous meetings.

223. The willful violations of Plaintiffs rights by the Town manager, and Chairperson Vince Frallicciardi, a convicted felon, inter alia, refusal to act, pursuant to the secession statute, caused irreparable harm to Plaintiffs secession petition.

224. On June 27, 2013, the Selectboard voted to allow the Planning Board to determine if more than 50% of the value of the structure had been removed as provided in the town SZO. The CEO and the Town Manager were vehemently opposed to this. After the Board voted to send this matter to the Planning Board Plaintiffs were told by two Selectmen that the Town manager and CEO were so angry with the Board that they would not talk to them for a period of time and another Selectman resigned.

225. On July 9, 2013, the Planning Board did meet to discuss this matter, however, the agenda for the Planning Board was willfully obfuscated by the CEO, “[T]o review and decide an Interpretation and Jurisdiction of the Planning Board of the Madawaska Shoreland Zoning Ordinance regarding Section 12-Non-Compliance Subsection C, non-Conforming Structures #3-Reconstruction or Replacement-as it relates to determining the less than or more than 50% market value of the structure.”

226. There is no Section 12 **Non-Compliance.** Plaintiffs believe because the Town Manager and CEO did not want to bring this matter before the Planning Board, they willfully obfuscated this article for the Planning Board to review, which confused them to the point that after 2 hours of discussion in two separate meetings, they were still asking themselves what they were there to decide.

227. Unknown to Plaintiffs, CEO Ouellet had provided the Planning Board with a package of information about his interpretation of the history of Plaintiffs permitting process including a “memo to Planning Board regarding the July 9th meeting. In the memo from CEO Ouellet to the Planning Board was a copy of an email dated Wednesday June 19, 2013 from DEP to CEO

Ouellet in regards to CEO Ouellet's fraudulent question in his email on June 18, 2013. '[I]f less than 50% was removed, should we now see a new portion being added to the old portion which is greater than 50%?" Plaintiffs question the CEO's intent of Greater than 50% of what?

228. DEP Stephenie MacLagan responded with this willful, fraudulent statement, on June 19, 2013 "[Y]ou're correct, regardless of cause, when more than 50% of the market value of the structure is removed within an 18-month period, then in order to reconstruct, the applicant has to get Planning Board approval. The language in the SZO is clear. "[A]ny non-conforming structures.... which is removed or destroyed by more than 50% of the market value of the structure before such damage, destruction, ... may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction,"

229. Plaintiffs believe this willful fraudulent statement by DEP Stephenie MacLagan was intended to set up the next statement from DEP S.MacLagan. "[T]hat process requires the Planning Board to review where the ORIGINAL STRUCTURE could be relocated to meet the setback to the greatest practical extent." S. MacLagan goes on to say "[W]e have a record that they did this and so that is where the entire structure would have to be reconstructed and any expansion would have to be outside the shoreland setback." This willful false statement by S. MacLagan is referring to the May 10, 2012, Planning Board meeting where Jeff Albert motioned to table the permit application "[u]ntil Mr. Cayer can present to the Planning Board a valid septic plan for the lot." The motion to table the application was unanimous. Therefore, the town does not have a record "[t]hat they did this."

230. The determination for the GPE from the HW line had been determined by the Planning Board on August 25, 2008.

231. Plaintiffs claim that DEP Stephenie MacLagan was willfully misleading the Planning Board based on another alleged code violation that was in Superior Court at the time as the RV violation in which both CEO Ouellet and DEP Stephenie M. conspired to obfuscate the facts, as in this instant case, to punish Plaintiffs. Plaintiffs complained to her superiors in Augusta about her biased performance in carrying out her duties at DEP. Plaintiff verified with Colin Clark, her past supervisor, that Stephenie MacLagan is no longer working for DEP.

232. During the July 9, 2013 discussion by the Planning Board, Vince Vanier asked, "[M]r. Cayer is it your opinion that what you have on your lot right now is worth more than $4,000?" Plaintiff R. Cayer responded "yes, it is worth much more than that". He then asked the CEO Ouellet, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth more than $4,000?" CEO Ouellet replied "[O]h, there is no doubt that it is but, it came...It came through the back door, he came to me for an application for less than 50% remove. Okay there is more than one way to get to the finish line here."

233. Planning Board member, V. Vanier, said "[T]hey are both in agreement that what is sitting there now is more value than what the existing trailer was. ***They're both in agreement, we don't even have to be here."*** [audio recording location (1:34:42)]

234. Chairman Vince Sirois ***"can you put that in a sentence ha ha (laugh) in the form of a motion?"*** Vince replied, "***I'll make a motion"*** ..CEO Ouellet interrupts the motion "***you***

know the way I'm looking at it is a roundabout way" …..Vince Vanier said, ***"I know it's a very complex issue***." CEO Ouellet, ***"right, the fact that I agree with that's what's there today yeh..just like everyone will agree that your shirt is purple today but if you came to me the other day with blue, well where is your blue shirt? Okay. Where is your blue shirt?"***

235. It is important to note that when asked by Planning Board member Vince Vanier, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth $4,000?" CEO Ouellet replied "***Oh, there is no doubt that it is ".*** And his other statement a few minutes later, "***right, the fact that I agree with that's what's there today, yeh. "*** CEO Ouellet admitted that his claiming that Plaintiffs had removed more than 50% of the structure, was false.

236. At the July 9, 2013 Planning Board meeting, there was discussion about the value of the trailer camp before Plaintiff started the expansion including discussion of the town evaluation for $2,000 by Randy Tarr (Tax Assessor). Plaintiff also explained to the Board that Mr. Tarr told him that the camp was not worth anything and the reason for the $2,000 tax assessed value was because the location of the structure was grandfathered. For that reason, the tax assessor added "encourage removal" of the camp on the tax map, because it had no market value other than its grandfathered location.

237. After more than two (2) hours (in two (2) separate (2) hour Planning Board hearings) (4 hrs. total) into the Planning Board meeting, (location 2:00:00 of the audio recording) the Chairperson Vince Sirois said "*do we eh. Are we saying eh. We have to make a decision to ehh. The only thing that we have to say here is that do we agree with Bob's decision or do we.... On this 50% market value here.*" Now, the Chairperson re-reads the Article 4. once again "*to interpretation and Jurisdiction of the Planning Board "*...Jeff Albert says: "*We have to decide, we have to try to make a decision in our opinion, did he remove more than 50% of the market value of the structure.*" Chairperson Vince, "*no it has nothing to do with Mr. Cayer, this article 4 has just a word in this book it has nothing to do with the landowner, it doesn't mention Mr. Cayer in here."* CEO Ouellet said, "*Vince, I gata go - just make a decision*". Chairperson Vince Sirois "*yup, if you read this article all we're trying to do here is to try to agree with eh...do you agree with that Jeff*? Jeff, "*what*? Vince, "*With what the article is saying"*. Jeff, in French "*ahhh ban la, ehhh non.. non...ehh..the ordinance is saying eh.. the ordinance ….is the ordinance okay....*" Vince, "s*o what's our, what's our, what's our, decision based on article 4...What's our decision based"* Jeff, "*does it have to be based on did he take out, did he remove more than 50% of the market value, okay did he remove more than 50% or did he remove more than 50% of the market value of that structure. Okay, that's it, that's all we have. Okay?* Vince, "*the landowner's name is not on this article.*" Jeff, "*it doesn't matterrrrrr. That's why we're hererrrrr. It's that structurerrrrr.*" Vince, *"laughs ha ha, okay, okay, somebody, somebody make a decision, somebody make a motion and somebody second it and*," Jeff, *"That's what we're here for right,". Jeff, "that's all we're hererrrr for right?"* Vince, "*if we need to table it we can ….where's my ehh ...where's my ...pause... as chairman I can table this until next time or do we want to make a decision"* Jeff, *"do as you like, we have Board members here now and we can make a decision here or not. I mean it's an opinion."* Chairman Vince, *"hum hum,"* Jeff "*it's ..it's an opinion I, I mean it's an opinion you know we can make an opinion and Mr. Cayer agrees or doesn't agree he can take the next step, it's as simple as that..and it's the same as Bob, if Bob doesn't agree if we say he took out less than 50% and he*

thinks there's still a violation pursue it, by all means let him pursue it, that's it right? That's it...right." Vince, "*laugh ha ha"* Jeff, "*whoever is there pursue it. We're not judging Bob, we're not judging Bick,* Inaudible Laughter from the Planning Board members. Jeff, *"I'm going to put forward a motion that says, he took out more than 50% or he took out less than 50% it's one or the other, that's all that's being asked of us here...pause.* Vince, *exactly right,* Jeff, *"exactly right, it's not for us to decide there's case laws there are other issues the other issues that he has vested rights, maybe he does maybe he doesn't I don't know that, I really don't, if he believes he does he has every right to believe that, okay, (Laughter,) he has every right. Okay, and is there a violation there, is he trying to break,, get around the regulations and all that maybe he is.... maybe he's not ...I'm not going to decide that anyway. (*Background talk)*, your right, I think your right, okay,,"* Vince, *"we've been provided evidence that we need to determine this.*" Vince Vanier, "*we've been provided some evidence but we weren't provided with the actual market value of what's there*" Jeff, "*no because we have to disagree with Mr. Cayer first for him to go get an appraisal. He doesn't have to otherwise.*"

238. It is important to note that the CEO Ouellet left half way through this meeting.

239. **" Vince Vanier said even after his previous statements, "Okay I guess I'll do it eh..I'll make the eh I'll make the motion that determines that Mr. Cayer that Mr. and Mrs. Cayer have removed more than 50% of the market value of the Property on that lot"** Tom Schneck **"I'll second that".** Jeff, "your saying that he removed more than 50% of the market value of that structure is that... inaudible.... umm" Chairperson Vince Sirois says, "and Tom seconds it... is there anymore discussion, all in favor? Inaudible noise ...pause Recording location: (02:05:06) Article 5....

240. Plaintiffs assert the Planning Board members at these meetings willfully obfuscated the simple issue of the value of the camp at that time, and fraudulently caused Plaintiffs great harm financially, and emotionally.

241. In 2013, Plaintiffs received their tax bill from the Town of Madawaska for the camp on that lot. The assessment by the Town for the camp as of 2013, in now worth $6,000. A 300% increase from before Plaintiffs expanded in 2012 which was $2,000.

242. On July 19, 2013, Plaintiffs appraisal confirmed that the market value of the expanded camp was now worth $27,500.

243. Enclosed is a handwritten Fax dated 7/23/13 to Stephenie Maclagan (DEP) contradicting his statements at the July 9, 2013 Planning Board meeting that the structure was worth more than $4,000 including many false statements in his usual obfuscated way. CEO Ouellet claims "[I] look at it as being in violation of the 1st permit". However, he does not identify the violation.

244. On July 29, 2013, CEO Ouellet sent Plaintiffs a letter concerning the Planning Board decision of July 9, 2013. His letter tells about how the Planning Board met at Plaintiffs request *"*[t]*o discuss the issue of 50% of market value of the structure." "After much deliberation, the Planning Board motioned that more than 50% of the market value of the existing structure had been removed."* CEO Ouellet now is stating *"the Planning Board motioned that more than*

50% of the market value of the existing structure had been removed." He also explains that he is setting up another meeting with the Planning Board to review our appraisal.

245. There are no provisions in our town code requiring Planning Board meetings to review the licensed Appraisal. They (Planning Board) certainly proved how incompetent they were in determining the 50% at the July 9, 2013 Planning Board meeting. Plaintiffs question why would we need the Planning Board to review a Professional Appraisal?

246. According to the Madawaska SZO on page 7. (3) *"if it is determined by the Code Enforcement Officer and Planning Board members that more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."* This Professional Appraisal is the last step in determining the value of the structure before and after removal. At this point, the CEO was proven wrong, alleging that Plaintiffs had removed more than 50% of the market value of the structure before they removed the last remaining part of the old camp and should have removed the SWO and allowed Plaintiffs to continue with their construction.

247. At the August 12, 2013 Planning Board meeting, the agenda was *"to Review Richard and Ann Cayer's appraisal regarding Market Value of the existing Structures".* The Planning Board willfully refused to review the appraisal; but instead fraudulently discussed another *ex-parte* letter from DEP Stephenie Maclagan dated August 9, 2013.

248. Although every Planning Board member had a copy of a letter dated August 9, 2013 by DEP Stephenie Maclagan, Plaintiffs had not seen a copy and were unaware of such a letter and what they were discussing. After discussion about the DEP letter by the Planning Board, Planning Board member Jeff Albert commented that according to the DEP letter by Stephenie Maclagan, the decision about the more or less than 50% must be made from the original structure because according to Jeff Albert that was what the letter said. Plaintiffs made clear that the Planning Board was supposed to acknowledge the appraisal and not another DEP letter from S. Maclagan.

249. Plaintiffs made clear that they opposed the fact that the Planning Board members were willfully reviewing a letter that Plaintiffs had no knowledge of. Plaintiffs believed that this action by the town was willful extrinsic fraud. Once again, the Planning Board was reviewing information provided by CEO Ouellet that put Plaintiffs at a severe disadvantage because Plaintiffs did not know what they were talking about and this was *ex-parte* communications, and a willful violation of Plaintiffs' rights of due process and equal protection inter alia because the Board was only required to discuss the appraisal.

250. Plaintiffs asked for a copy and after quickly reviewing the letter, Plaintiffs told the Board that nowhere in the letter by Stephenie Maclagan did it say that the decision about the 50% removal must be based from the original structure.

251. Jeff Albert replied "[t]hat's how I interpret it, Yeh that's very apparent in that letter."

252. Audio recording (12:40:00) Jeff Albert willfully said, "well listen, in the code it is very plain, we were to determine the eh.... the market value and what was removed. And I personally.... I'm

inclined to agree with the Cayer's.... it's the structure. However, however, that is not the guidance from DEP, not the guidance from DEP, they only look at the original structure. We all agree 100% was removed there is no argument that the trailer that was there is gone... it all depends on how DEP looks at it.... DEP is telling us to look at only the original structure."

253. Plaintiffs asked the Planning Board members if they were going to review our appraisal and who was going to pay for that appraisal.

254. The response from Jeff Albert's willful statement was, "[N]o, and you will need it for court." Plaintiffs assert Jeff Albert had not been an active Planning Board member for many years and had participated only in Plaintiffs cases, at times without being sworn in. Plaintiffs later found out that Jeff Albert had a business agreement with the Chairperson of the Selectboard Vince Frallicciardi, transporting military equipment, some of which was illegally purchased and sold.

255. Because Plaintiff Richard Cayer knew Chairperson Frallicciardi was a convicted felon, he had been investigating Chairman Vince Frallicciardi for some time concerning the use of his position as Chairman to buy military equipment. Moreover, Plaintiff Cayer was one of very few who knew Vince Frallicciardi had been dishonorably discharged from the military for stealing military equipment and had been in military prison for 18 months for those thefts.

256. Chairperson Frallicciardi owns and operates a salvage business in Madawaska. After he became Chairperson, he secured a $10,000 transportation account paid by the Town, to be used to buy and transport military equipment bought at auction. Jeff Albert owns a trucking company that had an agreement with Chairperson Frallicciardi to transport this military equipment.

257. Plaintiff Cayer questioned this fact at a Town Meeting by saying, "[I] want to have all information in regards to buying and selling of military equipment because I don't want to wake up some morning and find out that the Town is in the salvage business with Vince Frallicciardi." Chairperson Frallicciardi was visibly upset and firmly said at this public Town Meeting, "[I]f you think that I am lining my pockets with this military equipment, come to the Town office and I will give you all the paperwork.

258. Shortly after at the town office, Plaintiff asked Chairperson Frallicciardi for this information. Chairperson Frallicciardi attacked Plaintiffs Richard and Ann Cayer by yelling and threatening them so violently the town clerk called the police.

259. Plaintiffs filed a Protective Order in District Court which was denied, partly because Chairperson Frallicciardi lied on the stand about the threats to Plaintiffs.

260. Plaintiffs Richard and Ann followed up with acting Town Manager Ross Dubois who is the Chief of Police today, requesting all information in regards to this $10,000. transportation account because Plaintiffs understood that chairperson Frallicciardi now had a military bulldozer at his gravel pit in Sinclair, ME. Plaintiffs received only two (2) sheets of paperwork with little or no information.

261. Plaintiffs were also investigating another matter that was being secretly discussed by the Board of Selectpersons in executive session. Plaintiffs were having a hard time to get the information. It was later found out that the Chairperson Vince Frallicciardi had bought guns from the Madawaska Police department which proved to be a violation of Law because Chairperson Frallicciardi was a convicted felon.

262. Chairperson Vince Frallicciardi resigned from the Board of Selectpersons shortly after.

263. Because Plaintiffs proved without any doubt that they had not removed more than 50% of the market value of the structure before they removed it, that should have been the end of the CEO's fraudulent claim by the CEO, pursuant to §12.C(3). Moreover, the real reason Plaintiffs were not in violation of the SZO was because the permits were vested, not §12.C(3).

264. On August 22, 2013, the CEO notified Plaintiffs (the Cayers) that the Board of Selectpeople would consider the building violation on September 3, 2013.

265. Also, in the August 22, 2013 letter, the CEO notified Plaintiffs "**The Stop Work Order remains in effect until there is a resolution in this matter."** Plaintiffs also assert the SWO was illegal and violated Plaintiffs rights because the permits were vested and, there are no provisions in the Madawaska code books for a stop work order.

266. Plaintiffs explained to Chairman Vince Frallicciardi that they needed more time to prepare their defense before meeting with the Selectpersons. The chairperson told Plaintiffs to put the concerns and reasons in writing and that it would be decided at the meeting whether to postpone or not. Plaintiffs responded with a letter dated September 2, 2013, requesting to postpone the meeting alleging a variety of grievances including bias by Board members. The Board willfully violated Plaintiffs rights when it did not read the letter with the request, and denied a postponement. The Selectpersons willfully denied Plaintiffs the right to defend themselves and to bring their concerns including the appraisal. The Board decided to pursue the matter with a fine and Consent Agreement as detailed in DEP Stephenie's letter based on false information.

267. Plaintiffs letter of September 2, 2013 to the Selectboard complained of bias among many other personal issues concerning Selectboard members Brenda Theriault and Barbra Skinner. According to the Town of Madawaska September 3, 2013 Selectperson meeting (which we had not attended), the first question before the Board was as Chairman Frallicciardi stated, "[t]he Board can decide to carry forward with the violation or push the meeting so Mr. Cayer can be present." Selectperson Theriault willfully stated, there is no point in waiting, there is a code violation. Selectperson Skinner willfully agreed with Selectperson Theriault. A motion was willfully made by Selectperson Skinner to move ahead with the code violation for Mr. Richard Cayer; and willfully seconded by Selectperson Theriault. Chairperson Frallicciardi, Selectperson Skinner, and Selectperson Theriault were in favor of the motion. Motion Carried. (a) They willfully denied Plaintiffs the right to defend themselves. Plaintiffs claim this act by the Board was willful extrinsic fraud. (b) *Ex-parte* communication – request time for more information denied.

268. The Board willfully voted against allowing Plaintiffs the opportunity to be present, and to claim

concerns in the letter of, inter alia, bias by Selectperson Brenda Theriault and Barbra Skinner.

269. The Board's vote to deny Plaintiffs their Due Process right to provide the Board members the professional appraisal, which was the next step of the SZO§12C. (3) process. Plaintiffs were ready to provide the Board members exculpatory evidence that §12C (3) did not apply as charged by the CEO Ouellet because Plaintiffs increased the value of the camp by 300%.

270. A motion was made by Selectperson Skinner to offer Mr. Cayer a Consent Agreement and he will have to go back to the Planning Board.....second by Selectperson Theriault.

271. Plaintiffs believe this willful procedural due process violation resulted in the meritless code violation and illegal stop work order by the Town of Madawaska. For this reason, Plaintiffs claim the Town willfully violated Plaintiffs Constitutional rights of equal protection, and procedural due process rights, pursuant to 42 §§ 1983 and 1988.

272. On August 27, 2013, DEP Stephenie Maclagan wrote a letter to the Selectboard again filled with many willful fraudulent statements. She starts the second paragraph by stating, *"*[I'] v *been asked to clarify that an expansion is not possible if the nonconforming structure being expanded does not exist."* Plaintiffs facts make clear the nonconforming structure (the camp) was never removed and was worth over $27,500 with the new expansion. DEP Stephenie M. was told willfully by CEO Ouellet in the June 18, 2013 email many false statements inter alia, "[D]uring the month of May, I happened to drive by the work site and noticed that the structure was gone and all that remained was the steel frame work and the wall."

273. Plaintiffs assert the letter of August 09, 2013 by DEP Stephenie M. was willful extrinsic fraud requested by the Town CEO to support the CEO's claim for a violation of §12C (3) which was used willfully by both, the Planning Board, and the Select Board to justify the CEO's charge that Plaintiffs had violated the Madawaska SZO.

274. The Dismissal with Prejudice by the Town provides exculpatory evidence, that there was no violation.

275. Based on these undisputable facts, Plaintiffs' have had to endure years of harassment, decimation, and great financial loss defending meritless lawsuits, appeals, and petition to secede, against the Town of Madawaska's Board of Selectpersons, Town Manager Therrian, CEO Ouellet, Planning Board, and Board of Appeals members. The willful irreparable harm done to Plaintiffs reputation is ongoing.

276. The town has willfully claimed that Plaintiffs removed more than 50% of the market value of the camp, before removal. Plaintiffs removed the old portion of the newly expanded camp. According to the town, this portion was worth $2,000 before it was removed the part of the camp that did not meet today's code according to §12B (2). The town tax assessment shows that the newly expanded camp is worth $6,000. CEO Ouellet said in the July 9, 2013 Planning Board meeting that it was worth more than $4,000; and our appraisal, by a licensed appraiser, appraised it at $27,500.

277. The Madawaska SZO is clear, "[I]f it is determined by the CEO and Planning Board members

that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal.

278. After two (2) very lengthy and difficult Planning Board hearings where the CEO agreed the value to be more than $4,000. (twice its original value), and with a licensed professional appraisal for a value of $27,500, the Planning Board, CEO, and Board of Selectpersons willfully refused to even consider looking at Plaintiffs information as outlined in the town SZO.

279. On September 3, 2013, after all of the false claims made by CEO Ouellet about the removal of more than 50% of the structure, the Town of Madawaska's Board of Selectpersons denied Plaintiffs Richard and Ann Cayer the right to defend themselves before the Board of Selectpersons with their appraisal. Because the appraisal vindicated Plaintiffs Richard and Ann Cayer, CEO Ouellet, and the Board of Selectpersons now made other false claims based on DEP Stephenie MacLagan's letter falsely claiming that "[Y]ou cannot expand a structure that does not exist."

280. It is important to note the two Selectpersons, Brenda Theriault and Barbra Skinner, of the Board of Selectpersons who made and seconded the motions to deny Plaintiffs the right to postpone the meeting and found a violation existed that warranted legal action, were the two Board members Plaintiffs Richard and Ann claimed to be biased against them.

281. Plaintiffs tax card has comments from the tax assessor, where he **"encourages removal"** of the camp. He, (Randy Tarr, tax assessor) also added a comment about the 1952 camp as **"very poor"** Physical Value (sv) sound value $2,000.

282. As Plaintiffs worked in the newly expanded building, Plaintiffs were obligated to remove, replace, and rebuild all expansions in accordance with §12 B (2). The only thing that could be salvaged was the new electrical entrance that Plaintiff had installed a few years before. There was no other electrical, plumbing, egress windows, (2 inch) walls, (3 inch) roof, (2 inch) insulation, (4 inch) floors, or any other part of this camp especially with the mold, rot, and rust that Plaintiff discovered all over that conformed to federal, state, or local building and safety codes. Because the building permits issued by CEO Ouellet required Plaintiff to construct, expand, remove, and replace everything in accordance to §12 B(2) Repair and Maintenance: anything less would have been a clear violation of our permits for expansion under the SZO, §12 C (1) Expansion: <u>A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and comply with all other municipal ordinances, and is in accordance with subparagraph (a), and (b) below.</u>

283. CEO Ouellet knew exactly what Plaintiffs intended to do. He reviewed Plaintiffs' application, added and modified Plaintiffs' drawings, and issued the permits with clear and specific conditions for height of building, dye testing of septic system, and side yard distances. However, there was no mention or discussions of §12 C (3) or removing more or less than 50% of the structure as claimed by the Town and its Attorneys. CEO Ouellet understood that he could require these conditions such as the ones he put on our permits concerning the setbacks, dye testing the septic, or not to exceed onto the side yard distance "by a drip edge". However, he chose not to discuss, mention, or even add as conditions in writing, about

§12C(3) that he sometimes interprets to be for the “original building” rather than “by more than 50% of the market value of the structure before such damage destruction or removal” as is clearly stated in the SZO pursuant to §12 C(3). He also could have simply refused the permit application and if we did not agree with his conditions, we could have, and would have appealed his decision to the Board of Appeals, or Superior Court as was necessary in the past. In our opinion, it is painfully clear to us now that CEO Ouellet had always intended to grant us the permits, let us expand, and when we removed the parts of the old camp that we could not repair or comply with page 4 §12B (2) of the SZO, he would act as he did with a STOP WORK ORDER and citation. In other words, he granted the permits willfully “in Bad Faith” with the intention of revoking the permits, or stopping the work at some time after Plaintiffs started to build.

284. On April 15, 2014, 9 months after the notice of violation (*NOV*), the town filed a code violation on Plaintiffs Richard and Ann Cayer.

285. On June 10, 2014, Plaintiffs filed the Special Motion to Dismiss in Superior court docket CARSC-CV-2014-082 because Plaintiffs clearly understood the charges against Plaintiffs were meritless because the permits were vested.

286. On July 10, 2014, Town Manager Christina Therrien and CEO Bob Ouellet willfully filed fraudulent affidavits. Because of the significant importance (material facts) and the number of the willful false statements on CEO Ouellet's and Town manager Therrien's affidavits, on or about July 17, 2014, Plaintiff Richard Cayer filed a Response to Robert Ouellet affidavit/affidavit of Richard Cayer.

287. Number 10 of CEO Ouellet's affidavit willfully made the false statement under oath when he claimed, “[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system.” This was a willful and fraudulent statement of a material fact which CEO Ouellet used to justify the notice of violation and to convince DEP Stephenie Maclagan to support the CEO's meritless lawsuit against Plaintiffs.

288. In the Town Manager's affidavit, Christina Therrien claims the exact same willful fraudulent claim as CEO Ouellet “[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system.”

289. The Town's minutes of the May 10, 2012, Planning Board meeting, show Jeff Albert “[M]ove to table the Cayer request as noted in Article 4 and wait until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried. The matter was tabled and never brought up again. Jeff Albert was not “sworn in” as a Planning Board member, and had not been active as a Planning Board member since 2006.

290. Number 11 of the CEO's affidavit continues with more willful fraudulent statements; “[T]o my information and belief, Richard and Ann did not seek an administrative appeal of the Town Planning Board decision of May 10, 2012. Also, to my information and belief, Richard and Ann

did not seek judicial review of the Town Planning Board decision of May 10, 2012." Because the issue was tabled at the May 10, 2012 Planning Board meeting at the Cayer's request, there could be no appeal and CEO Ouellet knew this.

291. CEO Ouellet willfully made other false claims in his affidavit such as, "[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot, and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions." CEO Ouellet and Town Manager Christina Therrien also repeated these false statements about the permits being issued for "less than 50% removal, and under §12 C (3) to justify the meritless code violations.

292. Harold Pelletier (a neighbor) told Plaintiffs Richard and Ann Cayer that CEO Ouellet told him that he could remove his old camp and built a new home only to find that after the old camp had been removed CEO Ouellet refused to allow him to build at that same location. For this and many other reasons, Plaintiff did not trust CEO Ouellet and was careful not to make the same mistake and made sure not to remove more than 50% of the market value of the structure, before removing it. In 2012, the Chairperson of the Planning Board Vince Sirois asked Plaintiff Richard why he did not remove the camp after their approval at the August 25, 2008 Planning Board meeting. Plaintiff told Chairperson Sirois, because he did not trust the CEO, Plaintiff would not do anything without the permit in hand, which he did not receive in 2008 even though the Planning Board had approved it. Although CEO Ouellet was required to issue the permit after the Planning Board approval, he continued to make more requests until Plaintiffs gave up for health and court actions later in the fall. It was only in 2012 when the CEO granted the permits did the Plaintiff begin to build and made sure to keep more than 50% of the market value of the structure ($2,000.) before removing it, although Plaintiff understood it to be legal to remove the old camp at any time.

293. On April 23, 2012, CEO Ouellet emailed DEP Stephenie Maclagan willfully claiming, "[D]oes this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape upkeep to the property in the last 5-6 years, that if the applicant wants to remove all structure, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think."

294. There are two important statements in this email. First, the CEO is making a claim that the camp may no longer be grandfathered because of issues claimed. Second, the CEO is asking "[I]f the applicant wants to remove all structures, that he has lost his grandfathered status of, ... and DEP S. Maclagan responds with, "[S]ince the existing structure is proposed to be replaced, the replacement must comply with the shoreline setback to the greatest practical." Plaintiffs assert this is accomplished by applying §12 C(2), the very same provision for expansion pursuant to §12 C(1)(b) under Expansions that Plaintiffs had to meet in order to receive a permit. Moreover, the town assessor Randy Tarr had also "recommended removal" on the tax map because according to him "[t]he camp was not worth anything."

295. After Plaintiffs expanded with vested permits and removed the old camp as required by §12 B(2) ---and because nothing in the old camp complied with the provisions of 12 B(2)----of the SZO. The CEO willfully issued the Stop Work Order and notice of violation even though there were no violations and the permits had vested.

296. On August 9, 2013, DEP MacLagan wrote the CEO and town a letter telling CEO Ouellet "[O]n June 4, 2013 you issued a notice of violation and stop work order. The letter did not indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance. Please issue a notice of violation as soon as possible. In addition to the nature of the violation stated in the 4 June letter, state what corrective action are necessary §16(I)(2)a,...."

297. Plaintiffs believe because CEO Ouellet willfully misled DEP Stephenie MacLagan about Plaintiffs permitting process, he willfully did not follow up as suggested by S. MacLagan with a new NOV and corrective action. Because CEO Ouellet did not follow up as suggested by S. MacLagan with a new NOV and corrective action, Plaintiffs Richard and Ann were willfully deprived of proper Notice of violation as outlined in the Madawaska SZO §16(I)(2) a.

298. Plaintiffs claim these omissions, inter alia, is a violation of Plaintiffs procedural Due process rights, willfully done in bad faith, to deny Plaintiffs the right to correct and defend themselves against the CEO's meritless lawsuit. Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

299. On or about June 20, 2014, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556 because Plaintiffs believed inter alia, the SWO was a violation of their Due Process rights, the notice of violation was meritless and was initiated 43 hours after Plaintiffs filed a Petition to Secede from the Town, and the Town wanted to punish Plaintiffs for their actions against the Town.

300. On or about July 20, 2014, Defendant filed opposition to Special Motion to Dismiss with affidavits from CEO Ouellet and Christina Therrien. Plaintiffs received the court schedule for the anti-SLAPP case to be on the March 26, 2015 docket, 9 months after Plaintiffs filed a Special Motion to Dismiss.

301. On July 21, 2014, Plaintiffs filed a reply to Opposition to Special Motion to Dismiss.

302. On December 22, 2014, defendants filed their reply to Supplemental Opposition to Special Motion to dismiss.

303. Plaintiffs assert there are no provisions in the Special Motion to Dismiss to allow defendant's filing of opposition to the anti-SLAPP statute. The statute is clear, "[T]he court **shall** (emphasis added) grant the special motion, unless the party whom the special motion is made shows that the ...and that the moving party's acts caused actual injury to the responding party."

304. Plaintiffs assert that they most certainly met the Law Court two-step analysis that courts must follow to determine whether a Special Motion to Dismiss should be granted. *First*, the permits were vested, *second*, there was no violation, *third*, the SWO was illegal and violated Plaintiffs rights to due process of law, there was no hearing as claimed by the town, *forth,* the town

started the complaint 43 hours after Plaintiffs filed a petition to secede. In other words, “this was such a case.” Undisputable evidence that the violation claims were meritless is provided with the Dismissal with Prejudice by the Town.

305. The Town, through its Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully provided fraud on the Courts when the information provided to the courts claimed Plaintiffs were notified of the public “Hearing”, that the Board held a “Hearing” on September 3, 2013 and “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities’ Comprehensive Plan is unable to be realized without strict compliance.”

306. Justice Hunter continues “[T]he record seems clear to this court that on September 3, 2013, the Town made a determination at a public hearing that the Cayers had violated the Town's zoning ordinance and assessed a civil penalty.” Plaintiffs oppose and reject J. Hunter's claim that there was a “Hearing.”

307. Justice Hunter ignored Plaintiffs' claims that (1) CEO Ouellet issued Plaintiffs three permits that were vested. (2) The Stop Work Order was beyond the 30-day appeal period. (3) There was no violation. (4) There was no public “Hearing” by the Town. (5) Plaintiffs Richard and Ann Cayer were not notified of any Hearing. (6) On September 2, 2013 Plaintiffs sent the Board a letter asking for more time to prepare for the Board meeting, inter alia, bias by Brenda Theriault and Barbera Skinnier. (7) Plaintiffs were not present at the Towns' September 3, 2013, meeting. (8) The Town, through its' Selectboard committed an Ultra Vires act because it does not have jurisdiction to determine a code violation, that is the responsibility of the CEO.

308. In his decision, Justice Hunter refers to the Law Court decision of, Town of Madawaska vs Richard Cayer, et al., 2014 ME 121, 103 A.3d 547 where the Law Court stated that the anti-SLAPP statute did not apply.....except possibly in extraordinary circumstances. The extraordinary circumstance in this case was simple, the permits were vested; therefore, the Stop Work order was illegal and a violation of Plaintiffs' Due process rights pursuant to 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988. Moreover, the code violation action began 43 hours (*emphasis intended*) after Plaintiffs filed a Petition to secede from the Town of Madawaska. The Dismissal with Prejudice provides dispositive proof that the two code violations were willfully fraudulent and meritless.

309. It took Justice Hunter Nine (9) months to adjudicate this RV anti-SLAPP case, partly because of the supplemental briefs. Maine and California's anti-SLAPP statutes of both states have similar language except for the Governmental actions. “[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Adjudication of the anti-SLAPP case in California must begin within 30 days. In the State of Maine, the average time for an anti-SLAPP to be adjudicated in Superior court is about 10 months, and 20 Months if it is appealed to the Law Court. It is important to remember the anti-SLAPP statute is intended to dismiss meritless lawsuits quickly and efficiently, thus allowing courts to address the backlog of meritorious lawsuits.

310. Because the Maine Judicial Court often cite California's Supreme Court's Special Motion to Dismiss decisions, it is important to note that California's anti SLAPP law is pursuant to its

Rules of Civil procedure. The Maine anti-SLAPP Law is pursuant to Maine Statute.

311. Moreover, the Special Motion to Dismiss is unambiguous, and the statute is clear, "[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the special motion. [1995, c. 413, §1 (NEW).](3)." Justice Hunter allowed supplemental briefs which prejudiced Plaintiffs, and delayed the proceedings.

312. Plaintiffs were denied their Constitutional rights pursuant to Title 14 §556, and were not allowed to oppose a motion for discovery proceedings as provided by State Law.

313. Because of these delays and decision, Plaintiffs endured greater financial loss, unnecessarily prolonged the loss of enjoyment of property, and years more of pain, suffering and irreparable harm to Plaintiffs reputations.

314. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for the RV Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court against Plaintiffs, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the September 15, 2015 trial term.

315. When the RV matter came on for jury trial a second time during the September 2016 trial term, the Town, pursuant to M.R.Civ.P. 41, sought to dismiss the two code violations unilaterally with prejudice once again, but could not do so because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had done to them to come out in public.

316. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a dismissal with prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing repercussions from the court, Plaintiffs reluctantly accepted the Town's dismissal of the action with prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 7, 2016.

317. It is important to note that at this court proceeding before Justice Stewart, the Town Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits in two (2) previous Superior Courts, decided by Justice Cuddy and Justice Hunter.

318. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager

Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming, "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

319. §16 (I) Enforcement is a Madawaska SZO mandatory procedural, due process of law requirement which must be followed in order to provide all citizens their Constitutionally protected rights. This was not done in Plaintiffs case.

320. Because of this Maine Supreme Judicial Court decision against Plaintiffs Richard and Ann Cayer's Special Motion to Dismiss, the Cayers will forever be unjustly embarrassed because the Law Court has established, and has already applied in a Law Court decision, that the Cayer anti-SLAPP case was "[N]ot such a case."

321. The Town's dismissal of the action with prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the dismissal of the action with prejudice.

322. Following the Dismissal with Prejudice, the Town Manager Ryan Pelletier told the Saint John Valley Times (SJV Times), "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community." The SJV Times article goes on, "[S]ince then, town and new code enforcement officer, Andrew Dube, have declined to reinstate the original building permit. The Town has declined to approve the building project the Cayers want to complete, according to Dube. He added that he would be uncomfortable reissuing a permit that old and one that another CEO previously approved."

323. Plaintiffs assert CEO Dube and the Town have entered into another intentional tort of discrimination by denying Plaintiffs their vested permits inconsistent with the many illegal permits granted by CEO Dube without Planning Board determination of the greatest practical extent from the HWM listed below. This determination of the GPE from the HWM is a Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute.

324. On Tuesday June 26, 2018, the Planning Board held an EMERGENCY MADAWASKA PLANNING Board PUBLIC MEETING. This emergency meeting was to determine the "[G]reatest practical extent and Planning Board (after the fact) permit for principle structure replacement foundation located at 183 Lake Shore Road (Map-35/ Lot-20). This determination by the Planning Board is pursuant to the Madawaska SZO §12C (2) Relocation. The determination by the Planning Board requires a complicated process outlined in the SZO §12C (2) Relocation. The Board never even discussed a determination of the greatest practical extent (GPE) from the high-water mark, (HWM), according to the minutes which read in part, "[D]uring construction the building was raised, and the foundation failed. CEO found no ill intentions. Property owners are from out of state and were not familiar with regulations. CEO states that everything is to code, and this is not considered an expansion." CEO

referenced the Shoreland Zoning book Article §12, C (1). (Plaintiffs assert §12 C (1). is for expansions.) §12C (2) Relocation is for determination of the GPE from the HWM. CEO Dube then stated, “There was no need to fine the property owners at this time. Note, this camp is 35 feet from the HWM and there are NEW expansions toward the HWM by approximately five (5) feet without permits on this property and CEO Dube lied about those expansions inter alia.

325. The CEO ignored all these serious Title 38 SZO violations and allowed further expansions toward the lake HWM, a serious DEP violation, with a foundation without Planning Board determination of the GPE from the HWM or a variance from the BOA.

326. On Monday May 21, 2018 CEO Dube and the PB held another “Emergency” meeting, willfully granting another “after the fact” permit for an accessory structure in violation of §12 C (3) fraudulently determined to be located 50 feet from the HWM. This new CEO Dube and PB willfully violate Title 38 SZO State statutes indiscriminately. Plaintiffs can will provide countless examples of these willful violations of State Law by CEO Dube and town PB.

327. Another Madawaska Planning Board determination of the GPE from the HWM for another permit application is recorded in the minutes of February 15, 2017 Planning Board meeting show the determination of the GPE from the HWM to be 80 feet because the owner wanted to build a garage in line with the driveway. This is another SZO violation because the Planning Board clearly understood when they applied the determination for Plaintiffs, first relocate then expand. See Maine Supreme Judicial Court Osprey Family Trust v. Town of Owlshead et al. Docket Kno-15-288, - June 7, 2016. Justice Mead writes, “[T]he Planning Board was required to consider how the original structure's footprint could be relocated before considering the proposed addition.” DEP Stephenie Maclagan also made the Planning Board understand exactly how to apply the determination of the GPE from the HWM when Plaintiffs Richard and Ann Cayer met for that determination by the Planning Board. This Planning Board discussion is well documented.

328. On August 17, 2016, the Planning Board heard four (4) requests requiring the PB to decide the GPE from the HWM. In a few minutes the Planning Board granted (3) permits with little to no discussion regarding the GPE from the HWM, without applying any mandatory requirements pursuant to §12 C(2) or without applying Maclagan's requirements for those decisions as was understood when Plaintiffs applied for the same decision.

329. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town's new CEO Andrew Dube now asserts Plaintiffs permits have expired and Plaintiff must begin the permitting process over again, inter alia, including the Planning Board determination for the greatest practical extent from the high-water mark.

330. Following the Dismissal with Prejudice, Plaintiffs Richard and Ann Cayer met with CEO Dube on September 9, 2016 to request continuation of the building with new permits because the old permits had expired. CEO Dube made statements such as “[t]he permits were old permits issued by the previous CEO Ouellet and he did not know if the permits were legal.” CEO Dube told Plaintiffs he needed something from the court.

331. In the short time CEO Dube has been the CEO, he has issued 5 permits that Plaintiffs know of that are in violation of DEP Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute, inter alia, the determination of the GPE from the HWM by the Planning Board. Three of these were for foundations and one was also for violating §12(C)(3) of the SZO with removal of 100% of the structure without the required review of the Planning Board or a BOA variance.

332. Two of these violations were determined to require "Emergency Planning Board meetings" with very little documented information except that there was no fine, and permits were issued.

333. Plaintiffs assert these willful illegal actions by the CEO, Planning Board, and the Town, are intentional violations of Maine statutes Title 38. Waters and Navigation. It is important to note the differential treatment by the CEO where serious SZO Title 30 violations without permits are allowed "Emergency" Planning Board meetings granting permits without discussing the GPE, and without fines. This same differential treatment was perpetrated upon Plaintiffs Richard and Ann at the 2006 BOA meeting where Plaintiffs permits were willfully and illegally revoked with a very lengthy meeting followed by 8 variances granted without ever discussing "Undue Hardship", or Findings of Facts and Conclusions in less time than it took to revoke the 2 PB permits. Ultimately the BOA's actions against Plaintiffs were overturned by the Superior Court.

334. After the September 7, 2016 Dismissal with Prejudice by Justice Stewart, Plaintiffs met with CEO Dube September 9, 2016 requesting a permit renewal. Plaintiffs waited until September 22, 2016 to provide the CEO enough time to answer his questions with the court decision. Because CEO Dube willfully took no action on Plaintiffs request, Plaintiffs Attorney wrote to CEO Dube on October 13, 2016 confirming the Dismissal with Prejudice but received no response from the CEO. (The Town SZO §16 D Procedure for Administrating Permits states, "[W]ithin 35 days of the date of receiving a written application....SHALL notify the applicant in writing..")

335. Plaintiffs filed a motion for a Declaratory Judgment on January 18, 2017.

336. On March 14, 2018 seven (7) months after Plaintiffs request to renew their permits, Town Attorney Edmond J. Bearor wrote to Plaintiffs Attorney Luke Rossingnol stating, "[I] asked the town to think of options that might be open to Mr. Cayer for the construction of a building on his lot. Please consider this communication to be subject to *Rule 408*. See the attached outline for your consideration." This willful inflammatory communication from the Town CEO Drew Dube was headed, "Richard Cayer Resolution Options." Plaintiffs believe the outrageous "Resolution Options" by the CEO was willfully intended to inflame Plaintiffs because Plaintiffs successfully defended themselves against the Town's meritless code violations lawsuits and threatened to sue the Town and its employees for initiating and continuing the malicious prosecution against Plaintiffs Richard and Ann Cayer. Plaintiff's also believe that the most logical reason, based on the Town's past practice, for the Town to withhold Plaintiff's permit after the dismissal with prejudice was to offer the permits as a bargaining chip for Plaintiffs to dismiss the tort claims against the Town and its employees.

337. Furthermore, for Attorney Ed Bearor to claim in his March 14, 2018 email that the "Resolution Options" was "subject to *Rule 408* is regarded by Plaintiffs as, extrinsic fraud.

338. *M.R.E. 408.* is clear and unambiguous. The email from Attorney Ed Bearor was clearly not a, "[F]urnishing, promising, or offering, a valuable consideration in compromising or attempting to compromise the claim." Plaintiffs assert the information by Ed Bearor was intended to inflame Plaintiffs to which Plaintiffs refused to respond.

339. The CEO's actions are in willful direct contrast to the fraudulent claims by the Town Manager Ryan Pelletier when he told the Saint John Valley Times, "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community."

340. Town Manager Ryan Pelletier insinuates that the Town was doing Plaintiffs a favor by dismissing the meritless lawsuits the Town brought against Plaintiffs. Nothing could be further from the truth. It is well documented that Plaintiffs were vehemently opposed to the Dismissal with Prejudice until Justice Stewart convinced Plaintiffs it was a good offer. Furthermore, for the town Manager to claim "[I]t was a good faith effort to put the past behind and move forward for the betterment of the community" is an equally willful fraudulent statement considering the actions the town took when Plaintiffs requested that their permits be renewed in order to move forward, as claimed by the town, with their building project.

341. The Summary Judgment was denied to both parties by Justice Stewart leaving the Declaratory Judgment to be decided. The issue before Justice Stewart was simple. The Stop Work Order caused Plaintiffs to stop working on the camp. The Stop work Order was illegal and violated Plaintiffs Due Process rights for a Hearing before a court of law because the permits were vested. Furthermore, because the case was dismissed with prejudice the claims by the town were meritless and the Stop Work Order illegal. Moreover, the Town SZO does not have provisions for a SWO, but it does have language in 16 I §(3) for an injunction, and a Due Process of Law Hearing, whenever permits are vested.

342. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

343. The Town of Madawaska and its Attorneys gave no rational excuse or reason why the Board of Selectpersons have intentionally elected to enforce meritless lawsuits against Plaintiffs without the town's legislative authority granting the appropriation of funds necessary for the enforcement of such actions.

344. This Ultra Virous act by the Selectpersons violated their oath of office to limit expenditures of funds to the amounts appropriated by the legislative body in a Town meeting.

MOTIVE

345. In both "malicious prosecution" and "malicious use of process", the Plaintiffs must establish that: (1) the defendant caused a process to issue. (2) The action terminated in favor of the Plaintiffs: (3) Defendant instituted the action without probable cause and with malice. (4) The

Plaintiffs suffered damage. It is understood by Plaintiffs that in many states in order to succeed with a filing of malicious use of process, a Plaintiff must include a showing of motive. Grove v. Purity Stores Ltd., 153 Cal. App. 2D 234, 314 P.2d 543 (1957) ; Carbaugh v. peat, 40 Ill. App. 2D 37, 189 N. W.2d 14 (1963); Dwyer v. McClean, 133 Ind. App. 454, 175 N.E.2d 50 (1961).

346. Plaintiffs have recorded and maintained volumes of documented files, which are available to substantiate any statements made by Plaintiffs. Following is a very limited history, albeit, quite lengthy description of these actions by the Town against Plaintiffs that started in 1988, after Plaintiffs purchased the Birch Point Campground (BPC). This long history is intended, in part, to show how Plaintiffs have endured years of willful fraud by Roger Collins and his "Association," in willful and fraudulent coordination with the Town of Madawaska's Boards, CEO, and Town Manager, to deny Plaintiffs due process rights, equal protection rights, right to petition, willful discrimination, malicious use of process, abuse of process, inter alia. These willful and fraudulent acts by the Town employees, and it's Boards preventing Plaintiffs Richard and Ann Cayer from succeeding with their campground business and camp rentals by, inter alia, requiring Plaintiffs to attend countless illegal Planning Board, and Board of Appeals meetings and actions with illegal appeals, and by filing meritless lawsuits against Plaintiffs while willfully ignoring countless similar code violations known to the town, and CEO.

347. These willfully fraudulent acts were started by Association President Roger Collins, and Vice President, Robert Deschene by forming an ad hoc group, so called "Birch Point Association" whose sole purpose was to close the campground. Roger Collins and his group of abutting landowners had been willfully fighting with the previous owners for three (3) generations. Collins told Plaintiffs, "[B]ick Cayer if you would have minded your own business, we could have had this (campground) property for nothing." Furthermore, Collins threatened Plaintiffs saying, "[W]e will prevent you from ever succeeding with the campground."

348. While Plaintiffs Richard and Ann Cayer were in the process of buying the campground, they learned that the previous owners had been fighting with the abutting land owners for (3) generations. Plaintiffs believed the fighting would come to an end because Plaintiffs were friends with many of the abutters and Plaintiffs intended to work with the abutters to stop all fighting. After Plaintiffs bought the campground, Collins requested Plaintiffs to remove loads of gravel from the right of way placed by the previous owners. Plaintiffs paid to remove all excess gravel from the ROW. Because the abutting landowners had very small camp lots, Plaintiffs offered everyone free parking spaces on their campground as needed, to supply the abutters with well water, many did not have wells because the cesspools everyone has are too close, (most are 50 foot lots,) and satellite TV, as a showing of good faith effort to get along. However, after Plaintiffs removed the gravel from the right of way as requested by Roger Collins and Association members, the Association filed complaints with the town requesting inter alia, to close the Campground. The abutters then moved all their fences onto Plaintiffs ROW. For many years from 1988 to 1992, Plaintiffs endured more than (30 mostly illegal Planning Board, Board of Appeals, and Selectmen meetings intended to close the campground. In 1988, Plaintiffs campground license consisted of 15 sites, and in 1989 Roger Collins' Association was successful in having the town reduce the license to 6 sites.

349. This information is intended to satisfy "Motive" in Plaintiffs malicious prosecution case against

the Town and its employees. In 1992, Plaintiffs requested a variance to rebuild the 9 sites lost because of complaints by Roger Collins Association. Justice Joe Watman came to Madawaska to take part in a “workshop” with the Boards to discuss the campground, without any notice by the Town of Madawaska to the Plaintiffs. Justice Joe Watman informed the Board members that Plaintiffs must meet the Undue Hardship standard to regain the use of the 9 sites lost by Collins Association.

350. On April 9, 1992, the Board of Appeals did grant Plaintiffs a variance for an additional 6 sites; but the Collins Association subsequently convinced the town to amend the variance with many other unattainable conditions that could not be met.

351. On September 2, 1992, Roger Collins “Association” successfully requested another untimely Board of Appeals hearing to appeal the variance, five (5) months after the appeal period was over. Plaintiffs Richard and Ann Cayer did not appear at this hearing because they believed the meeting to be untimely and refused to legitimize it. Newspaper reporter Bermond Banville covered the proceedings in the Bangor Daily newspaper.

352. On September 9, 1992, Ginette Gagnon Albert wrote a letter in the local newspaper complaining about how rudely she was treated by a “concerned citizen” at the BOA meeting and was told to “shut up” because she was a “nobody in this Town.”

353. Circa 2006, Plaintiffs provided the Town Board of Selectmen a copy of the September 2, 1992 BOA meeting printed in the St. John Valley Time. Plaintiffs also supplied the Selectmen an editorial article by Ginette Albert. This document provided to the Board by Plaintiffs was devoid of the note added to it by Christina Therrien that said, “[G]ood person to testify to Mr. Cayer's behavior and Slanderous remarks” with an arrow pointing to the SJV article by Albert. Plaintiffs believe that the Town Manager Christina Therrien assumed the concerned citizen was Richard Cayer, when in fact it was Roger Collins. This false representation of Plaintiff Richard Cayer, held in Therrien's files, was used to willfully defame Plaintiff Richard Cayer. Plaintiffs believe this act by Therrien was libelous. This information inter alia, was used to damage Plaintiff's reputation in his community, different State agencies, and State departments.

354. After the September 9, 1992 BOA meeting, Roger Collins informed the town Planning Board they would oppose Plaintiffs campground expansion in court. This threat of legal action caused Plaintiffs such serious concerns, Plaintiffs offered to sell their land to all the abutting landowners for less than $9,000 per 50-foot back lot. This would have increased most camp lots by more than 120% of their current lot size.

355. Although many abutters properties are less than 50 feet wide and 75 feet deep, (less than 4,000 sq. feet total) President Roger Collin and Vice. P. Bob Deschene turned down the offer for the whole Association claiming that they had enough land. Pursuant to present DEP and Town SZO rules, a legal lot must be 200' x 200' or 40,000 sq. feet total. The intent of the DEP, town of Madawaska SZO and its Comprehensive Plan is for the gradual elimination on nonconforming conditions and lots.

356. In the fall of 1994, Roger Collins made illegal repairs to his cesspool without notifying the

Plumbing Inspector Don Deschaine. The Local Plumbing Inspector (L.P.I) Don Deshaine did inspect the Collins property with CEO Ouellet and followed up with a letter. Mr. Deshaine wrote, "[M]r. Collins wants to expand his building towards his neighbor, Bob Deschene. By doing so he will be nearly on his cesspool. Maine Law states that he must have a setback of at least eight (8) feet away from his septic tank and fifteen (15) for his disposal area. Gentlemen, there is no way possible for Mr. Collins to expand his camp at this time as he has proposed. By the time he gets done, his construction will be on his septic system." In his letter the L.P.I. complained about Collins lying to him on different issues such as a toilet and a sink in a shed near the high-water mark with a new cesspool. The result of the inspection by the L.P.I and CEO Ouellet were that Collins had 3 cesspools, 2 built illegally, without permits, within 20 feet of the lake. The L.P.I. listed 2 enforcement issues that landowner "shall do." The CEO Ouellet was responsible to follow up on these serious code violations and he refused to carry out that enforcement action. These violations still exist today.

357. Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increasing the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1). Plaintiff pointed out to CEO Ouellet that the in-filling/increase in non-conformance was not legal. CEO Ouellet told Plaintiff that was how he interpreted the code and always allowed infilling from that point on, until May 9, 2007 after Plaintiffs successfully defended CARSC-AP-06-003.

358. On many occasions, Town Manager Christina Therrien and Selectpersons agreed to amend ordinances, and laws to benefit Roger Collins, by changing and amending court decisions, illegally amending State statutes, changing/amending setbacks, ignoring inter alia septic code violations, and intentionally ignoring code violations by Collins and his Association. Furthermore, the Town has conspired with Collins and his Association members to take many fraudulent enforcement actions against Plaintiffs Richard and Ann Cayer without one successful claim.

359. On September 2, 1996, Roger Collin wrote a letter to the CEO complaining about "[N]umerous infractions have occurred on the campground". A Planning Board meeting was again set up to address these alleged violations. The Chairperson Gerald Dufour explained "[T]he Planning Board has no power in policing the Campground, it's up to the CEO and the Board of Selectpersons to look into infractions if they have occurred."

360. In June of 1997, Collins wrote to John Pluto office of the District Attorney complaining about trees Plaintiff Cayer planted to screen their tenants from the ROW which Deschene pulled out and kept. Deschene complained that the hedge was onto the right of way. On June 23, 1997, the District Attorney wrote to Plaintiffs' attorney Alan Harding advising him that "[I] am requesting that the Madawaska police department forward me a report on the situation."

361. On July 25, 1997, District Attorney John Pluto wrote to Collins. "[T]he State is declining to bring criminal charges against Mr. Cayer at this time. The recent planting of trees does not drastically further reduce the usable width of the right of way."

362. On July 27, 1998, CEO Ouellet sent Plaintiffs a letter complaining about a travel trailer parked on Map 34, lot 20 for a number of weeks.....if more than one(1) residential dwelling unit is on a

single lot....for each additional dwelling unit. CEO Ouellet sent a letter to Plaintiffs complaining about the alleged RV violation as he had done in the past. Plaintiffs understood this to be legal and did respond questioning the CEO's opinion which was never replied to.

363. On October 9,1998, Roger Collins, Bob Deschene, and Jim Gogan willfully caused great damage to Plaintiffs campground and Right of Way by removing trees that had grown naturally over the years, by bulldozing the right of way and the criminal theft of more than 600 yards of gravel from the right of way, making access to the campground impossible.

364. On October 15, 1998, Selectman Dan Ahearn and the Board of Selectmen hired attorney Bob Bellefleur to look into whether defendant's Deschene, Collins, and Gogan violated State and Town ordinances by digging in the right of way and removing over 600 yards of gravel from said right of way without the necessary permits because CEO Ouellet willfully refused to bring an enforcement action against Defendant's Collins, Deschene and Gogan.

365. On October 16, 1998, Plaintiffs filed an injunction and on November 8, 1998 served Defendant's Collins, Deschene and Gogan for inter alia, trespass, theft, and destruction of personal property.

366. On October 20, 1998 letter to CEO Ouellet from attorney Bellefleur stated, “[I]t appears that there is a zoning code violation which has been committed by Mr. Deschene, Mr. Collin and Mr. Gogan, because they failed to obtain a permit before moving 10 yards plus of dirt. They may not have constructed the roadway in accordance with the zoning code standards”. Note: (The illegal work done on the ROW by Deschene, Collin and Gogan, is a Title 38: §439-B. Shoreland Zoning Violation) “[I] recommend that the three individuals involved obtain a permit for the road construction and that they be informed what they need to do to comply with the zoning regulations for that kind of construction.”

367. CEO Ouellet did not do any of this enforcement action against defendants in spite of the attorney Bellefleur's legal opinion in Number 1: “[I] recommend that the three individuals involved obtain a permit for the road construction,” and “[I]f they do not complete the roadway to zoning code standards, then you should consider bringing enforcement action against them. You might also want to consider assessing a nominal penalty for their failure to obtain a permit prior to construction.” This legal advice by attorney Bellefleur was solicited by the Selectmen. Number 2: “[A]ny gravel that has been removed from the premises belongs to Mr. & Mrs. Cayer.

368. The Town and CEO Ouellet ignored the recommendations by attorney Bellefleur. Had the CEO carried out his duty as recommended by attorney Bellefleur in his October 21, 1998 letter, Plaintiffs could have concentrated on the real crime, the destruction of access to the private campground, and the theft of over 600 yards of gravel as pointed out by attorney Bellefleur in number 2 of his letter to the CEO.

369. Because construction of a road within 250 feet of Long Lake is a Title 38: §439-B. Shoreland Zoning Violation, enforcement is mandatory.

370. Justice Gorman attended a settlement conference on May 8, 2001 and falsely accused

Plaintiffs Richard and Ann Cayer of fighting with defendants over a period of 30 years. Plaintiffs had only owned the campground for 10 years when Collins, Deschene, and Gogan damaged the road (ROW) and stole 600 yards of gravel. Until this time defendants Collins, Gogan and Deschene had often attacked Plaintiffs and his tenants. Plaintiffs intentionally avoided any personal confrontation with any of the defendants. Because Plaintiff was naive, he believed the courts would protect him if he did not violate any law or code.

371. Following the court decision by Justice Gorman, Plaintiffs Richard and Ann Cayer were required to pay 75% of the cost to replace the gravel stolen by Deschene, Collin, and Gogan. Plaintiffs also had to pay 75% of the construction cost needed to repair damage done to the Right of Way in order for Plaintiffs campers could use it to access their campsites. This damage to the Right of Way by defendants' actions, Collins, Deschene, and Gogan on October 9, 1998 was done without the necessary permits or silt fence as required by Maine Statute Title 38: §439-B*. Contractors certified in erosion control.* This was a serious DEP violation which the CEO intentionally ignored even after a letter by attorney Bob Bellefleur's recommendation to take enforcement action against Collins, Deschene, and Gogan.

372. Moreover, the May 8, 2001 court decision by Justice Gorman allowed defendants Deschene, Collins, and Gogan the continued use of the intentional encroachment of defendant's fences on Plaintiffs properties even after a 1977 decision by Justice Roberts specifically preventing any further encroachment.

373. On May 25, 2001, Plaintiffs were required to secure a permit application to repair the ROW that involved lengthy, and costly engineered drawings.

374. The Gorman decision addressed inter alia, repairs to the road. Plaintiffs were held responsible to carry out these repairs caused by Defendant's illegal acts of theft and destruction of personal property that included, requesting and securing permits, hiring a contractor and pay to replace the 600 yards of gravel stolen by defendants, and to repair the damage to the Right of Way done by defendants. Defendants Collins, Deschene, and Gogan refused to help in this ROW repair.

375. On May 24, 2001, CEO Ouellet sent defendants attorney David Soucy a copy of page 30, §15(Q) Erosion and Sedimentation Control: from the Town SZO. CEO Ouellet asked attorney Soucy this question. "[D]avid: This is from our Shoreland Zoning Ordinance, does this not apply in this case. Let me know - Bob Ouellet 728-6351". CEO Ouellet was working with defendant's attorney, David Soucy, to make Plaintiffs permit requisition as difficult as possible, rather than bring an enforcement action against the individuals responsible for the damage done to the ROW as recommended by town attorney Bob Bellefleur.

376. On May 25, 2001, Plaintiffs attorney F. Bemis emailed Plaintiffs stating, "[B]ob Ouellet faxed this information to me. He is insisting that a permit is required. I tried to say that you were simply restoring the land and that no permit was used earlier but Bob would not budge." *Note:* CEO Ouellet did not bring a SZO violation against Deschene, Collin, and Gogan as recommended by Town attorney Bellefleur, but insisted that Plaintiffs follow strict DEP and Town permitting rules.

377. On August 16, 2000, Roger Collins and Bob Deschene wrote to CEO Ouellet requesting inter alia, a certification by the Health Officer and the Code Enforcement officer for the year 2000. On September 13, 2000, the CEO responded to Collin and Deschene about their concerns.

378. On August 16, 2000, Roger Collins complained in a letter to the CEO about alleged code violations at the Plaintiffs campground inter alia, a camper that remained on the campground beyond the allowed time of 3 months which was answered by the CEO on September 13, 2000. The reason that one camper remained on the campground was that when defendants damaged the ROW, Plaintiffs tenants could no longer access the campground to remove the camper. Furthermore, because both parties agreed to a court ordered injunction not to make any changes to the ROW, tenants could not repair the ROW necessary for the removal of the camper.

379. On November 2, 2000, Plaintiffs received a Notice of Violation from the CEO instructing Plaintiffs to "[R]emove the (1) camping unit ….no later than "[S]unday, November 19, 2000. Failure to comply with this order may result in court action against you. Title 30-A § 4452 establishes a fine of $100-$2,500 for each violation of the Ordinance." Note; Because Collins Association reconstructed the Right of Way without a permit, Plaintiffs could not safely remove the RV. Collins and Association were never charged as recommended by the town's own attorney Bob Bellefleur.

380. On November 22, 2000, VP Bob Deschene wrote a letter to the CEO informing him that because he was in Florida for the winter, he wanted to make sure that the CEO enforced the code and instruct Plaintiffs they must remove the camper before winter.

381. On November 27, 2000, Plaintiffs applied for a Board of Appeals temporary exception to allow a camper trailer to remain on the campground for one winter because of the damage done to the ROW by defendants Collins, Deschene, and Gogan made it too difficult to remove the camper until the ROW issue was resolved.

382. On November 28, 2000, Plaintiffs received a letter from the Board of Appeals denying Plaintiffs request to allow the RV to remain on the campground until the ROW could be repaired in order to safely remove the RV without causing damage to it.

383. On September 20, 2001, Bob Deschene wrote the CEO a letter complaining about two infractions on the Cayer campground. 1. No reseeding was done after landscaping on the land abutting the campground. 2. Three campers on the site, have not moved for a period exceeding 12 weeks since May 15, 2001.

384. On May 1, 2002, Collins wrote a letter to CEO Ouellet complaining about storage containers, and a trailer on site before the allowed time.

385. On May 21, 2002, CEO Ouellet issued Plaintiffs a code violation with an attached letter from Dwayne Collins, Roger's son, dated May 1, 2002, this was a complaint instructing Plaintiffs of possible code violations that had to be corrected.

386. Because Rouleau was constantly complaining about RV's on Plaintiffs camp lot, Plaintiffs

pointed out the RV's on Rouleau's illegally sub divided lot, that created an illegal individual private campground next to Plaintiffs house. Initially, the CEO claimed that the nonconforming lot was a lot of record. Plaintiff provided the CEO with deeds clearly showing that the lot in question had been illegally subdivided in 1989. Furthermore, Plaintiffs provided proof that Rouleau also built illegal structures on the property and dug an illegal cesspool 20 feet from Plaintiffs property. This forced the CEO to take an enforcement action against Rouleau. On August 30, 2002, David Rouleau filed a complaint against the CEO Ouellet claiming, "[I] would like to address a complaint of discrimination and harassment against the code officer Bob Ouellet".

387. It is important to note although David Rouleau was not an "officer" in the "Association" he was, and continues to be a member of the Association, that has willfully made many unsubstantiated fraudulent claims against Plaintiffs in public meetings, in local newspapers, with local police, with the Town, the CEO, DEP, and with the Board of Environmental Protection (BEP) in Augusta.

388. Plaintiffs assert that David Rouleau made malicious and willful derogatory statements printed in the newspapers and editorials on April 22, 1998, and September 2, 1998.

389. In late October, the CEO did not process many permit applications because there is little to no construction going on in the winter months. It is evident from the letter CEO Ouellet intended to drag this enforcement action for a long time.

390. On October 7, 2003, David Rouleau wrote a lengthy letter to the CEO requesting that the CEO take an enforcement action against Plaintiffs for numerous code violations on Plaintiffs house next door to Rouleau's house.

391. In October 2003, Plaintiffs received a letter from CEO Ouellet that read, RE: Land Use Complaint that copied (CC) Roger Collin and David Rouleau. "[P]lease find enclosed copies of three Land Use Complaints that have been forwarded to my office for clarification and investigation. Considering my work schedule, I will be reviewing each complaint as time permits. It is important to note there are very little permits being issued in October. After Plaintiffs followed up, Plaintiffs found out that the CEO had responded to Rouleau claiming that there were violations on Plaintiffs house lot.

392. On October 16, 2003, Collins wrote a 3-page letter to the Chairperson of the Board of Selectpersons complaining about "[S]everal new and old code violations.

393. On November 10, 2003, Plaintiffs received a letter from Maine DEP with a complaint by Collins, followed up by the CEO concerning railroad ties along the ROW requesting that Plaintiffs move them to a more suitable location. Plaintiff's complied with the request.

394. On December 9, 2003, Plaintiffs received a letter from the CEO "[c]concerning the complaints by David Rouleau of your property on Lake Shore Road and the complaints by the Birch Point Camp Association of you campground property. A Board of Selectmen's meeting will be scheduled in the January 2004 (sic) to discuss these issues. You will be advised of the time and place of this meeting. If you plan to have legal representation at this meeting, please

advise myself or the Town Manager." The CEO included a letter from the Birch Point Camp Association with a list of 9 complaints. Also included was a letter to David Rouleau with a response to his complaint letter agreeing with Rouleau that there were 3 violations on Plaintiffs properties.

395. On December 24, 2003, Plaintiffs hired attorney Luke Rossignol to protect Plaintiffs from these meritless charges of code violations.

396. Plaintiffs provided the CEO Bob Ouellet and Selectmen a letter explaining the permits issued by the past CEO and Town Manager Arthur Faucher, allowing Plaintiffs to expand their house. Because the harassment by CEO Ouellet and the Board of Selectmen continued, which included a surprise visit and illegal trespass by CEO Ouellet and Chairman Mike Violette at Plaintiffs home, Plaintiff asked the Town Manager and past CEO, Arthur Faucher, to explain that Plaintiffs worked with the necessary permits issued by Faucher.

397. After 8 months of unfounded investigations and charges, on June 10, 2004, the Town Manager, Arthur Faucher, wrote a Memo to CEO Ouellet and the Board of Selectmen. In his memo, he explained how he justified the permits and supported Plaintiffs explanation of the charges. This letter also scolded recipients of the letter by saying, *"[T]his situation is ridiculous and certain people have gone to ridiculous means to harm the character of Mr. & Mrs. Cayer and intentionally affect the Maine Constitutional rights of enforcement of Madawaska's Code Enforcement Officer by political means."* Town manager and past CEO continued, *"[T]he Cayers are undeserving of being accused of anything otherwise of what was permitted and done. Certain people are again trying to make a situation vulnerable and applying their baneful ways on the Cayers. The time has come to stop wasting your time, the taxpayer's money and the moral values of enforcement. I rest my case."*

398. A few weeks later, Town Manager Arthur Faucher who had worked as Town Manager for 16 years was fired without a Hearing. Plaintiffs explained to the Board of Selectmen that pursuant to Maine Law, the Board must make public the reasons for firing the Town Manager, Arthur Faucher. The Board refused to answer Plaintiffs request and never filed the mandatory document required by law.

399. On July 13, 2004, the Selectmen held a hearing on the charges by Rouleau and Collins Ass. After a very lengthy meeting on Rouleau's claims, the Board found no violations by Plaintiffs.

400. Although Maine Law has repealed, in part, State statutes for conspiracy and fraud, in common law jurisdictions, as a civil wrong, fraud is a tort and can be a crime if willfully committed with malice. Plaintiffs assert these actions by Collin's /Association, and the Town, have willfully caused Plaintiffs suffering and injury as a result of the existence of this conspiracy. Plaintiffs assert the clear evidence of discrimination against Plaintiffs support the theory of conspiracy and fraud by the Town and may be used in determining the amount of damages in Plaintiffs tort against the Town and the respective liabilities of civil co-defenders for the payment of damages.

401. At a 2002 BOA Hearing, Plaintiffs were in a discussion with 3 Board members. They were claiming that the code is too strict and people cannot build, so "we will give variances". Plaintiff

told the BOA members the proper way was to amend the code if they felt it was too strict.

402. On November 8, 2004, the same Madawaska Board of Appeals willfully and fraudulently granted Roger Collin a variance without willfully addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion. Plaintiff R. Cayer spoke at the BOA Collins hearing and told the Board that they were required to address the Undue Hardship provision in order to issue a variance, that Collins request violated the 30% volume expansion rule, and the setback rule, to which the CEO simply said, “I don't know about that because I have not looked into the 30% volume”.

403. Although the CEO was present and was well aware of the willful and fraudulent BOA’s actions, the CEO willfully and fraudulently refused to take legal action or even speak up at the BOA hearing for Roger Collins concerning these serious DEP and Maine statutes violations.

404. It is important to note, notwithstanding the willful procedural and substantive SZO violations by the BOA, the CEO granted Collins a permit the very next day on November 9, 2004. The willful actions by the BOA and CEO ignoring procedures and finding of facts at these hearings and meetings compared to the difficulty Plaintiffs had to receive their permits after Planning Board approval speakers’ volumes. This is especially important because the CEO simply said at the BOA hearing, “I don't know about that because I have not looked into the 30% volume”.

405. Because the Town and its CEO allowed this willful fraud by the BOA at the November 8, 2004 hearing granting Collins a variance without discussing undue hardship, in violation of Maine Statutes, Plaintiff R. Cayer successfully appealed, Docket No. *CARSC-AP-04-011*, the action by the BOA in Superior Court on October 25, 2005. (*J. Hunter).* Reasons cited by J. Hunter were, failure to apply the Undue Hardship provision and failure to “[m]ake its findings of facts and conclusions of law in accordance with the principles of law as indicated herein.”

406. Despite the Court's Order, the Board of Appeals did not conduct a hearing *de novo* on the Collin's permit application according to the principles of law set forth in the Superior Court's Decision and Order. Rather, on July 11, 2006, the Board of Selectmen conducted a Public Meeting and willfully and fraudulently voted to allow the illegal structure to remain pursuant to a Consent Agreement and a small fine.

407. On August 10, 2006, Plaintiff R. Cayer filed another 80B appeal Docket No. *AP-06-005* that was again sustained in Superior Court (*J. Hunter)* and ordered the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and remanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application .....or in the alternative, to remand the case back to the Town for appropriate enforcement action as provided for in the Superior Court's October 25, 2005 Decision and order in CARSC-AP-04-011.

408. Because Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increased the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1), this 1995 expansion increase was added to the total calculation for determining how much more footprint and volume Collins could expand.

409. The CEO was aware that Collins had expanded after1989 because he issued the1995 permits allowing Collins to expand close to, if not all of the 30% volume allowable lifetime expansion as provided pursuant to the 1989 SZO, and DEP rules. The willful fraud on the courts claim by the CEO and the Town, allowed Collins to- add- this pre 1995 expansion which increased the allowable 30% volume substantially, rather than -subtract- the 30% expansion permitted in 1994 to the total allowable expansion.

410. For this reason, Plaintiffs knew throughout these appeal proceedings for the Collins camp expansion that the CEO and the Selectboard were willfully aware that Collins had expanded significantly beyond the 1989 SZO §12C (1) allowable lifetime 30% expansion provision. The town willfully and fraudulently prevented Plaintiffs to allow these facts to be discussed in public meetings, and willfully prevented Plaintiffs to know what actions the town was taking with the Collins case. The town willfully and fraudulently issued a Consent Agreement ignoring Justice Hunters order to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collins permit application."

411. The enforcement action by the town and CEO willfully ignored important material facts, such as, the increase of more than 30% volume increase, removal of shed ordered by the court, 3 illegal cesspools, and the encroachment into the front yard setback from Plaintiffs property to which no variance or permit was granted. These willful violations remain a nuisance of the Town SZO and State Law (Title 38) to this day all in violation of Justice Hunters August 10, 2006, decision.

412. By a Consent Order and Judgement, dated December 17, 2007, the Town willfully settled the case with Collins in District Court by filing and claiming fraud on the court statements that the Town clearly understood to be untrue. The Town willfully entered into another fraudulent Consent Agreement with Collins which allowed the illegal structure to remain on the Collins premises without legal permits or variances despite the facts that: (a) the first Superior Court decision in CARSC-AP-04-011 found that the Board erred in its determination of its 30% expansion and in conducting its proceedings on the expansion issue by willfully refusing to allow Plaintiff Cayer, the opportunity to present evidence describing the development history related to the Collins property. And by, (b) allowing Collins to build beyond the 30% volume allowed pursuant to the town SZO (1989), a Town and State DEP Shoreland Zoning Ordinance violation, and (c), the Town willfully and Freudianly amended the 50 foot setback, and willfully applied, with fraud on the court, the amendment for the 50 foot setback from Plaintiffs campground and ROW, by willfully ignoring Title 1.§ 302 making the amendments void as applied in this case.

413. *Title 1.§ 302; "[F]or the purposes of this section and regardless of any other action taken by the reviewing authority, an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before. For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law. [1987, c. 766, §1 (AMD).] "* Therefore, the willful, fraudulent actions by the Town to amend its SZO, willfully allowing the Collins encroachment into Plaintiffs ROW and campground without a variance,

was a willful violation of Plaintiffs rights, and willful fraud on the Courts by the Town of Madawaska. Pursuant to Title 1.§ 302, Collins failed to comply with 50 foot setback which was a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

414. From 2005 to 2009, the Town Manager, CEO, Planning Board, and the Selectpersons willfully amended inter alia, the SZO front yard, and side yard setback distances to accommodate Roger Collins code violations with many emergency Planning Board meetings and hearings to help Collins circumvent the towns ordinances. Although the courts ignored the fact that the amendments to the ROW setbacks were legally null and void in the Collin matter pursuant to Title 1. § 302, the courts repeated the amendments as legal. The District court decision by J. Daigle ignored the fact that the 2 foot encroachment still required a variance, and the willful act by the Board of Selectmen granting another Consent Agreement without a variance was still in willful violation of Justice Hunters decision, and a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

415. The Town willfully prevented Plaintiff R. Cayer from knowing how the Board of Selectpeople were handling the Collin case, with illegal secret meetings, illegal Executive Sessions, Ex-parte communication, including illegal Code Amendments for setbacks.

416. On October 16, 2007, a few weeks before Plaintiffs left for the winter, Plaintiffs asked the CEO what was happening with the town filing for the Collins case in District Court and if the town had complied with J. Hunter's decision to apply section H of the SZO. The CEO told Plaintiffs he did not know anything about that, and that he just did what he was told, that he was just an employee.

417. On April 14, 2005, Dwayne Collin wrote a letter to the CEO claiming Plaintiffs had constructed a storage shed without a permit and enclosed a picture of the shed.

418. On May 24, 2005, CEO Ouellet issued a NOTICE OF LAND USE VIOLATION to Plaintiffs Richard and Ann Cayer claiming "[I] have verified this complaint and I do not find a Land Use Application or permit for this structure. You are in violation of the Shoreland Zoning Ordinance. You will be notified of the Selectmen meeting, when this violation will be discussed."

419. Plaintiffs did appear at the June 2005 Selectmen meeting and after the Board claimed a building code violation against Plaintiffs based on the Dwayne Collin letter and pictures, Plaintiffs showed the Board that no structure had been built. The picture Plaintiffs provided showed the alleged building to be a simple K Mart swing that belonged to a tenant, with a tarp protecting it from the winter snow.

420. On Wednesday, July 27, 2005, David Rouleau filed a complaint at the Police Department against Plaintiff alleging Plaintiff engaged in conduct constituting Criminal Mischief, and asked

the Madawaska Police Department to prosecute Plaintiff for the alleged offense, (b) Police offense report states that Defendant reported that the Relatives told him they saw the Plaintiff wade into the lake in front of the camp and turn off a ball valve that controls the water flowing to the pump.

421. On August 23, 2005 the office of District Attorney issued a criminal mischief summons to be heard on December 7, 2005 at the Caribou Superior Court and the court will establish a criminal jury trial schedule for January 19, 2006.

422. On November 23, 2005 the St. John Valley Times as reported by Beurmand Banville, for the first time in many years, and not since then, (*emphasis added)* printed the Madawaska District Court cases of September 14, to November 17, that clearly stated, Richard A. Cayer 60, St. David, criminal mischief, jury trial. This was also repeated in the Bangor Daily Newspapers as reported by Beurmand Banville.

423. After Rouleau's tenants filed their version of the facts, it was clear that David Rouleau's statements to the police, that the tenants saw Plaintiff Richard Cayer close the valve" was a willful fraudulent claim by Rouleau in his police report. The DA office dismissed the case. This willful slanderous act by Rouleau willfully harmed Plaintiff's reputation.

424. Because Roger Collins and his Association had a history of causing physical damage to the campground including a claim by the previous owners of pouring cement into the sewer lines, Plaintiffs dug up all sewer lines and did find the cement in the sewer lines as claimed by the previous owners. Plaintiffs tenants at the campground also complained about harassment and trespassing onto Plaintiffs campground before and after Plaintiffs bought the campground. For this reason, Plaintiffs warned the Association members verbally and in mail form not to harass their tenants and not to trespass on Plaintiffs properties.

425. It is also well documented that before Plaintiffs bought the campground, Collins and his Association were responsible for removing large rocks on the campground ROW, intended to encroach onto the previous campground properties. This willful encroachment continues today with Rouleau's removal of legal property line monuments placed by registered surveyors, and placement of fences willfully onto Plaintiffs ROW. This encroachment history by all abutters continues to be a serious problem for plaintiffs. Because of these problems with the abutting landowners, Plaintiffs had their property surveyed. Since none of the abutters had their lots surveyed and they willfully continued to encroach onto Plaintiffs properties, Plaintiff Richard Cayer offered to pay for any surveyor of their choice, and agreed to abide by their legal interpretation of the property lines. Not one Association member agreed to those terms and continue with ongoing willful encroachment.

426. Because the pictures taken by Collins clearly showed him trespassing on Plaintiffs campground, Plaintiffs filed a trespass by Roger Collins and his son. Legal action was taken by the D.A. and found Collins and his son guilty of trespassing to which Collins paid a $200 fine.

427. Plaintiffs assert these claims of violations are selective enforcement against Plaintiffs, and are in sharp contrast as to how the code is applied for most other citizens of Madawaska. For this

reason, in the Fall of 2006 Plaintiffs wrote a letter to DEP Richard Baker requesting that he come to Madawaska and present the Boards a training session on how to carry out their duties fairly and consistently.

428. On October 19, 2006, DEP Richard Baker did provide the Boards a short class on how they should perform their job on the different Boards. Unfortunately, few Board members attended, and those who did, showed little interest and left early.

429. Because the CEO and Boards did not improve the administration of the individual Boards or offices, Plaintiffs wrote DEP Richard Baker again on November 14, 2006 requesting "[y]our office, through the office of the Attorney General, to take action against the Town of Madawaska and CEO, Bob Ouellet according to Title 38: Chapter 3: Sub chapter 1:Article 2-B,§ 443-A for failing to properly administer the duties of his position as Code Enforcement Officer."

430. On February 5, 2007, Richard Baker replied "[d]ue to your concerns, I traveled to Madawaska on October 19, 2006 and conducted a workshop on shoreland zoning administration for the town officials. At that workshop, which was attended by you and Mrs. Cayer, I stressed the need for the town to follow the provisions contained in the ordinance, and to be consistent in their application of the ordinance requirements."

431. Plaintiffs believe and assert, the willful illegal actions by the BOA on June 5, 2006 inter alia, revoking Plaintiffs vested permits, was done intentionally to punish Plaintiffs for successfully appealing their November 8, 2004 Board of Appeals decision granting Roger Collin a variance, without addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion.

432. On June 2, 2008 Nancy Macirowski, Assistant Attorney General wrote a letter to Richard Baker concerning the Collins case. "[I]t appears that there were two substantive issues in the Collins matter. The first, the shoreland zoning issue, centers on whether Collins increased the volume of the building within the shoreline...by more than 30% … The stipulated facts in the Consent order and Judgment state that the shed on the camp property was removed to bring the volume within the statutory requirement." Fact 1. The claim by the town that the 30% expansion volume was met is willfully false. The CEO made these fraudulent statements to the BOA willfully, inter alia, by omission when he did not speak up at the 2004 BOA hearing for Collin but issued the permit the next day. The BOA refused to allow Plaintiff Cayer an opportunity to provide evidence to prove this fact by stating Plaintiff Cayer could not discuss the past even though it was necessary to go back to 1989 by court order. (2) CEO Ouellet falsely claimed the 30% measurements were his figures, when in fact they were Collins' calculations and way over the 30% limit. (3) The "shed" that AG assistant Nancy Macirowski said had been removed was false. The shed never was removed, and is still at the same location. (4) Plaintiffs were denied any information concerning the Consent Agreement and the Chairman of the Selectmen and the Town Manager intentionally lied about the Consent Agreement. (5) In the Summer of 2007, the Town Manager Therrien, amended the SZO front yard setback to 15 feet in order to help Collins. However, this was not enough because Collin was still 3 feet beyond the allowed setback and never requested or received a variance by the BOA as ordered by Justice Hunter.

433. Because there was still a problem with the setback, Therrien made a second rushed attempt to bring the setback to 10 feet which, she believed incorrectly, would have negated the encroachment. It is important to note the Collins permit was requested before the setback was changed and the amendment did not provide a revisionary clause. Pursuant to **Title 1. §302. *Construction and effect of repealing and amending Acts,*** the setback amendments did not apply to Collins, and the town attorneys knew that, or should have known. Certainly, the Courts should have known and did ignore that fact. In the alternative, Collins was still 3 feet beyond the setback limit and did not receive a variance according to Justice Hunter's decision, and still remains a willful violation by the Town, violating Plaintiffs rights to equal protection of law and due process of law.

434. Plaintiffs filed a Contempt of Court because they understood the Collins camp was still in violation of Maine's Title 38 §12. C. of the SZO which was denied by the Superior Court. Plaintiffs appealed the decision with the Maine Supreme Judicial Court which was denied in 2009 with the decision by Justice Gorman in February of 2010. The Town filed the RV violation on June 5, 2010 five (5) months (*emphasis added)* after the Gorman decision was issued. The RV violation was dismissed with prejudice by the Town in September of 2016.

435. What is important to understand is the differential treatment that Collin received such as the aggressive attempts to amend the ordinances for Collin and the decisions of the BOA, PB, CEO, and the Selectmen, when they are dealing with Plaintiffs Richard and Ann Cayer. That differential treatment includes, applying undue hardship for the Plaintiffs and not for Collins or anyone else, allowing in-filling until Plaintiffs request it, time limits for exercising vested permits, payment of $1.00 to re-issue permits, extend time limit on permits, BOA hearing untimely appeals forcing Plaintiffs to appeal in Superior Court, denying Plaintiffs a "Reconsideration vote" as provided in the town SZO, by the BOA, amending court decisions making court decisions void, and many more discriminatory actions.

436. Because Therrien's attempt to amend the setback to 10' for Collins was rushed, it did not meet the statutory provisions for posting requirements pursuant to State statute. Plaintiffs pointed this out at the Town meeting where Therrien stood before the town and intentionally lied to the citizens that Plaintiff Cayer was wrong and that the posting did meet the necessary requirement. Attorney Bob Bellefleur was the moderator and told Plaintiff Cayer he could file an appeal in court if he disagreed. Plaintiffs did file an appeal Pro se in Superior Court, requesting that the code amendment rushed through at the Special Town Meeting to reduce the ROW setback to the 10-foot mark so Collins would not be in violation, should be overturned. Shortly after Plaintiffs filed an appeal pro se, the Town Manager Therrien wrote Plaintiffs a November 8, 2007 letter admitting the error and blaming the Planning Board for the error. For this reason, the Madawaska Selectmen intentionally, and illegally ignored the town ordinances, and allowed Collins to further encroach into the Plaintiffs ROW setback without a variance because the setback remained at 15 feet. The Town lied to the Courts claiming there were no more violations.

437. On February 24, 2006, Plaintiffs filed a request for 2 land use permits because Plaintiffs wanted the permits in hand by early May because the building season is so short. CEO Ouellet complained many times that we should wait for the snow to melt. On March 13, 2006, the Planning Board held a meeting and granted Plaintiffs the existing location for the greatest

practical extent from the high-water mark for the camp expansion and foundation. This was Planning Board member Gary Dufour's first meeting. He asked, "[W]ould this be a foundation under the whole building?" Richard Cayer replied, "Yes." (This is from the town's PB minutes.)

438. This is an important fact because after the Superior Court decision by Justice Hunter, the town requested an amendment to the Superior Court decision: "to allow a foundation, only, under the "existing structure" and not under the new structure." Plaintiff believed this was simply a retaliation effort by the Town Manager because she lost both appeals of the BOA. Plaintiffs did not want to spend any more money on this ridiculous amendment and allowed the town to prevent a foundation under the new structure. Furthermore, the Town Manager Therrien, the town attorney, and the CEO for the first time, denied Plaintiffs the right to in-fill, even though the CEO clearly said at both, the PB, and the BOA hearing on June 5, 2006 that in-filling was allowed.

439. It is important to note at the March 13, 2006 Planning Board meeting, CEO Ouellet explained in-filling, or aka as increase in non-conformance, that Plaintiffs could in-fill because it had always been allowed.

440. On April 27, 2006, the PB held a second meeting to discuss the boat landing permit application which was also permitted with the conditional requirement that the DEP grants a permit.

441. These decisions were appealed beyond the 30-day appeal period. Furthermore, the "[N]otice to Abutting Landowners" mailed to Plaintiffs clearly said in regards to the Plaintiffs appeal, "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing: " Because Plaintiffs understood the appeal was untimely, and the notice simply said "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing:" Plaintiffs did not believe there would be a vote taken and were only prepared to "discuss" the permits, and the timeliness of the appeal.

442. The violations to Plaintiffs rights at this Hearing were too numerous to include in this format, so Plaintiffs will include a few key points. (1) There were 14 appeals at this June 5, 2006 hearing. All were "to review and decide" except Plaintiffs appeals that was, "to review and discuss." For this reason, Plaintiffs were not expecting a vote to reverse the Planning Board decisions. After the Hearing on his permits, Plaintiff had to leave for work and did not expect more public discussion or a vote to be taken.

443. Plaintiffs told the Board of Appeals members that the boatlanding, and camp expansion appeals were untimely.

444. After Plaintiff was told by the BOA Chairman that it was the end of his hearing, Plaintiff Cayer left for work. The Board ended the public hearing. The BOA heard and granted nine (9) Shoreland zoning variances without any mention of the words Undue Hardship or filing findings of facts and conclusions in less time then they spent on Plaintiffs permit issues. The BOA again discussed Plaintiffs Planning Board permits with the citizens in the audience in violation of Plaintiffs due process rights and illegally voted to remand the permits back to the Planning Board.

445. It was at this June 5, 2006 BOA hearing where attorney Bob Bellefleur representing the Morins' appeal of Plaintiffs Planning Board permits said, "[T]he Cayer's request would need to go to the Board of Appeals for a variance and it will be difficult to get because undue hardship needs to be proven by the Cayer's. Bellefleur explained the 4 elements that need to be proven for undue hardship. **Attorney Bellefleur also said that "[t]he BOA has been giving out variances like candy in the past and that is illegal."** This was said by attorney Bellefleur after the October 25, 2005(*J. Hunter)* decision eight months after J. Hunter remanded the Collin BOA decision. After the BOA heard the Plaintiffs appeal, they then authorized 9 variances for undue hardship without mentioning the words undue hardship. At another BOA meeting a few years later, another BOA member said, "[W]e don't have to follow the law, we use common sense." And, BOA member said while holding up the Shoreland Zoning Ordinance, "[D]o you mean to say we have to do everything in this book, how will we ever get anything done?"

446. The BOA did not fulfill the State requirements pursuant to M.R.S.A. Title 38 §438-A Municipal authority; state oversight, 6-A, requirement Variances. "*[A] copy of a request for a variance under an ordinance approved or imposed by the commissioner or Board under this article must be forwarded by the municipality to the commissioner at least 20 days prior to action by the municipality."* The BOA also failed to complete a finding of facts and conclusion.

447. The BOA Chairman Marc Morneault refused to allow a reconsideration vote by the BOA members on Plaintiffs two (2) Reconsideration request.

448. Within two (2) days, Plaintiffs sent the Chairperson Morneault, a letter requesting a reconsideration vote. Because the Chairperson told Plaintiffs that although the BOA did not vote to reconsider the decision, he took it upon himself to deny the reconsideration request.

449. Although the BOA can refuse a reconsideration request, there must be a vote of the majority of the Board members to decide if a reconsideration is allowed. Plaintiffs assert that because the BOA did not discuss or vote on the reconsideration request, the decision by the Chairperson to deny Plaintiffs a reconsideration vote was a violation of Plaintiffs Due Process rights. This reconsideration vote could have prevented the Superior Court appeal that Plaintiffs were successful in Superior Court, *J. Hunter*.

450. Plaintiffs' attorney Luke Rossingnol also wrote to chairperson Morneault on June, 23, 2006 requesting a Reconsideration vote by the BOA which was not answered.

451. Plaintiffs successfully appealed the two (2) BOA decisions in Superior Court with a decision, to, "[A]ccordingly, this court concludes that the June 5, 2006 determinations of the ZBO to remand both the Plaintiffs permit application and foundation/deck permit application to the Board are not supported by law because both Board Determinations were final and beyond the authority of the ZBA to address in any way." The Town took actions to amend the camp permit decision by justice Hunter, and limited the foundation to "[T]he existing structure only." The town also prevented Plaintiffs from in-filling the L shape of the camp, that the CEO told both Boards was allowed and legal.

452. Plaintiffs assert that because in-filling was a legal past practice defended by the CEO since his

hiring in 1994, clearly demonstrated the intentional discrimination by the Town against Plaintiffs Richard and Ann Cayer.

453. At a 2009 town meeting amending the SZO, Plaintiff Richard Cayer asked the CEO if the state mandated SZO on the agenda included any other language or amendments requested by the town. The CEO made clear that to his knowledge the town did not include language beyond what the state required. Shortly after the new SZO was approved, it was made clear the Town did include new language that supported the requirement that in-filling was now only possible with a variance from the BOA.

454. Although Plaintiffs were denied in-filling in 2008, it was only in 2009 that the town adopted the new SZO with hidden language added by Christina Therrien to prevent in-filling. Once again Therrien amended the code to prevent Plaintiffs from benefiting from a successful appeal of the BOA, and court decision by Justice Hunter. This is all well documented. Even though in-filling was amended in 2009, Plaintiffs should have been allowed pursuant to Title 1 §302 because it was legal at both Board meetings. Sometime cerca 2016, after Therrien was no longer the Town Manager, Plaintiff Richard Cayer made the Madawaska Planning Board aware of this illegal act by Therrien, and reversed that amendment allowing in-filling once again.

455. On November 12, 2008, attorney R. Currier wrote to RHR SMITH & COMPANY, CERTIFIED ACCOUNTANTS, P.A.. Currier begins, "[M]r Cayer is a highly litigious, disgruntled citizen residing at Long Lake in Madawaska Maine. He has previously filed suit(s) against the Town...." In his Summary attorney Currier claims "[M]r Cayer is provocative and aggressive. His correspondence to the Town Selectmen is close to being slanderous." Plaintiffs had never met attorney Currier at this point and believe his description was based on Town Manager's biased information and false description of Plaintiff."

456. CEO Ouellet refused to provide Plaintiffs their permit to expand the camp after the court decision because Plaintiffs needed to put a foundation under the new expansion as well as the rest of the camp and needed to in-fill the deck as allowed by the court decision. In order to get the permit, Plaintiffs had to agree not to in-fill.

457. Because of these intentional delays by the CEO, Plaintiffs received the permit in September which was too late to begin building. Plaintiffs went to Florida for the winter and sometime in April they received a letter from the CEO informing the Plaintiffs that because they had not begun building in the 6 (winter) months, the permit had expired and Plaintiffs had to start the permitting process over again because the permits were not vested yet. Plaintiffs assert this is willful fraud because Plaintiffs did not have one year to vest the permits as permitted in the SZO.

458. After 4 years of Planning Board, BOA, meetings, appeals, and favorable Superior Court decisions, Plaintiffs were not able to build anything with their permits, because Plaintiffs had not begun to build in the 6-month period, (winter months) and Plaintiffs gave up.

459. Because of these willful bad faith and fraudulent actions by the Town Manager C. Therrien, on or about September of 2009, Plaintiffs filed a documented administrative complaint that was

heard in open session with a court stenographer. The Selectmen were represented by Richard Currier, and Therrien was represented by attorney Richard Dubois. The end result was that Plaintiffs Richard Cayer proved with clear and convincing evidence that the Madawaska Town Manager Christina Therrien was a lier and many of her lies were clearly intended to harm Plaintiffs Richard and Ann Cayer. Attorney Richard Currier then told the Board of Selectmen that although Christina Therrein had lied, Plaintiffs did not prove that it was done with malice. With this information the Board of Selectmen took no action against Therrien.

460. The town tried to amend the boatlanding permit as adjudicated by Justice Hunter, “to be used only by Plaintiffs.” Plaintiffs did not allow Therrien to amend the “Permanent Boat Landing,” and told Therrien that he would allow others to use it because she had prevented the Town from building a public boat landing. Following the granting of the boatlanding permit, Plaintiffs filed a very complicated and expensive permit application with the Dept. of Environmental Protection. The permit was denied and Plaintiffs filed an appeal with the Board of Environmental Protection (BEP) in Augusta. At that Hearing, the Town Manager Christina Therrien was present and testified opposing Plaintiffs permit even after the Court instructed the Town to grant Plaintiffs the permit. David Rouleau was also present and testified against the boatlanding. The BEP voted against Plaintiffs and denied the permit inter alia because the Town opposed it. Augusta is a 6-hour drive one way from Madawaska.

461. This hateful and spiteful Ultra Virus act by Town Manager Christina Therrien, fraudulently testifying before the BEP to prevent Plaintiffs their permit application for a boatlanding, was not approved by the Town of Madawaska, or the Selectmen, was done at the Towns expense, and as a representative of the Town of Madawaska. Plaintiffs assert that this action by Therrien was an Ultra Virus Act willfully and fraudulently done to willfully cause Plaintiffs pain and suffering, because Therrien knew how important this boatlanding was to Richard and Ann Cayer. After that BEP hearing, Plaintiff's wife, Ann, could not stop crying.

462. Plaintiffs worked very hard over a period of 35 years to build a much-needed public boat landing at Long Lake and were denied mostly because of Christina Therrien. Therrien then, without town approval, built a boatlanding at the St. John river that is not needed or useful, is dangerous, because of high current, and within 100 feet from shore of the border with Canada. Because of this fact many boaters have been warned by Homeland Security that they will be arrested and charged if they step out of their boats 100 feet from shore.

463. Therrien is also responsible for building a campground at the same location, in secret, without town approval, without State permits, in violation of State laws, DEP shoreland rules and laws, and without proper sewage disposal. This campground was so secret even the Chairman of the Planning Board did not know it existed until Plaintiff told him 2 years after it was built. In the Spring of 2018, the river overflowed the campground by at least 4 feet causing the 2 illegal holding tanks to be submerged.

464. On the same day Plaintiffs met with the Board of Environment Protection (BEP) in Augusta, Plaintiffs met with Governor John Baldacci where the Governor assured Plaintiffs that he would personally look into the boatlanding matter to help Plaintiffs build a public boat landing.

465. Plaintiffs met with Governor Baldacci in his office in Augusta, in Madawaska, and in Portland to discuss the Town public boat landing. Governor Baldacci called Plaintiffs twice at his home to tell him to enjoy the summer and he, Gov. Baldacci would take care of the public boat landing.

466. Governor Baldacci followed up on his pledge and on August 14, 2008, a public meeting was held in Saint Agatha to discuss the boatlanding on Plaintiffs property. Present were Christina Therrein, IF&W Commissioner Roland Danny Martin, St. Agatha Town Manager Ryan Pelletier, County Administrator Doug Beaulieu, Soil and Water Commissioner George Powell, Biologist Dave Baisley, and other state officials. Because this was posted as a public meeting, Plaintiffs Richard and Ann Cayer were also present for the meeting to discuss their boatlanding proposal. When Plaintiffs Richard and Ann Cayer tried to enter the meeting room, they were physically prevented from attending the public meeting by these same officials. The only people present at the meeting were those public officials.

467. At this August 14, 2008 public meeting, Christina Therrien reportedly said, “The Madawaska Board of Selectmen do not support a public boatlanding on Plaintiffs lot.” This was an intentional lie because just days before the Board had made a public statement that because the Governor wants to build this boat landing, the Board of Selectmen would approve, “the best location with enough water depth”, including the Plaintiffs lot. Although IF&W biologist David Baisley said at that public meeting in St. Agatha “The Cayer lot is the only lot with enough water depth that IF&W will support is this site.” the proposal was denied because of the lie that Christina Therrien said at that August 14, 2008 public meeting. The Town still does not have a public boat landing at Long Lake to this day.

468. It is important to note on December 5, 2009, the Maine Supreme Judicial Court denied Plaintiffs Contempt of Court in Fort Kent Maine Docket No.ARO-09-45 , and on June 9, 2010, approximately 6 months after the Contempt of Court decision, and 9 months after the administrative appeal by Plaintiffs, the Town willfully filed the meritless RV violations against Plaintiffs.

469. For over 40 years, boaters and fishermen tried to find a suitable location for a public boat landing but did not find any lot on the Madawaska side of Long Lake that was suitable because of depth issues. In 1997, Plaintiff Richard Cayer offered his lot to be used for a public boat landing. Plaintiff Cayer contacted the Maine Inland Fisheries and Wildlife in Augusta and after careful investigation by IF&W, it was declared Plaintiffs lot was the only location that IF&W would support for a public boat landing, and at no cost to the Town.

470. In 1998, the town held a Planning Board meeting with IF&W grant writer Bob Williams and biologist Dave Baisley in hopes of convincing the Board to allow IF&W to build a public boat landing. The Planning Board was convinced by Roger Collins' Association to look for other places that IF&W could use for the public boat landing. This was a tactic used multiple times by the Collins Association that did work. The Planning Board agreed to search for any other potential locations, and agreed to accept findings IF&W would agree to. After extensive search, IF&W once again told the Selectmen the Cayer site was the only lot that had the necessary depth for a public boat landing. Plaintiffs heard IF&W say, “[W]e don't have to jump through hoops like this, there are plenty of other towns that want our money to build public boat landings.” IF&W Bob Williams gave up.

471. In 2002 IF&W Bob Williams contacted Plaintiff Richard Cayer and they tried once again to build the public boat landing on Plaintiffs land with worst results because two Selectmen created an ultra-virus act when they approved another site in secret without the Boards approval or discussion. After IF&W paid $2,500 for an appraisal, Plaintiffs provided the State pictures showing the location considered by IF&W was too shallow. IF&W biologist Dave Baisley confirmed Plaintiffs claim that the location in question did not meet the necessary depth required for a public boat landing. At this point Bob Williams gave up once again and wrote a letter claiming that Plaintiffs lot was also no longer suitable because he was angry with Plaintiff for embarrassing him. The Town still does not have a boat landing on Long Lake.

472. After two separate attempts in a long 6-year battle with the Town, IF&W gave up and declared the Plaintiffs lot also not suitable. The group responsible for this decision by IF&W was Roger Collins Association and the Town of Madawaska led by Christina Therrien.

473. Circa 2015 two (2) new members were sworn in as Selectmen. One of these Selectman was voted in as Chairman, although he had never taken any interest in any town business. The second new member made a motion to nominate himself to be Vice Chair and was also voted in. He also had no record of attending any town meetings. Their first action was to not reappoint the CEO Ouellet. Plaintiff Richard Cayer warned the Board not to do this without providing the CEO Ouellet a Hearing because he could, and probably would sue the town. But more importantly, although the CEO had violated Plaintiffs due process rights many times, Plaintiffs truly believed that the CEO was entitled to a Hearing because he was entitled to due process of law. Plaintiff wrote a 3-page letter providing the Board with enough evidence to justify the action of non-reappointment, legally. The Board ignored Plaintiffs advice and did fire CEO Ouellet without a hearing. A short time later CEO Ouellet did file a lawsuit against the Town and was awarded $56,202.09 in settlement funds. This settlement was done at a public town meeting and once again, because this was all done in secret, the only person present at this secret Town Meeting was Plaintiff Richard Cayer. At the Hearing for the CEO lawsuit, Plaintiff Richard Cayer attempted to ask questions and make statements but was denied by the moderator Beurmand Banville past reporter for the Bangor Daily News.

474. At the very same Board meeting that the CEO was fired, the Town Manager resigned although she had recently signed a new contract and was awarded approximately $45,000 in severance pay.

475. Plaintiffs own a certain piece of property located at 57 Chapel Road, Lot 468, in the shoreland zone in the Town of Madawaska, which property is improved by a seasonal camp with an access driveway, running water, and subsurface waste water disposal system (hereafter the “Property”).

476. In the third week of May in 2010, Plaintiffs rented the Property to a couple for use as a camp during the summer season.

477. The tenants arrived with a recreational vehicle (RV) camper trailer in order to facilitate their stay at the camp which was discussed and allowed by Plaintiffs.

478. Tenants asked if a second RV could be allowed on the camp lot and Plaintiffs clearly refused to allow a second RV without CEO authorization, even though Plaintiffs knew that it would be legal to do so based on the Board of Selectmen statements at Board meetings and the non-action by the Board in regards to Plaintiffs written complaints concerning the Rouleau properties.

479. For many years, Plaintiffs had received several complaints by the CEO in regards to RV's on this lot because the CEO claimed that the RV caused a -change of use-. Plaintiffs disagreed with the CEO's interpretation of the word use. These complaints were initiated by his neighbor David Rouleau.

480. Unbeknownst to Plaintiffs, the tenants placed a second recreational vehicle on the property when the tenants occupied the property.

481. Because Plaintiffs owned and operated a campground abutting the camp being rented, Plaintiffs did not want a second trailer to be placed on the camp lot because it generated no additional income and increased operational cost at the camp. This would be analogous to renting a campsite at Plaintiffs campground and allowing a second RV trailer to be added on the same site for the same price.

482. On June 4, 2010, Defendant, Robert Ouellet, the Town of Madawaska's Code Enforcement Officer (CEO), issued Plaintiffs, by registered mail, notice of an alleged violation at the property as a result of the placement of the two RV's on the Property. The Notice of Violation failed to meet even the basic mandatory notice requirements and provisions in order to satisfy the procedural due process requirements of the SZO under, §16. (I). Enforcement. §16 (I). (2)(a) states, *"[I]f the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuation of illegal use of land buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions."*

483. Plaintiffs Richard and Ann Cayer regarded this June 4, 2010 registered mail - Notice of Violation - as the start of a legal court action pursuant to Title 30-A §4452 and Title 38 §435-§447, because the penalty/fines accrue from the date of Notice of Violation pursuant to Title 38 §349 Penalties. For this reason, Plaintiffs took immediate and decisive action to correct and comply with the Notice of Violation by instructing the tenants to remove the second RV trailer from the property, even though the notice of violation did not provide the mandatory information to identify and correct the alleged violation. Plaintiffs understood that having two RV's on a camp lot was not a violation.

484. The CEO failed to include many of these mandatory requirements in the notice of violation. First, he did not notify in writing the person alleged to be responsible for the alleged violation - the tenant- and willfully ignored the M.R.civ P 80K, and the SZO provisions of §16 I (2)(a) when the CEO served the owners Richard and Ann Cayer as the violators. At the June 29, 2010 Selectmen's meeting, CEO Ouellet said "[I] sent notice of the violations to the owners which was the Cayer's."

485. Second, the CEO willfully ignored these required provisions and did not serve the violator, the tenant, and did not provide the Plaintiffs (landowners) a copy of the alleged violation as also required pursuant to M.R.Civ.P and RULE 80K. LAND USE VIOLATIONS.

> *(2) Additional Service on Property Owner. When the alleged violator is not the owner of the property on which the violation is alleged to have occurred or is occurring, the person making service on the alleged violator shall serve, or cause to be served, a copy of the Land Use Citation and Complaint upon the owner of the property by any appropriate method provided in Rule 4 of these rules.*

486. Third, the CEO did not properly indicate the nature of the violation.

487. Fourth, the CEO willfully omitted to order the action necessary to correct it.

488. The enforcement process in §16(I) of the town's SZO is intended to provide all citizens a uniform, consistent, and equally fair method of code enforcement clearly outlined in the SZO which must be applied consistently to all citizens without discrimination.

489. In this instant case, Richard and Ann Cayer were not provided with the same enforcement action, and fines, as other citizens are subject to pursuant to §16. I.(2)(a) of the SZO. The alleged violators were not provided with the Notice of Violation, instead the landowners Richard and Ann Cayer were served, contrary to the SZO provisions of §16. I. (2) enforcement and M.R.Civ.P. Plaintiffs view this, and other willful procedural due process acts by the CEO and the Town as discrimination, selective enforcement, abuse of process, malicious prosecution, and a violation of Plaintiffs Constitutionally protected Civil Rights to equal protection of the Law, and Due Process. (Town of Orangetown, v. John Magee, et al.88 N.Y.2d 41, 665 N.E. 2D 643 N.Y.S.2d 21(1996))

490. In the June 3, 2010 notice of violation letter, the CEO wrote, “[A]ll code violations are submitted to the Madawaska Board of Selectmen to determine what action will be taken in regards to the violations. The Town will notify you of the date and time when the Board of Selectmen will be discussing this issue.”

491. At the time Plaintiffs received the June 4, 2010 “Notice of Violation”, they understood that there might be one RV/travel-trailer placed on the Property, and that it was legal to have one RV/travel-trailer on the Property.

492. Notwithstanding their understanding regarding the legality of allowing RV/travel-trailers on the property, Plaintiffs had the tenant immediately remove the relative's RV/travel-trailer from the Property on June 4, 2010.

493. Plaintiffs Richard and Ann Cayer were willfully and fraudulently charged as the violators in this meritless 80K violation lawsuit based on the fact that they are the landowners. The Law Court has made clear that a landowner is only responsible for the actions of its tenants if the landowners fail to correct the violations. In *Town of Boothbay et al. v. Barbara Jenness et al. 2003 Me. 50. Lin-01-554* the Law Court held “[T]he consensus from the few jurisdictions that have considered the issue is that a landlord can be held responsible for the tenant's violations if the landlord (1) has knowledge of the violation, *DeLoach,* 714 A.2d at 486-87; *City of*

Webster Groves v. Erickson, 789 S,W,2d 824, 826-27 (No. Ct.App. 1990); and (2) has the power to obtain the tenant's compliance or to evict the tenant after she receives knowledge of the violation. *DeLoach,* 714 A.2d at 486-87; *People v. Scott,* 258 N.E.2d 206, 209 (N.Y). 1970).19.

494. The Law Court continued, "[A]ccordingly, we hold that a landlord can be held to have violated the ordinance and can be sanctioned for the continuing violation of an ordinance by a tenant when: (1) the ordinance authorizes separate penalties against a landlord: (2) the landlord has notice of the violation; (3) the landlord has a reasonable ability to control the use of the land: and (4) the landlord has been given a reasonable opportunity to obtain the tenant's compliance or eviction."

495. In this instant case, although Plaintiffs Richard and Ann Cayer were not properly served by the CEO identifying the exact violation, i.e.: was the alleged violation on June 4, 2010, as claimed in Count I, that the Plaintiffs were creating another residential dwelling on their camp lot when the tenants parked their RV at the camp they had rented from Plaintiffs? Judge Daigle made clear to Attorney Currier "[R]ecreational vehicles are not residential dwelling units." Or, were the tenants creating another campground as alleged in Count II, and served on February 5, 2013 (895) (*emphasis added)* days after all RV's had been removed without providing Plaintiffs any notice of violation pursuant to §16 I(2)(a)?

496. On June 21, 2010, CEO Ouellet sent Plaintiffs a letter by regular mail, "[T]his letter is to inform you that the Board of Selectmen will be addressing what action will be taken regarding the violation on 57 Chapel Road Lot 468. Your attendance is requested at the meeting (*emphasis added)* to be held in the Selectmen Meeting Room on Tuesday, June 29, 2010 commencing at 4:30 PM."

497. On June 29, 2010, the Town of Madawaska subsequently conducted a regular Board of Selectmen's meeting and discussed Article 3 Code Enforcement Violation, Cayer.

498. The Madawaska Town Attorney Richard Currier possibly traveled over 100 miles to be present at this June 29, 2010 Selectmen "meeting" specifically for the Plaintiffs RV matter. This appearance by any Attorney to discuss a possible code violation was unprecedented before or since that Board meeting. Plaintiff's question if the $500.00 fine was not simply to cover the attorney's expenses for traveling to Madawaska simply to intimidate Plaintiff's into signing a consent agreement and paying this fine, to cover expenses, because he said nothing pertaining to the RV violation at that board meeting.

499. At the June 29, 2010 meeting, CEO Ouellet clearly said *"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."*

500. Plaintiffs neighbor, David Rouleau who was also present at the June 29, 2010 meeting spoke against Plaintiffs' RV on the lot at issue, and according to the Town minutes, said, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it. His case has been going

on for three to four years. If it is not allowed for me, then it should not be allowed for him." Richard Cayer responded that is different because Rouleau's lot is an individual private campsite. The first important thing to note here is that Plaintiffs original complaint in 2001 against Rouleau was initiated because Rouleau had been filing complaints, inter alia, June 1996, July 1998, June 16, 2009, with the CEO for many years claiming that Richard and Ann Cayer were violating the town code by allowing RV's on Plaintiffs camp lot. David Rouleau's illegally subdivided part of his house lot and was renting 39 feet to be used as an illegal Individual Private Campsite, pursuant to, and in violation of the Madawaska and DEP SZO §15E. The second important thing to note is that the Town did take an enforcement action for the building violations, but willfully refused to prosecute the more serious mandatory DEP violations, such as, the individual private campsite, pursuant to DEP SZO §15E, or the illegal cesspool Rouleau created. Furthermore, the individual private campsite was still willfully in operation in 2012 while the Town was prosecuting the RV violation against Plaintiffs even after Rouleau told the Board, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it." Rouleau never received a permit for any RV's on his house or individual private campsite and never received a notice of violation.

501. After the Town discussed the alleged violation, Plaintiff Richard Cayer told the Board "[i]f that's the intent, that you are not going to allow that anymore , all I can say is, I apologize that I didn't know and I will have it removed as quickly as I can." Plaintiff said this to the Board before anyone had ever instructed or requested Plaintiff to remove the last RV from the camp lot, including the CEO's notice of violation, as required pursuant to §16. (I) (2)(a) under Enforcement.

502. Plaintiffs Richard and Ann Cayer should have been commended for their usual level of polite cooperation at the June 29, 2010 meeting in spite of the willful malicious prosecution, and fraudulent enforcement of a meritless lawsuit, perpetrated on two (2) of its citizens, by the CEO and the Town of Madawaska.

503. It was only after Plaintiff apologized and said that he would have the one remaining RV removed the next day that the Board acting without any legal authority to do so, willfully instituted a fraudulent act when they maliciously, found a violation existed on the property, imposed a $500 fine on Plaintiffs, and rewarded the alleged violator, the tenant, by allowing the RV trailer to remain an extra 5 days beyond the date Plaintiff said they would have it removed. Audio and video recordings are available of this meeting.

504. The Board maliciously and willfully informed Plaintiffs that they would have to sign a Consent Agreement admitting to meritless code violation charges to which Plaintiffs did not commit. This fraudulent act by the Town would have incriminated Plaintiffs for meritless code violations preventing Plaintiffs from forever allowing RV's on their camp lots. This is only one citation of the many methods the Town fraudulently used the legal system to intimidate and coerce Plaintiff's Richard and Ann Cayer into submission.

505. The Town through its CEO, Town Manager, Selectmen, and Attorney R. Currier willfully violated Plaintiffs Constitutional procedural Due Process Rights by willfully ignoring the plain language provided in the Town SZO requiring all provisions of §16.I.(2)(a) to be applied before

threatening Plaintiffs Richard and Ann Cayer, with a $500 fine pursuant to §16.I.(3), for Legal Actions when a violator refuses to comply.

506. In this instant case, the willful abuse of process, pursuant to Section §16.I.(3), Legal Actions, was used fraudulently to willfully punish, coerce, intimidate, and forever bar Plaintiff's from placing RV's on their camp lots, while all others in this municipality continue to enjoy this privilege, as is allowed to this day, without permits.(*emphasis added*)

507. CEO Ouellet questioned if the fine should be $1,000 because there had been 2 RV's at one time.

508. After Plaintiffs cooperated with the Board and agreed without hesitation, to have the last RV removed by the tenant who placed it there, before anyone instructed Plaintiff to do so, the Town through its Attorney Currier willfully took fraudulent "[L]egal Action" pursuant to the Madawaska SZO under §16 I.(2)(3) against Plaintiffs.

509. The CEO, Selectmen, and Attorney Currier willfully ignored the provisions of §16. I. (2)(a) where an alleged violator can correct an alleged code violation, and fraudulently applied §16. I. (3) Legal Actions against the Cayer's who were not the violators. Because of this willful fraudulent act in violation of Plaintiffs Constitutionally protected right to Due Process, Plaintiffs had to endure years of pain and suffering at great financial cost.

510. It is well established that before this June 29, 2010 meeting, fines for code violations were $200. Fines were increased for Plaintiffs that night to $500 with discussions by the CEO and Board members if Plaintiffs should pay $1000 because there were 2 trailers involved prior to June 4. However, because Plaintiffs instructed their renter to remove one as soon as it was known to them, and there was only one left at that time, the discussion by the Board of Selectmen was based solely on the one single RV trailer, and the fine remained at $500, because there was only one violation. All code violation fines remain at $200 to this day; and if the violation is corrected before a certain date, the fine is withdrawn in most cases, except for Plaintiffs.

511. In the first six months of 2018 alone, there have been, inter alia, two (2) serious shoreland zoning violations in Madawaska for work done without the necessary building permits or proper determination of the greatest practical extent (GPE) from the high-water mark (HWM). The CEO through its Planning Board held "emergency" meetings and issued after the fact permits without fines.

512. Plaintiffs were also very clear to the Board and CEO that they were not responsible for placing the trailers on the lot and were not the violators and would follow up with a letter requesting time to look into the legality of the matter, and prepare for a Hearing.

513. Plaintiffs did have the remaining RV travel trailer removed from the property on or before July 6, 2010 as instructed by the Board, even though Plaintiffs understood and believed that it was legal for them to have one (or more) RV's/travel-trailers on the property under the existing Shoreland Zoning Ordinance.

514. Based on the June 21, 2010 letter from the CEO, Plaintiffs were not prepared for an opportunity to defend themselves at the Board of Selectmen regular meeting. Plaintiffs followed up with 2 letters dated August 4, and August 18, 2010, to Attorney Currier and the Board of Selectmen requesting an opportunity to defend the meritless allegations against them, and to explain other legal facts such as “we are not the violators.” These letters, and other questions were willfully never answered by the Board of Selectmen.

515. At that time, based on these letters, CEO Ouellet and Attorney Currier clearly understood that the Plaintiffs Richard and Ann Cayer were not the violators, but simply the landowners that corrected the Town's complaint by instructing the renters to remove their recreational vehicle from the camp they had rented. Because the renters could not park their RV on their rented camp lot, they demanded and received all their money, and left.

516. At the June 29, 2010 Selectmen meeting, Plaintiff Ann Cayer asked who complained. CEO Ouellet willfully refused to divulge the name of the person who complained because it was not in writing. Attorney Currier supported and reiterated that if it is not in writing, the CEO does not have a duty to divulge who complained. However, CEO Ouellet did have a 6/1/10 note that he wrote indicating the name of the person who called. This willful violation of Plaintiffs rights to information allowed by Title 1. §408-A (Public records available for inspection and copying). Note: the person who called was Roger Collin. The Town and CEO protected Collins from being identified and did not require a written complaint as required by Plaintiffs. The Town and CEO willfully repeated Plaintiffs names in many other proven legitimate complaints, causing irreparable damage to Plaintiffs Richard and Ann Cayer's reputation. These complaints were repeated in newspapers, and in court documents.

517. Because Plaintiffs neighbor, David Rouleau, was also allowing up to 5 additional RV's, travel trailers, and tents on his house lot, and his illegally sub-divided non-conforming lot while complaining to the CEO about RV's on Plaintiffs lot, Plaintiffs pointed this out to the CEO and the Board of Selectmen at a regular meeting and in written letter form circa 2003.

518. Plaintiffs assert that David Rouleau made the statement repeated in court documents, DOCKET NO. CV-09-035 *(J. Hunter)* “[T]he second was that it failed to include a provision that he thought was essential. That provision would have imposed an obligation upon the Town to commence enforcement action against Mr. Cayer whom the Defendant believed was also in violation of the 1993 Code for having built an addition onto his home that was too close to the water. The parties were not able to resolve their differences and no Consent Agreement was reached.”

519. Because Plaintiffs filed a complaint with the CEO against David Rouleau's placement of RV's, travel trailers, and tents at his illegally subdivided house lot, Selectman Lloyd Tardif, at a Selectmen Board meeting, told Plaintiff, “[B]ick Cayer, you are not going to stop us from allowing RV's and campers on house and camp lots”.

520. And, at another Selectmen meeting, Selectman Bob Williams willfully defended RV's on David Rouleau's house and camp lots when he fraudulently said,” [I]t is legal as long as the RV is licensed and the landowner has given permission.” In David Rouleau's case, this was not true because there is specific language in the SZO for individual Private Campsites pursuant to

§15 (E) (a mandatory State DEP statute) which Rouleau did not meet. CEO Ouellet fraudulently and willfully ignored this DEP violation well into 2012 while the Town was enforcing the meritless lawsuits against Plaintiffs Richard and Ann Cayer brought by David Rouleau's complaints.

521. Because the CEO Freudianly claimed that permits were required to place RV's and trailers on house and camp lots, and that he had to check his records if a permit had been issued to the Cayer's for this use. Plaintiffs knew this to be false so pursuant to the FOAA Plaintiffs requested to see the CEO's, permit book which is public information, to prove this fact. Attorney Currier willfully made this FOAA request very difficult and expensive to receive even though it was readily available.

522. Town Attorney Richard Currier denied Plaintiffs their motion for Discovery of proof that the CEO never issued permits for RV's to be placed on house and camp lots. Inter alia, Currier claimed this was a delaying tactic by Plaintiffs. It took the Town 24 months, two (2) years (*emphasis added*) to schedule a settlement conference with Justice Daigle, and 27 months to file count II.

523. Plaintiff Richard Cayer filed a FOAA request for information intended to prove that the CEO Ouellet never issued permits to allow RV's, trailers, or any recreational vehicle on house or camp lots.

524. Town Attorney Richard Currier fraudulently insisted that Plaintiffs pay $325.00 up front in order to review information compiled in a book instantly and readily available by the CEO. After months of delays, Plaintiff did review the CEO's permit book and there was not one permit issued for a trailer or RV unless there was construction being done on the property. This verified that the CEO was lying at the June 29, 2010 meeting about issuing permits for RV's and trailers on house and camp lots, and has also willfully committed fraud on the courts in their Briefs and Affidavit about this fact.

525. Plaintiffs received a Consent Agreement which the Plaintiffs refused to sign because, (1). there was no violation, (2). even if there was a violation, they would not have been the responsible party. Plaintiffs assert that the five (5) statements by the town in the Consent Agreement were willfully and knowingly false claims intended to fraudulently incriminate Plaintiffs. Plaintiffs believed the Consent Agreement and the letters from Attorney Currier to sign the agreement was a willful abuse of process and extortion.

526. On or about August 11, 2010, the Town of Madawaska, by and through its Code Enforcement Officer and Attorney, willfully filed a Land Use Citation and Complaint, fraudulently alleging that Plaintiffs violated Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance by having more than one residential dwelling unit on the property without meeting the dimensional requirements for each additional dwelling units, and by placing the RV/travel-trailers on the property without a land-use permit.

527. On August 23, 2010, approximately (51) days after Plaintiffs removed the last RV from the lot, the town Attorney Richard Currier willfully sent Plaintiffs a letter instructing Plaintiffs to sign a Consent Agreement and pay a $500 fine immediately. Currier wrote, "[I]f you wish to sign the

Consent Agreement and pay the penalty, please do so immediately and I will dismiss the pending Land Use Violation Complaint." Currier threatened Plaintiffs with a meritless lawsuit when he said, "[I]f you wish to sign the Consent Agreement and pay the penalty," '[I] will dismiss the pending Land Use Violation Complaint." Because Currier was at the June 9, 2010 meeting, he knew full well there was no violation, and even if there had been one the plaintiffs would not have been the violators.

528. On August 24, 2010, Plaintiffs sent Attorney Currier a letter and copied the Chairman of the Board Don Chasse, requesting an opportunity to meet with the Board, and "[c]lairifing some important facts", such as:

    1. Plaintiffs agreed to remove (1) RV placed by tenant, and pursuant to §16.(I).(2)(a) Enforcement "[T]he CEO "shall notify in writing the person responsible for such violation,...ordering the action necessary to correct it...including removal of illegal building or structures,..."

    2. (2) "[A]nd the "Legal Actions" provides for, 'When the above action does not result in the correction of the violation ...."' In this case the Plaintiffs agreed to, and corrected, the alleged code violation created by their tenant, because they were the landowners before even being instructed to as required by §16. (I). (2)(a) Enforcement.

529. Plaintiffs continued in their letter with numbers 2, 3, and 4, explaining that "[w]e never agreed to sign any Consent Agreement, never admitted to installing or partaking in any way the installation of said camper trailer, and did not agree to pay a fine.

530. Notwithstanding Plaintiffs letters of August 4, and August 18, 2010, that were never answered, Attorney R. Currier sent Plaintiffs another letter on September 9, 2010 warning that "[F]failure to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings." Because these fraudulent claims were clearly meritless, Plaintiffs assert this willful act by Currier was intended to punish Plaintiffs for their public participation in local Town Government and was acknowledged as extortion.

531. On September 13, 2010, Plaintiff sent Mr. Currier a "good faith" letter that read, "After reading your letter of 9-09-10, this is my response. Thank you, but no thanks. I will also reciprocate "in good faith" by giving the Selectmen one last chance to drop this harassment and discriminatory act against us. All that I am requesting at this point is a public apology by the Board of Selectmen and a promise to seriously review the actions by our Town Manager, Christine Therrien and CEO Bob Ouellet concerning this and previous actions against us. Otherwise, I will move forward and any future settlement will be much more difficult and demanding. You have until 4:00 p.m. Friday the 17th of September to accept this offer".

532. This response to Currier's threatening letter was intended to let everyone involved know that Plaintiffs had no doubt that the enforcement action was meritless. Plaintiffs believed that the

courts could, and would protect them if the town persisted with these fraudulent threats of extortion.

533. Plaintiffs lost, and continue to lose the income that they would have earned from the one RV/travel-trailer that could have, and should have, remained on the Property.

534. The Town did not provide any reference or citation to any provisions of the Shoreland Zoning Ordinance or any past practice in support of its allegation in the Land Use Citation and Complaint that a land-use permit was required to place an RV/travel-trailer on the Property.

535. Because Plaintiffs believed that the enforcement process §16 I (2)(a) willfully violated Plaintiffs Constitutional Due Process rights, they filed a timely request to remove the matter to the Superior Court for a jury trial as allowed under M.R.Civ.P. 38 and City of Biddeford v. Holland, 2005 ME 121, ¶¶ 10-15, 886 A.2d 1281, 1285-869.

536. After 2 years (728 days) (*emphasis added*) on August 9, 2012, the Superior Court (*Daigle, J.*) conducted a judicial settlement conference on the matter. The Town of Madawaska CEO and town Attorney Richard Currier acknowledged Justice Daigle's reference to the SZO that the Notice of Violation and the Land Use Citation and Complaint erroneously cited Plaintiffs for violations under a section of the Town of Madawaska Shoreland Zoning Ordinance that did not apply due to the fact that the ordinance plainly defined Residential Dwelling Units, and clearly states, "[R]ecreational vehicles are not Residential Dwelling Units."

537. With the knowledge that the alleged Count I violation was without probable cause, or reasonable grounds to support the original Count I charge, the town CEO, and Attorney Currier, requested (*Judge Daigle*) to allow them to amend Count I which was granted.

538. After acknowledging their clear error to Judge Daigle, on November 13, 2012 the Town of Madawaska willfully filed a fraudulent Motion to Amend its Land Use Citation and Complaint, more than 3 months (94) days, after Judge Daigle allowed the Town to amend the meritless claim, and (821) days after the town filed Count I. (*emphasis added*)

539. The Town once again fraudulently charged Plaintiffs Richard and Ann Cayer with the identical and original Count I without any amendments, even after being told by Judge Daigle that Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance did not apply to Recreational Vehicles.

540. The Town, through its Attorney Richard Currier, rather than amend Count I as agreed by Judge Daigle, fraudulently added another new meritless violation unrelated to the meritless Count I. This new Count II SZO violation was based on the provisions of Section §15(D)(1) related to campgrounds. The Town and Attorney Currier's fraud on the court claimed, "[T]he activity alleged to constitute the violation involved placing **[several]** travel trailers-camper units on a single lot." It is well documented there was only one trailer at the time of the meeting on June 29, 2010 because Plaintiffs had the second RV removed by the person responsible for placing it there the same day Plaintiff was made aware of it by the CEO, and there was never a third RV necessary to claim "several." Furthermore, at the June 29, 2010 Board of Selectmen Meeting it was confirmed by CEO Ouellet that there was only one trailer on the lot . CEO

Ouellet said ***"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."***

541. In their complaint to the Superior and Supreme Court, the Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully made fraud on the court statements when they claimed, "[a]fter a "Hearing" (*emphasis added*) in front of the Plaintiffs Board of Selectpersons." And, "[T]he Defendants were notified of the "Public Hearing," regarding their violations, the Defendant's appeared to contest the violation, ." First, there never was a notice of any ("Hearing"), Second, there was no "Hearing". Third, Plaintiffs could not appeal the CEO enforcement action, and lastly, Currier wrote, "[P]laintiffs did not appear to contest the violation." Plaintiffs appeared at the Selectboard meeting simply because they wanted to understand what the notice of violation was about.

542. In their Superior and Supreme Judicial Court filing against Plaintiffs, the Town Attorneys, Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully claimed fraud on the court statements when they claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance. The Defendant's never provided any evidence, either testimonial or documentary in nature, to the Plaintiffs Board of Selectpersons detailing their compliance with §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance."

543. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance." After a short explanation, Plaintiff Richard Cayer politely apologized and told Mr. Ouellet and the Board that he would have his tenant remove the last remaining RV trailer from the camp lot. Therefore, Plaintiffs did comply with §15(A)(5) (Count I) by having their tenant remove the last RV, contrary to the Town Attorneys, Richard Currier's Esq. (#2245) and Jon Plourde's Esq. (#4772) fraud on the courts' statements.

544. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed to the Courts "[D]efendants never complied with the minimum lot standards enumerated by §15(D)(1) (Count II). The Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) instituted fraud on the courts by claiming that Plaintiffs had to comply with §15(D)(1) Count II. Plaintiffs could not comply with the Town's request, first, because Plaintiffs were not creating a campground, second, there were no RV's to remove on the camp lot after July 6, 2010 or since, and Plaintiffs were vehemently opposed to signing the Consent Agreement and paying a $500 fine, admitting to something they did not do, and agree to pay what Plaintiffs believe to be extortion.

545. Plaintiffs were denied procedural Due Process and equal protection rights (1988 equal protection and Due Process Rights) with Count II because Count II was first filed and claimed against Plaintiffs on February 5, 2013, (895) days after service of the Town's Count I complaint, and (971)(*emphasis added)* days after the June 29, 2010 Selectmen's regular Board meeting where CEO Ouellet said, and it was confirmed by CEO Ouellet, that there was only one trailer on the lot. CEO Ouellet said ***"[C]ampground is two or more, so I figure this***

cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone." Therefore, Plaintiffs were denied an opportunity to defend against these fraudulent accusations filed by Attorney Richard Currier Esq. with Count II.

546. Plaintiffs also find it perplexing for the Town to claim Plaintiffs changed the "use" of the tenants RV trailer to another residential dwelling in Count I, and in the other breath claim a new and different code violation in Count II that the camp lot is also now converted into a campground because there had been an RV on the property over two and a half years prior, and none since July 5, 2010. This camp lot is 49 feet by 100 feet.

547. This is especially true since after July 5, 2010, there has only been a single camp on the property with no RV's or trailers. The Town and the courts have also repeated another false claim that there was a mobile home on that lot. This is false. There has never been a mobile home on lot 468, and there has not been an RV/travel trailer on that lot since July 5, 2010.

548. When Plaintiffs first saw the Town's amended Count II filing proposed on November 13, 2012 with the --(Relief Sought from Court) -- which was (1). a Civil Penalty for each day of violation, (2). Removal of Violation, (3) Removal of the two travel trailers, and (4). Attorney fees, witness fees, and costs, Plaintiffs never imagined that any fair and competent court would grant such a motion, and believed rather that the court should impose sanctions pursuant to M.R.Civ.P rule 11. on the Town, and Town Attorney Richard Currier Esq. (#2245) for intentionally making these fraudulent statements on court filed documents.

549. Attorney Currier willfully claimed with fraud on the Courts about (1) there being "[s]everal travel trailer-camper units on a single lot," because Attorney Richard Currier Esq.(#2245) knew this to be false, and (2) for willfully refiling Count I, to which the Court (Judge Daigle) informed the town that RV's are not Residential dwelling units, and (3) for claiming that "[t]he Town requires a land-use application or Permit for these travel trailers; (if allowed at all)." Plaintiffs proved without any doubt that the Town has never required permits to place RV's or trailers on house or camp lots, and the CEO has never denied anyone from placing RV's or trailers on house or camp lots with, or without a permit, as claimed by Justice Alexander. And, (4) for falsely claiming "[T]he Defendants agreed to sign a Consent Agreement". This is false, Plaintiffs never agreed to sign a Consent Agreement or pay a fine.

550. Plaintiffs disagree with Attorneys Richard Currier and Jon Plourde that *MRE 408* applies to the determination made by (*Daigle, J.*) at the Judicial settlement conference as claimed in the June 11, 2014 "Brief of Appellee," because, being told that their claim was not valid/in error, or meritless by Judge Daigle, is not, pursuant to *MRE 408,* an offer of "[S]ettlement Discussions furnishing, promising, or offering "a valuable consideration." Willfully applying *MRE 408* to prevent the Courts from knowing the truth, that Judge Daigle made clear to Richard Currier, §15(A)(5) (Count I) did not apply to Recreational Vehicles, is an intentional misuse of the *MRE* 408 intended to willfully falsify the record and facts presented to the Maine Judicial Supreme Court (fraud on the court) with clear knowledge by the Town that Count I was meritless.

551. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the CEO, and the Town, all understood and acknowledged that Count I was without probable cause according to Justice

Daigle, can only be seen as applying *MRE 408* to justify the intentional misleading of the courts in order to continue filing Count I against Plaintiff. Plaintiffs believe that Attorneys Richard Currier and Jon Plourde should have been sanctioned by Justice Hunter pursuant to Rule 11. M.R.Civ. P. for intentionally misusing MRE 408 to deceive the courts from knowing the truth.

552. The Court (Justice Hunter) granted the Town of Madawaska's Motion to Amend Complaint on January 24, 2013.

553. Included in Attorneys Currier and Plourde's brief in support of the right to file an amendment, Currier claimed, "[A]s *M.R. Civ. P. 80K (2)* provides "motions for appropriate amendments of the Land Use Citation and Complaint shall be freely granted." Plaintiffs assert that once an 80K (District Court) complaint is removed to Superior Court, as this case was, it no longer remained an 80K violation. Once Plaintiffs removed the case to Superior Court for a Jury trial, it became an 80B code violation.

554. On February 5, 2013, (895) (*emphasis added)* days since service of the Town's Complaint, Plaintiffs received the order granting the Town's amended complaint and were stunned that any court would allow the town to amend the complaint with a different violation claim without providing Plaintiffs the equal protection and due process as outlined in §16 (I)(2)(a) under Enforcement.

555. Count I claimed Plaintiffs were converting an RV trailer into a Residential Dwelling exactly as it was originally filed. Plaintiffs believed Count II was another new willful fraud on the court by Attorney Richard Currier and Jon Plourde, that there were now **[several]** travel trailer-camper units on a single lot, including a mobile home, and that Plaintiffs had now created a new campground. It was at this point approximately 910 days after the first notice of violation filing by the CEO that Plaintiffs understood that the Town, with the Court's deferential protection of municipalities, could, and would continue filing these meritless lawsuits against Plaintiffs Richard and Ann Cayer until Plaintiffs pay the extortion demand for $500 and sign the Consent Agreement admitting to something they did not do forever barring Plaintiffs from allowing tenants to arrive at the camp lot with an RV even though everybody else was allowed. This fraudulent act by the town was clearly seen by Plaintiffs as an abuse of process.

556. Plaintiffs believe these willful acts by the town are an Abuse of Process intended to (1) extort money from Plaintiffs, and (2) requiring Plaintiffs sign a confession to an act they did not commit, (3) for an act that never existed. Attorney Currier's September 9, 2010 letter warning that "[F]ailure to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings."

557. Because there had been no trailer to remove for more than two and a half years, the Maine Rules of Civil Procedure [M.R.Civ.P.] 12B(6) "Failure to state a claim" would or should have applied, or at least that sanctions under Rule 11 of the M.R.Civ.P. should be imposed on the town and it's Attorneys for willful fraud on the Superior Court, and the Maine Supreme Court, claiming inter alia, that Plaintiffs Richard and Ann Cayer placed **[several**] RV trailers on this

[**mobile home]**camp lot and had a **Hearing**. Plaintiffs Richard and Ann Cayer did not place any RV/trailer on any lot, and was not aware that any RV/trailer had been placed on their rented lot. Simply put, there was no violation, and even if there was a violation, Plaintiffs Richard and Ann Cayer were not the violators. They are simply the landowners who corrected the alleged violation.

558. The Town of Madawaska willfully failed to provide Plaintiffs a new written notice of the alleged, new violation, in accordance with the applicable provisions pursuant to §16(H)(2) of the Shoreland Zoning Ordinance relating to enforcement actions in effect at that time, and the relief sought did not exist (remove 2 travel trailers) except for the $500 fine and signing the Consent Agreement which Plaintiffs believe was a willful act of abuse of process.

559. Because the Town was successful in punishing Plaintiffs with all the delays, and filing of newer, and meritless lawsuits "based on" Plaintiffs exercised their Constitutional rights to public participation in local government, Plaintiffs asked their Attorney to file a Special Motion to Dismiss.

560. Because Plaintiffs Attorney, Mr. Rossignol, was not familiar with the relatively new (1995) Special Motion to Dismiss, anti-SLAPP statute, more time and money was expended for researching the Special Motion to Dismiss.

561. On or about March 25, 2013, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556.

562. On 4-16-2013, Town Attorney Currier filed for enlargement of time.

563. On 4-24-2013, Justice Hunter granted motion for enlargement of time to Attorney Currier. The Special Motion to dismiss language is intended to quickly dismiss meritless lawsuits against the moving party. The Maine anti-Slapp Law clearly states, "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require." In Plaintiffs case the courts did the opposite and delayed justice.

564. On August 29, 2013, Town Attorney Currier wrote to Town Manager Christina Therrien telling her, "[J]ustice Cuddy of the Superior Court held a conference today on Mr. Cayer's Special Motion to Dismiss the Amended Complaint under the anti-SLAPP statute. In the course of our discussion, we advised that a recent Supreme Court Decision in the *Bradbury v. Town of Eastport* might have some bearing on the outcome, Justice Cuddy requested that we submit a Supplemental Brief by September 4th and advised Mr. Cayer to respond by September 9th. He will take the matter under advisement and issue a decision based on the Motions, Briefs and Opposition filed by the parties. A copy of the Supplemental Brief will be sent to you in the next few days."

565. Title 14 §556 Special Motion to Dismiss clearly states "[A]ll discovery proceedings are stayed upon filing of the special motion under this section, **except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be**

conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the special motion."

566. None of this was done, which prejudiced Plaintiffs Richard and Ann Cayer's filing of the anti-SLAPP statute in violation of Plaintiffs Constitutional Right to file and defend themselves pursuant to Title14 §556 Special Motion to Dismiss.

567. In this instant case, Justice Cuddy specifically instructed Town Attorneys Currier and Plourde, to supply the court with a supplemental brief (discovery) with information that Justice Cuddy could and did use to defeat Plaintiffs right to file the anti-SLAPP motion, contrary to the plain language of the Maine statute Title 14 §556 Special Motion to Dismiss.

568. Plaintiffs question the legality, and court rules of such court instructions to defendants to provide the court with specific evidence that could be used to defeat a Special Motion to dismiss.

569. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) on page 7, where they willfully made fraud on the court statements to the Maine Supreme Judicial Court claiming there were now "**[s]everal** (*emphasis added*) travel trailer-camper units on their lot **with a mobile home** which constituted a violation of section 15(D)(1)." Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) knew or should have known that nowhere in any related discussions or documents that a claim had been made that there were now, or ever had been, "**[s]everal** travel trailer-camper units on Plaintiffs lot including a mobile home. These false claims by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) to the Maine Supreme Court were intended to justify the false Count II allegation that Plaintiffs had created a new campground because two or more trailers were necessary to meet the campground provision §15(D)(1). The definition of "several" is ..." More than two."

570. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) also willfully fabricated these false claims on page 13 and elsewhere to the Courts when they claimed, "[T]he amendment directly relates to Richard and Ann Cayer's placement of two travel trailers on their lot on June 3, 2010." Plaintiffs assert that they never placed, requested, or ordered placement of any RV on their camp lot.

571. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245), and Jon Plourde Esq. (#4772), p.(2) where they willfully made false statements to the Maine Supreme Judicial Court claiming many times, that the "Plaintiffs had placed 2 trailers on their lot", and held a "Hearing". They also claimed fraud on the court statements that Plaintiffs received a "notice of public hearing"; and "[O]n June 29, 2010, the Town's Board of Selectpersons proceeded with the "hearing" as to the violation. These are all false claims under oath made by Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) to the Maine Supreme Court to which the Maine Supreme Court repeated in their CASE HISTORY.

572. The false statements repeated by the Maine Supreme Court include;

(5) "[t]o a lot where one mobile home was already located." There never was a mobile home on this camp lot.

(6) There never was a June 29, 2010 "Hearing" held with Plaintiffs.

(7) Attorney Jon Plourde and The Maine Supreme Judicial Court repeated that the Plaintiffs could appeal the enforcement action -[of the June 29, 2010 meeting]-. This is false. The Madawaska SZO clearly states, on p.35 §16 H Appeals (1)(a) Administrative Appeals, "[A]ny order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals," and in the alternative, M.R.Civ. P. 80K (e) (2) No Joinder. "[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, **nor shall an alleged violator file a counterclaim or cross-claim."** (*at this time, it was an 80K enforcement action.)*

(8) The Court also repeated these false statements made by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) and ignored important facts produced by Plaintiffs such as;

(a) In Note [3] page 2 of Justice Alexander's CASE HISTORY he repeats many incorrect facts such as, "[W]here one mobile home was already located. This is not so. There has never been a mobile home on that lot.

(b) "[A]s the Cayer's had not submitted an application to the Town to allow additional trailers." ... Justice Alexander failed to believe Plaintiffs defense, that no permits had ever been issued for Recreational Vehicles because Recreational Vehicles are licensed and on wheels and have always been allowed on house and camp lots in Madawaska without permits.

(c) Justice Alexander goes on in page 3, "[A]fter a June 29 hearing before the Town Board of Selectmen, during which the Board members heard testimony from the Cayer's....First, there was no "Hearing". Second, there was no testimony. For Justice Alexander to believe the Town Attorney's Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) claims to the Maine Supreme Court over documented material facts Plaintiffs provided in their brief, leads Plaintiffs to believe the Court grants municipalities, as in this case, the Town of Madawaska, too much deference. According to Maine Statute 30-A §2002. Municipality as body corporate; The residents of a municipality are a body corporate which may sue and be sued, appoint Attorneys and adopt a seal. It is unimaginable that the courts ignored the plain, simple fact, that the Plaintiffs Richard and Ann Cayer were not the violators, and that there was no violation.

(d) Justice Alexander goes on in page 3, "[T]he Cayer's did not appeal the Board's June 2010 decision to the Superior Court pursuant to M.R.Civ. P. 80B." The plain fact is that after the June 29, 2010 Board of Selectmen's meeting Plaintiffs Richard and Ann Cayer followed up with 2 letters dated August 4, and August 18, 2010, trying to set up a Hearing to discuss the alleged violation; however, the Board willfully did not

respond to Plaintiffs letters. Furthermore, Justice Alexander is familiar with M.R.Civ. P. 80K (e) (2) No Joinder. "*[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, nor shall an alleged violator file a counterclaim or cross-claim."*

(e) On page (4) Justice Alexander goes on by stating "[T]he amended complaint alleged an additional violation of section §15(D)(1) of the ordinance, "[b]ut alleged no additional facts." Justice Alexander should have been aware that the amended Count II complaint did not reflect in any manor the violation of Count I which was a claim by the town that the Plaintiffs were creating a Residential Dwelling Unit, which is what the Town was allowed to amend. Rather, the town willfully filed a new violation claiming the Plaintiffs were now creating a new campground. The Superior Court did not provide Plaintiffs' their Due Process rights for a new notice of violation. The CEO also violated Plaintiffs rights because he did not apply the mandatory provisions of §16 I(2)(a) for count II.

(f) Count II claimed that Plaintiffs were creating a new campground two and a half years (910 days) (emphasis added) after Plaintiffs removed both RV's from their properties. Plaintiffs fail to understand how the Town can file a new and completely different code violation 910 days after the original complaint, "[b]ut alleged no additional facts." Plaintiffs believe this to be a violation of their Constitutionally protected procedural due process rights for a "Hearing" and to a proper notice of violation pursuant to §16 I(2)(a).

(g) Justice Alexander goes on; Note; [7] "[A]lthough the Cayer's filed the special motion to dismiss 131 days after the Town filed its motion to amend, they did not request leave from the court to file the motion beyond the anti-SLAPP statute's sixty-day time limitations."

(h) The Court failed to apply the common Law, and court rule that the Maine Supreme Judicial Court adopted and applied "the challenged pleading," as in this instant case which was Count II. For the Plaintiffs Count II was the trigger, the final straw, the instant that Plaintiffs decided to apply the Special Motion to Dismiss. The Law is unambiguous and clear. "[W]hen the moving party asserts (emphasis added) ...." is when a special motion to dismiss is filed. Not before! Filing any meritless lawsuit, including a Special Motion to Dismiss that Plaintiffs believe is not ripe for adjudication is subject to court sanctions. It is also absurd to claim that the anti-SLAPP must be filed at the onset of a complaint, as claimed by justice Cuddy. The anti-SLAPP should only be filed "[W]hen the moving party asserts that the civil claims.... are based on the moving party's exercise of the moving party's right of petition under the Constitution of the United States...the moving party may bring a Special Motion to Dismiss. "

(i) On page 3 of the Law Court decision/ CASE HISTORY the court states, "[A]s of August 2010, the Cayer's had not paid the assessed civil penalty or signed a Consent Agreement." Because Plaintiffs voluntarily corrected the alleged violation by removing the RV from their properties before being instructed to, Plaintiffs assert

the Town abused the [legal] process by willfully bringing a meritless lawsuit and demanding Plaintiffs sign a fraudulent Consent Agreement, admitting to something the Town clearly understood to be false, and pay a $500 penalty. Plaintiffs told the town this was extortion.

(j) Note; [10] of the Law Court decision points out how Maine's Special Motion to Dismiss is different from any other anti-SLAPP law because "[T]he statute broadly defines "a party's exercise of its right of petition to include any written or oral statement made before or submitted to a legislative,....or any other governmental .....," and yet did not even give the Plaintiffs Richard and Ann Cayer the benefit of the doubt and make an effort to understand the facts of the case, when it wrote, Note: (11). "[T]he Cayer's contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions seeking to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or Local government seeking to enforce law. Nothing in the anti-SLAPP statute or its history expresses or even implies that it would protect the Cayer's from the Town's efforts to enforce an ordinance limiting the number of trailers that they are permitted to maintain on their land." Plaintiffs respectfully respond to these incorrect claims by the court by saying, "[n]nothing could be further from the truth."

573. In 2010, Plaintiffs Richard and Ann Cayer owned the only campground in the town of Madawaska. An ordinance prohibiting RV's, trailers, or any camping facility on any house or camp lot would have increased tremendously the demand, and price for a site, campground income, and business value of the Cayer campground.

574. Although it would have been in the Plaintiffs favor to prevent RV's from being on house and camp lots, Plaintiffs never once asked for this to be enforced (except for the Rouleau DEP violation SZO §15E.), because it was not illegal. Plaintiffs did not believe it would have been fair to prevent anyone wishing to park and use a RV/trailer on anyone's house or camp lot. Note: Because Rouleau was the one complaining most of the time, and because Rouleau's lot had been illegally subdivided, and because Rouleau placed structures in violation of Maine SZO, and because Rouleau built an illegal cesspool on the lot, and because Rouleau's illegally subdivided lot had an Individual Private Campsite in violation of Maine's SZO, pursuant to §15. E. Plaintiff Richard Cayer pointed out to the CEO and the Board of Selectmen that the person complaining about an RV on Plaintiffs camp lot, Rouleau himself had up to 5 RV's on his property. It is important to note that in 2012 while the town was bringing an enforcement action against Rouleau for the illegally placed structures on the same Rouleau lot, the Town ignored the cesspool violation and the fact that there still was an RV camper trailer on the same lot 2 years after the town brought an enforcement action against the Plaintiffs Richard and Ann Cayer. The camper trailer was still being used on the illegally subdivided lot, on an illegal *Individual Private Campsite* pursuant to §15 E of the Town SZO. The CEO ignored those violations at the Rouleau lot while Plaintiffs were in court for the instant RV case. (emphasis added)

575. It was for this reason when Plaintiff Richard Cayer complained about all the campers and tents on the illegally subdivided Rouleau lot that Selectman Lloyd Tardiff told Richard Cayer at a

Madawaska Selectmen meeting, **"[B]ick Cayer you are not going to prevent the town from allowing RV's and trailers on house and camp lots in Madawaska."** And, at another Selectmen meeting, Selectman Bob Williams told Plaintiff Richard Cayer when he complained about another RV trailer on the Rouleau lot **"[I]t is legal to have the RV/trailer on the lot as long as the owner approves and it is licensed."**

576. Attorney R. Currier was allowed to amend Count I; an alleged §15 A (5) for a change of use to a residential dwelling unit, that Judge Daigle made clear did not apply because, "[R]ecreational vehicles are not residential dwelling units." Based on Plaintiffs understanding of the Madawaska SZO, Plaintiffs did not believe that the courts would allow the Town to file a new violation without the proper notice of violation and a corrective action as provided pursuant to 16(H)(2) of the Shoreland Zoning Ordinance. Plaintiffs were shocked on January 24, 2013 that any court in the United States of America would allow such a miscarriage of Justice. For this reason, the Plaintiffs never took the notice to file as proposed by the Town on November 14, 2012 seriously because they did not believe any court would ever allow another meritless code violation without the proper notices pursuant to the SZO 16 (I) Enforcement. There was never any doubt, and it was very clear in both Plaintiffs minds, that for many years the Town was discriminating and punishing the Cayer's because Plaintiffs were filing lawsuits against them.

577. It was only after this second meritless lawsuit was filed by the Town that Plaintiffs were convinced that this action by the Town was only intended to punish the Plaintiffs by filing meritless lawsuits, and they would continue unless Plaintiffs could stop them, the only way they knew how, which was with the courts. Therefore, at that time, and for reasons clearly outlined in the Maine Legislation pursuant to M.R.S.A Title 14: §556 Special Motion to Dismiss, Plaintiffs decided to file the Special Motion to Dismiss against the town because this was the instant, "[W]hen a moving party asserts that the civil claims, counterclaim or cross claims against the moving party are based on the moving party's exercise of the moving party's right of petition...."

578. Based on all previous Title14: §556 Special Motion to Dismiss decisions by the Maine Supreme Court, Plaintiffs understand the Courts great disdain for the anti-SLAPP law and would never file such a claim again unless the Maine Legislature amends the statute and, or, subjects the Special Motion to Dismiss to the M.R.Civ. P similar to California's anti-SLAPP laws.

579. Plaintiffs disagree with the courts' past decisions abrogating the Special Motion to Dismiss into common Law, contrary to its intent Inter alia, especially the use of Bradbury v. City of Eastport for establishing case Law to determine when or whether a Special Motion to Dismiss is timely or not. In Bradbury, the court (J Silver) has decided "[A]lthough the statute uses the word "complaint," we interpret the sixty-day period as running from the date of service of the challenged pleading, as the statute expressly permits special motions to dismiss "civil claims, counterclaim or cross claims," which may or may not themselves be served within the sixty days of the complaint."

580. In Justice Cuddy's Discussion he claims, "[I]n Count 2, no additional facts are alleged but it is alleged that these underlying facts also constitute a violation of Section §15. D.1 of the Shoreland Zoning Ordinance."

581. Justice Cuddy also claims “[T]he claims or defense asserted in the amended pleading arose out of the conduct, transaction or occurrence set forth or attempted to be set forth in the original pleading.” The first Count I complaint by the town claimed Plaintiffs were creating a new Residential Dwelling until Judge Daigle said it did not apply to §15(A)(5). §15(D)(1) Count II claimed that Plaintiffs were creating a new campground even though there had not been a RV on said lot for over 971days because Plaintiffs Richard and Ann Cayer had the parties responsible for placing those RV's on Plaintiffs land remove them and did not allow any more RV's on said lot.

582. Justice Cuddy also claims “[w]e interpret the sixty-day period as running from the date of service to the challenged pleading...” The challenged pleading in this case is Count II. The new Count II code violation “challenged pleading” was entered in the docket on February 1, 2013 and the Cayer's filed the anti-SLAPP on March 25, 2013.

583. Notwithstanding this fact, the Maine Supreme Court ignored the timeliness of the filing of the anti-SLAPP which was on appeal, and arbitrarily and capriciously ruled, “[B]ecause we conclude that this was not an appropriate circumstance for application of the anti-SLAPP statute, we affirm the judgment for reasons different from those stated by the trial court.”

584. The simple facts of this case cry out for a Special Motion to Dismiss because: Fact (1). The Cayer’s are not the alleged violators, they are the landowners. Fact (2). There never was a violation and the Town, the Town's Attorneys, and the CEO knew it, and were successful in convincing the court by willfully repeating fraudulent material facts such as; Several, Hearing, Notice of Hearing, agreed to sign Consent Agreement, agreed to remove 2 trailers, etc.etc., to the point the Maine Supreme Court failed to understand, or investigate court documents, material facts, and finally simply claimed “[T]his is not such a case.”

585. Plaintiffs believe the Bradbury rule by the Maine Judicial Supreme Court for determining when a Special Motion to Dismiss should be filed is in derogation to the statute. “[W]hen a reasonable interpretation of a statute would satisfy constitutional requirements, we apply that interpretation. *Francis S. Driscoll JR. et.al. v. Ernest w. Mains JR. Et al. See Town of Baldwin v. Carter, 2002* ME 52, 9, 794 A.2d 62, 66-67.

586. On June 11, 2014, Attorney Richard Currier filed the Brief of Appellee in relation to ARO-14-51. In this brief on page 19, Jon Plourde states, “[I]n this matter, the Superior Court never addressed the merits or lack of merits of Appellants Special Motion to Dismiss. (*A. Tab 3)*.

587. The Special Motion to dismiss is clear, “[T]he court shall grant the special motion, unless the party against whom the special motion is made shows that the moving party's exercise of its right of petition was devoid .....in making its determination, the court shall consider the pleading and supporting and opposing affidavits stating the facts upon which the liability or defense is based.”

588. Plaintiffs claim the Superior Court (J. Cuddy) decision without addressing the merits or lack of merits of Appellants Special Motion to Dismiss, violated Plaintiffs rights that led to a costly Supreme Court appeal where once again the court failed to apply the statute as intended.

589. Title 14: §556 the Special Motion to Dismiss is clear, “[T]he Special Motion to Dismiss may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms the court determines proper.” The simple and clear language of the statute allows “[i]n the court's discretion, at any later time upon terms the court determines proper” can only be achieved after the court understands the “merits” of the case. Attorney Plourde made clear this was not done.

590. The Special Motion to Dismiss is clear, the determination of when, or if, the Special Motion to Dismiss should be filed is a decision that must only be made by the moving party, and only “[W]hen a moving party asserts....” The courts should not be allowed to make that determination, as claimed by Justice Cuddy in his cv-12-155 decision claiming, “[I]t is noted that the Special Motion to Dismiss is intended to be filed at the commencement of the action to minimize expense in terms of litigation cost.”

591. Plaintiffs believe that unless the courts can assure every moving party they will not sanction a moving party for any filing of the anti-SLAPP statute, the courts should apply the statute as intended. The 60-day period for filing is not mandatory, it simply allows when the anti-SLAPP “may” be filed. The determination when or if it should be filed must be “[W]hen a moving party asserts that...the moving party *may* (emphasis added) bring a Special Motion to Dismiss.” Or, “[i]n the court's discretion, at any later time upon terms the court determines proper.” In order for this level of judgement to be made fairly, the court must apply facts, and issues of the motion which was not done in Plaintiffs Richard and Ann Cayer's case because the Plaintiffs would not be the violator even (*IF)* there had actually been a violation.

592. Because of this perceived error by the Supreme Court, Plaintiffs Richard and Ann Cayer continued to be punished by the Town, causing them to endure many more (8) years of much undeserved financial loss, and irreparable pain and suffering inflicted on them willfully by the Town of Madawaska and its employees.

593. Superior Court (*Cuddy, J.*) also requested that the Town Attorneys file supplemental briefs contrary to the State statute, adding more delays and costs to Plaintiffs contrary to the statute’s intent.

594. Furthermore, Plaintiffs believe this request to the Town attorneys by J. Cuddy to supply him with a supplemental brief on the Bradbury Law Court decision to be used as the deciding factor was a violation of court rules, Law, and Plaintiffs rights.

595. The Special Motion to Dismiss is unambiguous, “[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the Special Motion. [1995, c. 413, §1 (NEW).] (3) Cuddy allowed supplemental briefs.”

596. Ultimately, the Superior Court (*Cuddy, J.*) denied Plaintiffs Special Motion to Dismiss based on Bradbury.

597. J. Cuddy goes on “[L]ikewise the procedure provided in Rule 80K is designed for expeditious resolution of a land use violation.” “[C]learly, for a variety of reasons, the policy goals of the legislation and civil rules were not accomplished.”

598. Apparently, J. Cuddy failed to understand once a claim is removed from District Court it is no longer an 80K violation.

599. It took Justice Cuddy Ten (10) months to adjudicate this case, partly because of the supplemental briefs and “[T]he Court's traveling schedule cause it to be delayed in getting to this matter.” Maine and California's anti-SLAPP statutes of both States have similar language, except for the “Governmental actions.” “[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require.” Adjudication of anti-SLAPP cases in California takes a few weeks. (It must be on the docket within 30 days). In the State of Maine, the time for an anti-SLAPP to be adjudicated is approximately 10 months.

600. The Law Court ignored the crucial facts, (1) that the Cayer's were not the person responsible for the meritless lawsuit, (2) there were no violations, and (3) Plaintiffs removed both RV's before even asked by the Town. Therefore, according to §16.I(3) *Legal Actions*: Legal actions for fines and Consent Agreements are not allowed and are only legal “[W]hen the above action does not result in the correction or abatement of the violation or nuisance condition.....”

601. Plaintiffs claim, the willful failure by the Town, it's CEO, and Attorney Richard Currier Esq. to provide Plaintiffs with all the procedural Due Process protections of all the steps required in Madawaska SZO §16. I. Enforcement, violated Plaintiffs Richard and Ann Cayer's equal protection and due process rights pursuant to 42 §§ 1983 and 1988.

602. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Judicial Supreme Court, against Plaintiffs by fraud on the court about material facts such as, inter alia, the *M.R.E 408* claim that Plaintiffs could not repeat Judge Daigle’s decision of August 9, 2012 because it was a settlement offer.

603. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) also willfully and with fraud on the court, claimed that permits were required for RV's and trailers, that Plaintiffs had Hearings, Notice of Hearings, and that the Cayer’s placed several trailers on their lot and the lot had a mobile home, and Plaintiffs had to “[r]emoval of 2 trailers”, these were violations of §15(A)(5), and §15(D)(1).

604. Based on this information, the Maine Supreme Court incorrectly concluded, “[T]he Cayers contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or local government seeking to enforce the law.”

605. Plaintiffs Richard and Ann Cayer were successful in five (5) out of five (5) appeals before the Maine Superior Court against the Town for code related issues from 2003 to 2008.

606. Plaintiffs have on many occasions told the Selectpersons, and CEO that Plaintiffs Richard and Ann Cayer have no problem respecting the Town's codes. All Plaintiffs want is for the code to be applied evenly, fairly, and consistently.

607. Circa 2006, Plaintiff Richard Cayer wrote a letter for DEP Richard Baker requesting that he come to Madawaska to educate the members of all Boards including the Selectpersons, Planning Board, and Board of Appeals, about the law and how to apply it consistently.

608. Based on the willful fraud on the court material facts provided by the Town, it's CEO, and Attorneys Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the Maine Judicial Supreme Court concluded "[T]his is not such a case." "[B]ased upon the plain language of the statute and its limited scope of application, we conclude that the anti-SLAPP statute cannot, in *ordinary circumstances* (emphasis added) such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law."

609. At the onset of the decision by Justice Alexander, he asserts "[T]his is not such a case." Based upon the plain language of the statute and its limited scope of application..." Plaintiffs believe, Maine's Special Motion to Dismiss statute is known to have the most liberal language in all of the United States of America allowing the anti-SLAPP statute to be filed against *any governmental proceeding*; (emphasis added) including written or oral statement .....by a legislative, executive or judicial body, or any other governmental proceeding; ...or any other statement falling within constitutional protection of the right to petition government." Furthermore, Justice Alexander included note 8 in his decision which stated, "[T]he enacting bill's brief statement of fact does indicate, however, that the Legislature intended for a Special Motion to Dismiss to apply to those claims or counterclaims filed for retributory or otherwise frivolous reasons. This bill allows a person exercising the first amendment right to bring an action and if a counterclaim is filed against that person for apparently dilatory expense incurring reasons or other frivolous reasons for seeking redress and accord, then that person has a right to a Motion to Dismiss and have that motion advanced so that the motion can be heard as soon as possible and if the Motion to Dismiss is granted, to have the case dismissed as soon as possible."

610. The Plaintiffs filed the Special Motion to Dismiss on March 25, 2013 and the Supreme Judicial Court decision was filed on November 4, 2014, one year and eight months, or almost 20 months and tens of thousands of dollars later. For this reason, inter alia, Plaintiffs believe the courts failed to protect the Plaintiffs Richard and Ann Cayer Constitutional Rights, or fulfill the legislative intent of the Special Motion to Dismiss statute.

611. The Maine Judicial Supreme Court believed and accepted the willful fraud on the court claims by the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) when they asserted, "[w]e conclude that the anti-SLAPP statute cannot, in ordinary circumstances such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law."

612. The Maine Judicial Supreme Court believed that Count I and Count II were “[o]rdinary circumstances” and (1) did not believe Plaintiffs Richard and Ann Cayer were simply the landowners who corrected the false claim by the town, and were not the violators. And, (2) that there were no violations. Two very simple facts to understand.

613. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court, against Plaintiffs anti-SLAPP, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the Superior Court's September 15, 2015 trial term.

614. At the September 2015 trial term for the RV violation, the Town immediately sought to dismiss the RV actions pursuant to M.R.Civ.P. 41. Because Plaintiffs had filed a written response denying the Land Use Citation and Complaint the Town could not do so. Plaintiffs refused to allow the town to simply “Dismiss” this meritless lawsuit against them. The Town then offered to dismiss both actions unilaterally, the RV, and the building violation, but could not do so because Plaintiffs believed the building violation was also meritless, and filed willfully and fraudulently to pressure Plaintiff's into dismissing the secession case. This was the same code violation that Town Manager Christina Therrien, Chairman Vince Frallicciardi, and Selectman David Morin had CEO Ouellet initiate an inspection on 43 hours (emphasis added) after Plaintiff R. Cayer filed their petition to secede on May 28, 2013. This was the same day the Chairman of the Board Don Chasse resigned, and was replaced by Vince Frallicciardi as Chairperson. Moreover, this is the same code violation that Chairman Vince Frallicciardi and Selectman David Morin told Plaintiffs they would help them with if Plaintiffs agreed to dismissed the secession petition. Plaintiffs again refused, and demanded their right to a jury trial allowing the truth to come out. The Town then attempted to dismiss both cases with prejudice, and again plaintiffs refused to allow the town to dismiss any case, even with prejudice because they wanted the facts of what the town and Currier had to them to come out in public.

615. After the Town prevailed in a decision by Justice Hunter against a Special Motion to Dismiss in Superior Court, the Town was now offering to Dismiss with Prejudice the very same building code violation Justice Hunter had just decided in the Town's favor against a Special Motion to Dismiss.

616. Following the Plaintiffs refusal to Dismiss with Prejudice both code violations, defendant's Attorney Richard Currier Esq. requested to delay the trial based on the claim that the CEO Ouellet had been fired, and the Town Manager Christina Therrien had resigned as Town Manager, and that they may be hostel witnesses.

617. Plaintiffs disagreed with Justice Hunters decision to grant delay of the jury trial because the CEO had been fired and the Town manager had quit.

618. Plaintiffs believe that Justice Hunter should have questioned Attorney Currier's credibility and honesty especially after Justice Hunter had just denied Plaintiffs their Special Motion to Dismiss for the very same building violation on March 10, 2015 in favor of Currier/Plourde and

the Town. Currier and Plourde's reasons why Plaintiffs should not be allowed to succeed with a Special Motion to Dismiss was based on this statement. “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance.”

619. Seven months after the Town successfully convinced the court, (Justice Hunter), that the Plaintiffs should not be allowed to prevail with the filing of a Special Motion to Dismiss the alleged building violation, the Town attorney was now determined to Dismiss with Prejudice the very same anti-SLAPP case providing dispositive evidence that their claims were willful fraud on the court statements simply to deny Plaintiff's filings.

620. Based on the fact that this case had been filed more than 5 years prior (emphasis added) and now key players were leaving the town employment, and Boards were changing, more delays would clearly compound this problem against Plaintiffs. It is for this reason, Plaintiffs believed they were denied justice because of Justice Hunters decisions. Plaintiffs assert that because Justice was delayed, Justice was denied.”

621. When the matter came on for jury trial a second time during the September 2016 trial term, the Town sought to dismiss the two code violations unilaterally once again, but could not do so pursuant to M.R.Civ.P. 41 because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had willfully done to them, come out in public.

622. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a Dismissal with Prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing retaliation from the court, Plaintiffs reluctantly accepted the Town's Dismissal of the action with Prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 6, 2016.

623. It is important to note that at this court proceeding before Justice Stewart, the Town had Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits in two (2) previous Superior Courts decided by Justice Cuddy and Justice Hunter and one Supreme Judicial Court decision.

624. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance.”

625. Because of this Maine Supreme Judicial Court RV decision against Plaintiffs Richard and Ann Cayer's' Special Motion to dismiss, the Cayer's reputation will forever be unjustly damaged because the Law Court has established, and has already applied in Law Court decisions, that the Cayer anti-SLAPP case was "[N]ot such a case," when in reality it was exactly, "such a case."

626. The Town's Dismissal of the action with Prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the Dismissal of the action with Prejudice.

627. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town is allowed to deny RV's onto Plaintiffs camp lot without a permit and are denied the right to allow 2 RV's onto their lot. All other citizens are allowed to place one (1) or more than two (2) on their lots without permits. This discrimination against Plaintiffs continues today.

628. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

LOT 468 BUILDING VIOLATIONS GENERAL ALLEGATIONS

629. On May 21, 2008, Plaintiffs applied for a land use building permit requesting to remove a portion of a camp on lot 468 and expand according to the Town Shoreland Zoning Ordinance (SZO) 12C(1) Expansions.

630. On June 4, 2008, Plaintiffs received a letter from the town advising them that the plumbing inspector Don Deschaine would meet with them to determine if the same septic system could be used for the new expansion.

631. On June 6, 2008, the plumbing inspector informed Plaintiffs that the septic system was functioning properly and that Plaintiffs could go forward with the new construction.

632. On July 21, 2008, the CEO Bob Ouellet informed the Plaintiffs they would have to meet with the Planning Board to determine the greatest practical extent from the high-water mark.

633. Because the CEO determined that Planning Board approval was necessary since more than 50% of the market value of the camp was being removed and the new expansion required a foundation §12 C(1)(b) applied, and the Planning Board had to apply §12 C(2) of the Madawaska SZO to determine the greatest practical extent from the HWM. Based on the CEO's reason for Planning Board review, Plaintiffs decided to amend the permit application to remove all the camp as suggested by the CEO Ouellette July 14, 2008.

634. On July 29, 2008, the CEO sent Plaintiffs a letter claiming that a meeting with the Board of Appeals was also necessary because Plaintiffs permit was requesting to in-fill, or increase in non-conformance. It is an undisputable fact that CEO Ouellet had always allowed the side yard setback “increase in nonconformance” of a structure, or aka, in-filling and the SZO had not changed since 2004. This increase of nonconformance was always allowed and was never subject to a Board of appeals variance. Specific language amending the SZO to prevent in-filling was willfully and fraudulently added in 2009 by the Town Manager Christina Therrien and CEO Ouellet without anyone's knowledge.

635. It is important to note that the first time the CEO fraudulently required a variance for in-filling was in 2007 during Plaintiffs Superior Court appeal of the BOA decision. Moreover, at both, the 2006 Planning Board meetings, and the BOA meeting, the CEO made very clear that Plaintiffs were allowed to in-fill because this had always been allowed. Because Plaintiffs won their appeal in Superior Court against the town, the CEO changed that policy and denied Plaintiffs the very same right the CEO told both Boards, that the Cayer’s can in-fill because '[I]n-filling has always been allowed. Plaintiffs view this differential treatment as willful discrimination.

636. On August 7, 2008, CEO Ouellet sent Plaintiffs a letter informing them that Plaintiffs had amended the application not to include in-filling, or aka increase in nonconformance, and BOA variance was not necessary. Second, that the Planning Board will determine the greatest practical extent from the High-Water Line. (HWL). Third, “[E]nclosed you will find a copy of the Maine Subsurface Wastewater Disposal Rules concerning replacement structures for your review. This section would apply to the required septic disposal system for any replacement structure.” Although the CEO included this information in his letter, he never mentioned it at

the August 7, 2008 Planning Board hearing, but did use it in October 6, 2008 as a reason why he did not issue the permit.

637. It was only in 2009, two years after the Town willfully and fraudulently refused to allow in-filling for Plaintiffs camp, that the Town Manager Christina Therrien and CEO Ouellet were successful in fraudulently amending the SZO denying in-filling or increase in non-conformance.

638. The illegal in-filling amendment of 2009 was once again overturned in 2016, after Plaintiff Richard Cayer made the Madawaska Planning Board aware that it had been secretly amended to prevent in-filling in 2009.

639. At the August 25, 2008, Planning Board hearing CEO Ouellet asked “are you removing the whole building?” Plaintiff Richard Cayer replied, “yes, that is what we are doing.”

640. At the August 25, 2008 Planning Board meeting, a motion by Ron Dalgo “[t]o accept the land use application for a replacement location for a seasonal dwelling at the greatest practical extent from the normal high-water line for Richard and Ann Cayer.” second by Gary Dufour. All in favor, Motion carried.

641. Because the Madawaska Planning Board does not issue permits, Plaintiffs had to wait for the CEO to issue the permit as approved by the Planning Board.

642. On October 6, 2008, the CEO willfully and fraudulently sent Plaintiffs a letter outlining 5 highlighted requirements that needed to be addressed before a permit could be issued. The letter read, “[F]inally, I am returning the application for you to complete the highlighted portion. Once I receive the completed application, I will be able to determine the permit fee and discuss the internal plumbing permit with you.” Among these issues were questions on the septic system.

643. Although Plaintiffs were not required to include this information because the Plumbing Inspector Don Deschaine had approved the existing system, Plaintiffs supplied the CEO with a new septic plan. Furthermore, whenever a permit application is presented to the Planning Board, these issues that CEO Ouellet was requesting were supposed to have been addressed and the Planning Board decision is final, and the permit issued.

644. On November 6, 2008, CEO Ouellet willfully and fraudulently Informed Plaintiffs that he had received the permit application with the required completed information that he had requested in his October 6, 2008 letter; however, Plaintiffs now had to meet new requirements concerning non-vegetation that had already been addressed by Plaintiff and CEO.

645. Because of health and legal issues (Supreme Court ARO-09-45 contempt of court) and the 2010 (CARSC-CB-12-155) RV violation, Plaintiffs were not able to continue the permitting or building process.

646. On April 10, 2012, Plaintiffs applied for a new building permit for a replacement structure at the same camp lot as approved at the August 25, 2008 Planning Board meeting.

647. On April 17, 2012, Plaintiff sent CEO Ouellet a letter explaining “this is to replace and supplement the previous permit application dated May 21, 2008 Under Comments, Plaintiff added, (unless we have to go to the Planning Board.) The Town has a long history of making Plaintiffs attend Planning Board, Selectmen, and Board of Appeals meetings unnecessarily.

648. On April 23, 2012, CEO Ouellet emailed Stephenie Maclagan of DEP with willful fraudulent statements such as, (1) “[I] would need interpretation of section 12 non-conformance letter D non-conforming Uses #2 the last sentence. Does this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape upkeep to the property in the last 5-6 years, that if the removal of all structures, sic, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think.” Plaintiffs believe this to be an important material fact. The significance is that CEO is making claim that the camp may not be grandfathered because it is in disrepair, no electricity, etc. Most of these statements are fraudulently and willfully false. An example is that for every year we rented the camp and it had electricity.

649. DEP Stephenie MacLagan responded on April 26, 2012. Section 12.D does not apply. Her letter went on to advise Planning Board review and explained how to do it. Plaintiffs believe this is basic code enforcement, permit review by the Planning Board and CEO, and everyday function by the Planning Board to know how to determine the greatest practical extent from the high-water mark.

650. On April 26, 2012, Stephenie Maclagan responded to the CEO's letter correcting CEO Ouellet although he knew better, and Plaintiffs believe he was fishing for a way to prevent Plaintiffs from being allowed to build.

651. On April 26, 2012, CEO Ouellet sent Plaintiffs a certified letter that read, “[y]our applications request a replacement structure, larger than the existing structure, unless it has to be reviewed by the Planning Board.... to make the application easier to understand for myself and/or the Planning Board, please complete 2 different sketches. Once I receive this new application, I will then review it and if required, schedule a Planning Board/Board of Appeals meeting”.

652. On April 30, 2012, Plaintiff filed an amended application complete with drawings.

653. On May 01, 2012, CEO Ouellet received a letter from the Maine Subsurface wastewater unit project manager, James Jacobsen, stating “[A] malfunctioning system cannot be used to serve a replacement structure.”

654. The Town of Madawaska posted the agenda for the Planning Board Public Meeting scheduled to be on Thursday, May 10, 2012. At this public meeting, CEO Ouellet willfully provided the Planning Board fraudulently obtained information from DEP Stephenie Maclagan without informing Plaintiffs of the information.

655. At the Planning Board meeting, Plaintiffs explained the reason why they did not want to meet with the Planning Board was because the Planning Board had already decided the greatest practical extent from the HWM in 2008, and then asked the question, “[W]hy are we even here?”

656. The response from the CEO Ouellet was, “[A]w Bick, you would have been upset if I didn't.” CEO Ouellet said this even after Plaintiffs application said in his April 17, 2012 letter, “Unless we have to go to the Planning Board.”

657. The minutes show Jeff Albert who had resigned from the Planning Board in 2006 moved to table the Cayer request as noted in Article 4 and wait “until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried.

658. It is important to note that Jeff Albert had resigned from the Planning Board in 2006 and was not sworn in as a Planning Board member. Jeff Albert later did become a Planning Board member and Plaintiffs assert that the reason he was there was to prevent Plaintiffs from successfully defending themselves. Jeff Albert only attended Plaintiffs issues and quit again after Plaintiffs were charged by the town.

659. On May 17, 2012, Plaintiffs filed a new application to repair the old camp and on May 17, 2012 CEO Ouellet granted the permit. Plaintiff realized that no portion of the old camp could meet the new State rules under Mubec and pursuant to the town SZO §12 B(2). Because Plaintiff understood that they were under much greater scrutiny then everyone else, they decided to expand the camp pursuant to §12 C (1) of the SZO which would result in replacing most of the old camp that could not meet the town and State building codes.

660. Based on the August 25, 2008 Planning Board meeting where the Planning Board determined the greatest practical extent location of the new replacement camp, (structure) Plaintiffs understood they could expand and or replace the old camp. On May 22, 2012, Plaintiffs filed another permit application for expansions to existing camp to increase floor space and add a second floor with a cathedral ceiling and a loft.

661. On May 29, 2012, CEO Ouellet issued a permit and included the Project Description: “[E]xtention of Existing Camper and Addition by Constructing Steel Framework for a second floor 16' by 20'. Construct 2nd Floor with loft and Cathedral Ceiling. Height of Bldg shall be no higher than 20' within 75' of NHWL from existing ground level in Front. Dye testing of Septic System is required. New Construction shall be no closer than 5 ft. From property line.”

662. It is important to note this is the same permit which CEO Ouellet and Town Attorney's claim, “[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot , and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions.” CEO Ouellet and Town Manager Christina Therrien willfully repeated these fraudulent statements about the permits being issued for “less than 50% removal, and under §12 C (3) to justify the meritless code violations.

663. Plaintiffs assert that it was impossible to leave the old camp inside the new expansion especially “with loft and Cathedral Ceiling” as allowed with the new permit.

664. Based on the Plaintiffs difficult past history with the CEO and the Town concerning building permits, it was at this time Plaintiffs believe the CEO may now be granting Plaintiffs permits without the usual discrimination and difficulty with the intention of later revoking the permits, after Plaintiffs started to build. Although Plaintiff was certain, that the old camp could be removed based on the 2008 Planning Board decision for the greatest practical extent(GPE), Plaintiff began construction by removing only parts of the old camp that was necessary for construction of the new foundation, until the expansion increased the value of the camp by more than 50% of the market value of the structure before removal, pursuant to the town SZO §12C(3) as the CEO had done to another landowner, Harold Pelletier.

665. On June 14, 2012, CEO Ouellet sent Plaintiffs a letter explaining that he had conducted a test on our septic system and wrote, “[O]n this day, it appears that the system is functioning properly.” The CEO said this in spite of his October 6, 2008 letter from Jim Jacobson with a copy of the Maine Subsurface Wastewater Disposal Rules.

666. On June 18, 2012, Plaintiffs filed for another permit that was quickly granted on June 18, 2012 by CEO Ouellet for “45'x12' extension to Existing Structure. A 20' section of the recently purchased mobile home (65'x12') will be removed and the remaining portion 45'x12' will be attached to the existing structure as shown on the diagram.”

667. Plaintiffs assert that normally an amendment to a permit was sufficient, however, for Plaintiffs, the CEO requested Plaintiffs file a new permit application for every amendment, and pay a new fee, which Plaintiffs did.

668. On July 5, 2012, CEO Ouellet posted a memo to his file. The memo stated that he received a call from Roger Collins regarding the Plaintiffs permits.

669. On July 5, 2012, CEO Ouellet arrived at Plaintiffs camp with the police. CEO Ouellet said that he had received a call that Plaintiffs were doing something in violation regarding our building permits. This was upsetting for Plaintiffs carpenters. CEO Ouellet took pictures and was satisfied that Plaintiffs were not in violation of the permits.

670. On August 20, 2012, a notice of hearing on an untimely Administrative Appeal (*emphasis added*) by David Rouleau for application and permits approved by CEO regarding lot 20.

671. On August 27, 2012, the Board of Appeals held a hearing concerning an administrative appeal by David Rouleau for vested permits granted to Plaintiffs by the CEO. The CEO Ouellet defended all of Plaintiffs permits as being legal.

672. On September 18, 2012, CEO Ouellet took pictures of the camp after construction was stopped for the season.

673. Although Plaintiffs were not required to submit a new septic plan by the CEO, on September 17, 2012, Plaintiffs had a new septic site plan designed by soil site evaluator with attached email to CEO Ouellet and James Jacobsen from the Subsurface Wastewater Unit in Augusta.

674. On March 15, 2013, Plaintiffs applied for another permit with drawings, for an expansion to the structure permitted on June 18, 2012, "[T]o expand existing camp to maximum allowed expansion."

675. On April 8, 2013, Plaintiffs received a letter from CEO Ouellet stating, "[I] am in receipt of a land-use application dated March 15, 2013. This application is requesting on expansion to the structure that was permitted on June 18, 2012." Permit granted. Plaintiffs noted incredulously how simple it was to have their permit approved by the CEO compared to past permit applications in 2006.

676. On May 19, 2013, Plaintiffs began to remove all parts of the old camp that could not possibly meet the Town newly adopted (*emphasis added)* State Mubec and Town building codes.

677. Because, inter alia Plaintiffs decided to file a Special Motion to Dismiss after the Town issued Count II (approved by J. Hunter) in the RV violation, and after years of differential treatment by the Town; on May 28, 2013, Plaintiffs filed a Petition to Secede all properties from the town of Madawaska. (e*mphasis Added)*

678. On May 30, 2013, 43 hours (emphasis added) after Plaintiff filed a petition to secede all their properties from the Town, Plaintiffs observed CEO Ouellet willfully and fraudulently, caught on Plaintiffs security cameras taking pictures of the new camp expansions. The Town acknowledged this was the start of the enforcement action for the building violation.

679. On June 4, 2013, CEO Ouellet willfully and fraudulently sent Plaintiffs a Notice of Violation and Stop Work Order and added, "[T]his SWO is in force until the Board of Select People meet to discuss this matter." Plaintiffs assert a violation of 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988 because Plaintiffs permits were vested which required an injunction to be filed pursuant to the Town SZO §16(I)(3) in order to prevent the Plaintiffs from continuing work on their camp.

680. Plaintiffs assert the Stop Work Order was illegal because the 30-day appeal period was past. In *Wright v. Town of Kennebunkport, 1998 ME 184, note 8, 715 A.2d 162, 165. Frank Juliano, SR v. Town of Poland 1999 Docket: And-98-348,* the Maine Supreme court adds, "[T]he stop work order was issued nearly two years after the permit was granted and was not timely due to the thirty-day appeal period specified in the ordinance. We have noted that "[s]trict compliance with the appeal procedure of an ordinance is necessary to ensure that once an individual obtains a building permit, he can rely on that permit with confidence that it will not be revoked after he has commenced construction." It is for this, and inter alia, Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

681. CEO Ouellet willfully failed to follow the requirements as explained in the SZO pursuant to §16.I Enforcement: DEP Stephenie Maclagan instructed CEO Ouellet to indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance by stating,

"[P]lease issue a notice of violation as soon as possible." CEO Ouellet willfully ignored this request by DEP Stephenie M. and instituted a fraudulent act by issuing the notice of violation and stop work order without providing Plaintiffs the proper information as required by §16 I(2)(a).

682. Moreover, because CEO Ouellet willfully claimed Plaintiffs to be in violation of SZO §12 C (3), Plaintiffs defended themselves by asserting their right to have the Planning Board also be part of this determination as clearly stated in the SZO. §12 C(3) reads: "[I]f it is determined by the Code Enforcement Officer and Planning Board members that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."

683. Town Manager C. Therrein, and CEO Ouellet were willfully and vehemently opposed to allow the Planning Board determination if more than 50% was removed as stated in the Madawaska SZO. The Selectboard did approve to allow the Planning Board review a determination of more than 50% removal.

684. Plaintiffs believed that the reason the Town Manager and CEO were so vehemently opposed to allowing the Planning Board to determine if more than 50% of the value of the building had been removed was because; if the Planning Board agreed with the Plaintiffs, they would not have a legal argument to allege a code violation against Plaintiffs pursuant to §12 C(3).

685. It is important to note that after Plaintiffs filed the petition to secede from the town on or about May 28, 2013 the Chairperson Don Chasse, who's Board cited Plaintiffs for the RV violation resigned immediately and Vince Frallicciardi became Chairperson. Plaintiffs understood that Frallicciardi had allegedly embezzled $15,000 from Plaintiffs sister, which she had the FBI investigate.

686. Another reason Plaintiffs distrusted Frallicciardi was that to their knowledge, Frallicciardi personally told Plaintiffs sister that he had been dishonorably discharged from the U.S. Marine Corps for stealing military equipment, served 18 months in military prison, and was a convicted felon for those crimes.

687. On June 15, 2013, Plaintiffs met with the Selectboard Chairperson Vince Frallicciardi and Selectboard member David Morin to discuss and explain that we were not in violation and that §12 C(3) did not apply to the alleged building violations because there was no violation, Plaintiffs had legal vested permits, and the appeal period was past.

688. On June 22, 2013, Plaintiffs met again with the same two Board members to discuss the building violations. It was said by both Board members to both Plaintiffs, Richard and Ann Cayer, at both of these meetings, "[I]f you drop the secession claim, we will help you with the building violation."

689. It is important to note on June 22, 2013 when Plaintiffs met with the same two Board members to discuss the building violations, the two Selectmen knew the Town Selectboard had willfully taken legal actions against Plaintiffs secession petition by contacting the Maine Municipal Association (MMA), and our State Representative Ken Theriault, to willfully and fraudulently

amend the secession statute without Plaintiffs Richard and Ann Cayer's knowledge. It is also a fact, that the Town Manager Christina Therrien willfully took steps to make sure Plaintiffs did not know what she was doing with MMA and the Maine Legislature. Plaintiffs assert this willful fraud in the inducement, violated Plaintiffs Constitutional right to petition Government.

690. Plaintiffs believe that the willful secret conspiratorial action by the Town, MMA, and the Maine Legislature, - a legal association sworn to defend the Law - perpetrated extrinsic fraud, willfully violated Plaintiffs rights, and violated their oath of office by amending a State Statute without Plaintiffs knowledge, in secret, fraudulently claiming an emergency amendment, willfully, without any public notice, in violation of Maine Legislative Rules, and in clandestine meetings.

691. Within 3 weeks on July 1, 2013, (*emphasis added)* the Maine Legislature, willfully committed extrinsic fraud, in violation of their own rules requiring a public notice in newspapers, acting in a conspiracy with MMA, the Town, in clandestine hearings and meetings, fraudulently, and willfully, passed an “Emergency Amendment” bill preventing Plaintiffs from continuing with their petition without the Maine Legislature's authorization. Because this bill amended the secession State statute without any notice (in violation of Maine Law), and completely in secret, Plaintiffs were denied an opportunity to be heard before the Maine Legislature. However, the Town and MMA were present and were allowed to be heard by the Maine Legislature in these clandestine Hearings and meetings. Plaintiffs assert this was a violation of their Constitutional rights to petition and partake in governmental lawmaking process and procedures, denying them the right to take part in amending a State statute that directly affected them. This was also a violation of State Legislative Rules.

692. Plaintiffs believe this willful clandestine act by the Maine Legislature, MMA, the Town, Representative Ken Therriault, and Town Manager Christinna Therrien, caused extrinsic fraud, violating, inter alia, Plaintiffs' Constitutional rights of State Legislative Rules, and the right to petition government for secession pursuant to: the United States Constitution, and the Constitution of the State of Maine. Article I Section 2 Power Inherent in People.

693. §2171. Legislative intent: The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after following the process set forth in this subchapter. [1999, c. 381, §1 (AMD).]

694. Plaintiffs assert this extrinsic fraud by the Town, MMA, the Maine Legislature, Representative Ken Therriault, and Town Manager Christina Therrien constitute a willful conspiracy intended to prevent Plaintiffs from exercising their Constitutional Right to secede from the municipality.

695. Plaintiffs objected to Justice Hunter's reasons for his decision in the civil action to secede from the Town of Madawaska. Inter Alia, especially the claim that “[T]he Town has no obligation to apprise the citizenry at large about its efforts to further State legislation.” Plaintiffs assert that the Town does not have the right to conspire with MMA, the State legislature, State Representative, and the Selectpersons to circumvent Maine Law and Maine Legislative Rules

that shall provide for a “Notice” of bills to be presented to the Maine State legislature. Simply put, the Maine Legislature MUST publish a Notice of the bills to be voted on 6 months in advance of Hearings or in the alternative the Maine Legislature MUST publish a Notice of the bills to be voted on, and cannot amend State law in secret clandestine meeting and Hearings.

696. Furthermore, Plaintiffs vehemently object to Justice Hunter's claim that “[P]laintiffs do not succeed in arguing that the Town's surreptitious Lobbying deprived them of the right to participate in the legislative process (couched as a violation of their right to free speech or right to petition.” First, the definition of surreptitious is, “[k]ept secret, especially because it would not be approved of.” The citizens of Madawaska and the State of Maine do have a right to know when, and what, or which State Statute the Maine Legislature is amending. Plaintiffs also have a right to know what the Town is doing whenever it is conducting clandestine meetings. There was no public discussion or vote taken at any Board meeting on Therrien's conspiracy with MMA, Representative Therriault, and the State Legislation, to secretly amend a statute in violation of a citizen's rights under the U.S. Constitution, and the Maine Constitution, especially if “it would not be approved of.” In fact, video of the July Selectpersons meeting clearly show Therrein willfully concealed by extrinsic fraud, her actions with the Maine Legislature, as she had done in many previous meetings.

697. The willful violations of Plaintiffs rights by the Town manager, and Chairperson Vince Frallicciardi, a convicted felon, inter alia, refusal to act, pursuant to the secession statute, caused irreparable harm to Plaintiffs secession petition.

698. On June 27, 2013, the Selectboard voted to allow the Planning Board to determine if more than 50% of the value of the structure had been removed as provided in the town SZO. The CEO and the Town Manager were vehemently opposed to this. After the Board voted to send this matter to the Planning Board Plaintiffs were told by two Selectmen that the Town manager and CEO were so angry with the Board that they would not talk to them for a period of time and another Selectman resigned.

699. On July 9, 2013, the Planning Board did meet to discuss this matter, however, the agenda for the Planning Board was willfully obfuscated by the CEO, “[T]o review and decide an Interpretation and Jurisdiction of the Planning Board of the Madawaska Shoreland Zoning Ordinance regarding Section 12-Non-Compliance Subsection C, non-Conforming Structures #3-Reconstruction or Replacement-as it relates to determining the less than or more than 50% market value of the structure.”

700. There is no Section 12 **Non-Compliance.** Plaintiffs believe because the Town Manager and CEO did not want to bring this matter before the Planning Board, they willfully obfuscated this article for the Planning Board to review, which confused them to the point that after 2 hours of discussion in two separate meetings, they were still asking themselves what they were there to decide.

701. Unknown to Plaintiffs, CEO Ouellet had provided the Planning Board with a package of information about his interpretation of the history of Plaintiffs permitting process including a “memo to Planning Board regarding the July 9th meeting. In the memo from CEO Ouellet to the Planning Board was a copy of an email dated Wednesday June 19, 2013 from DEP to CEO

Ouellet in regards to CEO Ouellet's fraudulent question in his email on June 18, 2013. '[I]f less than 50% was removed, should we now see a new portion being added to the old portion which is greater than 50%?" Plaintiffs question the CEO's intent of Greater than 50% of what?

702. DEP Stephenie MacLagan responded with this willful, fraudulent statement, on June 19, 2013 "[Y]ou're correct, regardless of cause, when more than 50% of the market value of the structure is removed within an 18-month period, then in order to reconstruct, the applicant has to get Planning Board approval. The language in the SZO is clear. "[A]ny non-conforming structures.... which is removed or destroyed by more than 50% of the market value of the structure before such damage, destruction, ... may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction,"

703. Plaintiffs believe this willful fraudulent statement by DEP Stephenie MacLagan was intended to set up the next statement from DEP S.MacLagan. "[T]hat process requires the Planning Board to review where the ORIGINAL STRUCTURE could be relocated to meet the setback to the greatest practical extent." S. MacLagan goes on to say "[W]e have a record that they did this and so that is where the entire structure would have to be reconstructed and any expansion would have to be outside the shoreland setback." This willful false statement by S. MacLagan is referring to the May 10, 2012, Planning Board meeting where Jeff Albert motioned to table the permit application "[u]ntil Mr. Cayer can present to the Planning Board a valid septic plan for the lot." The motion to table the application was unanimous. Therefore, the town does not have a record "[t]hat they did this."

704. The determination for the GPE from the HW line had been determined by the Planning Board on August 25, 2008.

705. Plaintiffs claim that DEP Stephenie MacLagan was willfully misleading the Planning Board based on another alleged code violation that was in Superior Court at the time as the RV violation in which both CEO Ouellet and DEP Stephenie M. conspired to obfuscate the facts, as in this instant case, to punish Plaintiffs. Plaintiffs complained to her superiors in Augusta about her biased performance in carrying out her duties at DEP. Plaintiff verified with Colin Clark, her past supervisor, that Stephenie MacLagan is no longer working for DEP.

706. During the July 9, 2013 discussion by the Planning Board, Vince Vanier asked, "[M]r. Cayer is it your opinion that what you have on your lot right now is worth more than $4,000?" Plaintiff R. Cayer responded "yes, it is worth much more than that". He then asked the CEO Ouellet, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth more than $4,000?" CEO Ouellet replied "[O]h, there is no doubt that it is but, it came...It came through the back door, he came to me for an application for less than 50% remove. Okay there is more than one way to get to the finish line here."

707. Planning Board member, V. Vanier, said "[T]hey are both in agreement that what is sitting there now is more value than what the existing trailer was. ***They're both in agreement, we don't even have to be here."*** [audio recording location (1:34:42)]

708. Chairman Vince Sirois ***"can you put that in a sentence ha ha (laugh) in the form of a motion?"*** Vince replied, "***I'll make a motion"*** ..CEO Ouellet interrupts the motion "***you***

know the way I'm looking at it is a roundabout way" …..Vince Vanier said, ***"I know it's a very complex issue***." CEO Ouellet, ***"right, the fact that I agree with that's what's there today yeh..just like everyone will agree that your shirt is purple today but if you came to me the other day with blue, well where is your blue shirt? Okay. Where is your blue shirt?"***

709. It is important to note that when asked by Planning Board member Vince Vanier, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth $4,000?" CEO Ouellet replied "***Oh, there is no doubt that it is ".*** And his other statement a few minutes later, "***right, the fact that I agree with that's what's there today, yeh. "*** CEO Ouellet admitted that his claiming that Plaintiffs had removed more than 50% of the structure, was false.

710. At the July 9, 2013 Planning Board meeting, there was discussion about the value of the trailer camp before Plaintiff started the expansion including discussion of the town evaluation for $2,000 by Randy Tarr (Tax Assessor). Plaintiff also explained to the Board that Mr. Tarr told him that the camp was not worth anything and the reason for the $2,000 tax assessed value was because the location of the structure was grandfathered. For that reason, the tax assessor added "encourage removal" of the camp on the tax map, because it had no market value other than its grandfathered location.

711. After more than two (2) hours (in two (2) separate (2) hour Planning Board hearings) (4 hrs. total) into the Planning Board meeting, (location 2:00:00 of the audio recording) the Chairperson Vince Sirois said "*do we eh. Are we saying eh. We have to make a decision to ehh. The only thing that we have to say here is that do we agree with Bob's decision or do we.... On this 50% market value here.*" Now, the Chairperson re-reads the Article 4. once again "*to interpretation and Jurisdiction of the Planning Board "*...Jeff Albert says: "*We have to decide, we have to try to make a decision in our opinion, did he remove more than 50% of the market value of the structure.*" Chairperson Vince, "*no it has nothing to do with Mr. Cayer, this article 4 has just a word in this book it has nothing to do with the landowner, it doesn't mention Mr. Cayer in here."* CEO Ouellet said, "*Vince, I gata go - just make a decision*". Chairperson Vince Sirois "*yup, if you read this article all we're trying to do here is to try to agree with eh...do you agree with that Jeff*? Jeff, "*what*? Vince, "*With what the article is saying"*. Jeff, in French "*ahhh ban la, ehhh non.. non...ehh..the ordinance is saying eh.. the ordinance ….is the ordinance okay....*" Vince, "s*o what's our, what's our, what's our, decision based on article 4...What's our decision based"* Jeff, "*does it have to be based on did he take out, did he remove more than 50% of the market value, okay did he remove more than 50% or did he remove more than 50% of the market value of that structure. Okay, that's it, that's all we have. Okay?* Vince, "*the landowner's name is not on this article.*" Jeff, "*it doesn't matterrrrrr. That's why we're hererrrrr. It's that structurerrrrr.*" Vince, *"laughs ha ha, okay, okay, somebody, somebody make a decision, somebody make a motion and somebody second it and*," Jeff, *"That's what we're here for right,". Jeff, "that's all we're hererrrr for right?"* Vince, "*if we need to table it we can ….where's my ehh ...where's my ...pause... as chairman I can table this until next time or do we want to make a decision"* Jeff, *"do as you like, we have Board members here now and we can make a decision here or not. I mean it's an opinion."* Chairman Vince, *"hum hum,"* Jeff "*it's ..it's an opinion I, I mean it's an opinion you know we can make an opinion and Mr. Cayer agrees or doesn't agree he can take the next step, it's as simple as that..and it's the same as Bob, if Bob doesn't agree if we say he took out less than 50% and he*

thinks there's still a violation pursue it, by all means let him pursue it, that's it right? That's it...right." Vince, "*laugh ha ha"* Jeff, "*whoever is there pursue it. We're not judging Bob, we're not judging Bick,* Inaudible Laughter from the Planning Board members. Jeff, *"I'm going to put forward a motion that says, he took out more than 50% or he took out less than 50% it's one or the other, that's all that's being asked of us here...pause.* Vince, *exactly right,* Jeff, *"exactly right, it's not for us to decide there's case laws there are other issues the other issues that he has vested rights, maybe he does maybe he doesn't I don't know that, I really don't, if he believes he does he has every right to believe that, okay, (Laughter,) he has every right. Okay, and is there a violation there, is he trying to break,, get around the regulations and all that maybe he is.... maybe he's not ...I'm not going to decide that anyway. (*Background talk)*, your right, I think your right, okay,,"* Vince, *"we've been provided evidence that we need to determine this.*" Vince Vanier, "*we've been provided some evidence but we weren't provided with the actual market value of what's there*" Jeff, "*no because we have to disagree with Mr. Cayer first for him to go get an appraisal. He doesn't have to otherwise.*"

712. It is important to note that the CEO Ouellet left half way through this meeting.

713. **" Vince Vanier said even after his previous statements, "Okay I guess I'll do it eh..I'll make the eh I'll make the motion that determines that Mr. Cayer that Mr. and Mrs. Cayer have removed more than 50% of the market value of the Property on that lot"** Tom Schneck **"I'll second that".** Jeff, "your saying that he removed more than 50% of the market value of that structure is that... inaudible.... umm" Chairperson Vince Sirois says, "and Tom seconds it... is there anymore discussion, all in favor? Inaudible noise ...pause Recording location: (02:05:06) Article 5....

714. Plaintiffs assert the Planning Board members at these meetings willfully obfuscated the simple issue of the value of the camp at that time, and fraudulently caused Plaintiffs great harm financially, and emotionally.

715. In 2013, Plaintiffs received their tax bill from the Town of Madawaska for the camp on that lot. The assessment by the Town for the camp as of 2013, in now worth $6,000. A 300% increase from before Plaintiffs expanded in 2012 which was $2,000.

716. On July 19, 2013, Plaintiffs appraisal confirmed that the market value of the expanded camp was now worth $27,500.

717. Enclosed is a handwritten Fax dated 7/23/13 to Stephenie Maclagan (DEP) contradicting his statements at the July 9, 2013 Planning Board meeting that the structure was worth more than $4,000 including many false statements in his usual obfuscated way. CEO Ouellet claims "[I] look at it as being in violation of the 1st permit". However, he does not identify the violation.

718. On July 29, 2013, CEO Ouellet sent Plaintiffs a letter concerning the Planning Board decision of July 9, 2013. His letter tells about how the Planning Board met at Plaintiffs request *"*[t]*o discuss the issue of 50% of market value of the structure." "After much deliberation, the Planning Board motioned that more than 50% of the market value of the existing structure had been removed."* CEO Ouellet now is stating *"the Planning Board motioned that more than*

50% of the market value of the existing structure had been removed." He also explains that he is setting up another meeting with the Planning Board to review our appraisal.

719. There are no provisions in our town code requiring Planning Board meetings to review the licensed Appraisal. They (Planning Board) certainly proved how incompetent they were in determining the 50% at the July 9, 2013 Planning Board meeting. Plaintiffs question why would we need the Planning Board to review a Professional Appraisal?

720. According to the Madawaska SZO on page 7. (3) *"if it is determined by the Code Enforcement Officer and Planning Board members that more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."* This Professional Appraisal is the last step in determining the value of the structure before and after removal. At this point, the CEO was proven wrong, alleging that Plaintiffs had removed more than 50% of the market value of the structure before they removed the last remaining part of the old camp and should have removed the SWO and allowed Plaintiffs to continue with their construction.

721. At the August 12, 2013 Planning Board meeting, the agenda was *"to Review Richard and Ann Cayer's appraisal regarding Market Value of the existing Structures".* The Planning Board willfully refused to review the appraisal; but instead fraudulently discussed another *ex-parte* letter from DEP Stephenie Maclagan dated August 9, 2013.

722. Although every Planning Board member had a copy of a letter dated August 9, 2013 by DEP Stephenie Maclagan, Plaintiffs had not seen a copy and were unaware of such a letter and what they were discussing. After discussion about the DEP letter by the Planning Board, Planning Board member Jeff Albert commented that according to the DEP letter by Stephenie Maclagan, the decision about the more or less than 50% must be made from the original structure because according to Jeff Albert that was what the letter said. Plaintiffs made clear that the Planning Board was supposed to acknowledge the appraisal and not another DEP letter from S. Maclagan.

723. Plaintiffs made clear that they opposed the fact that the Planning Board members were willfully reviewing a letter that Plaintiffs had no knowledge of. Plaintiffs believed that this action by the town was willful extrinsic fraud. Once again, the Planning Board was reviewing information provided by CEO Ouellet that put Plaintiffs at a severe disadvantage because Plaintiffs did not know what they were talking about and this was *ex-parte* communications, and a willful violation of Plaintiffs' rights of due process and equal protection inter alia because the Board was only required to discuss the appraisal.

724. Plaintiffs asked for a copy and after quickly reviewing the letter, Plaintiffs told the Board that nowhere in the letter by Stephenie Maclagan did it say that the decision about the 50% removal must be based from the original structure.

725. Jeff Albert replied "[t]hat's how I interpret it, Yeh that's very apparent in that letter."

726. Audio recording (12:40:00) Jeff Albert willfully said, "well listen, in the code it is very plain, we were to determine the eh.... the market value and what was removed. And I personally.... I'm

inclined to agree with the Cayer's.... it's the structure. However, however, that is not the guidance from DEP, not the guidance from DEP, they only look at the original structure. We all agree 100% was removed there is no argument that the trailer that was there is gone... it all depends on how DEP looks at it.... DEP is telling us to look at only the original structure."

727. Plaintiffs asked the Planning Board members if they were going to review our appraisal and who was going to pay for that appraisal.

728. The response from Jeff Albert's willful statement was, "[N]o, and you will need it for court." Plaintiffs assert Jeff Albert had not been an active Planning Board member for many years and had participated only in Plaintiffs cases, at times without being sworn in. Plaintiffs later found out that Jeff Albert had a business agreement with the Chairperson of the Selectboard Vince Frallicciardi, transporting military equipment, some of which was illegally purchased and sold.

729. Because Plaintiff Richard Cayer knew Chairperson Frallicciardi was a convicted felon, he had been investigating Chairman Vince Frallicciardi for some time concerning the use of his position as Chairman to buy military equipment. Moreover, Plaintiff Cayer was one of very few who knew Vince Frallicciardi had been dishonorably discharged from the military for stealing military equipment and had been in military prison for 18 months for those thefts.

730. Chairperson Frallicciardi owns and operates a salvage business in Madawaska. After he became Chairperson, he secured a $10,000 transportation account paid by the Town, to be used to buy and transport military equipment bought at auction. Jeff Albert owns a trucking company that had an agreement with Chairperson Frallicciardi to transport this military equipment.

731. Plaintiff Cayer questioned this fact at a Town Meeting by saying, "[I] want to have all information in regards to buying and selling of military equipment because I don't want to wake up some morning and find out that the Town is in the salvage business with Vince Frallicciardi." Chairperson Frallicciardi was visibly upset and firmly said at this public Town Meeting, "[I]f you think that I am lining my pockets with this military equipment, come to the Town office and I will give you all the paperwork.

732. Shortly after at the town office, Plaintiff asked Chairperson Frallicciardi for this information. Chairperson Frallicciardi attacked Plaintiffs Richard and Ann Cayer by yelling and threatening them so violently the town clerk called the police.

733. Plaintiffs filed a Protective Order in District Court which was denied, partly because Chairperson Frallicciardi lied on the stand about the threats to Plaintiffs.

734. Plaintiffs Richard and Ann followed up with acting Town Manager Ross Dubois who is the Chief of Police today, requesting all information in regards to this $10,000. transportation account because Plaintiffs understood that chairperson Frallicciardi now had a military bulldozer at his gravel pit in Sinclair, ME. Plaintiffs received only two (2) sheets of paperwork with little or no information.

735. Plaintiffs were also investigating another matter that was being secretly discussed by the Board of Selectpersons in executive session. Plaintiffs were having a hard time to get the information. It was later found out that the Chairperson Vince Frallicciardi had bought guns from the Madawaska Police department which proved to be a violation of Law because Chairperson Frallicciardi was a convicted felon.

736. Chairperson Vince Frallicciardi resigned from the Board of Selectpersons shortly after.

737. Because Plaintiffs proved without any doubt that they had not removed more than 50% of the market value of the structure before they removed it, that should have been the end of the CEO's fraudulent claim by the CEO, pursuant to §12.C(3). Moreover, the real reason Plaintiffs were not in violation of the SZO was because the permits were vested, not §12.C(3).

738. On August 22, 2013, the CEO notified Plaintiffs (the Cayers) that the Board of Selectpeople would consider the building violation on September 3, 2013.

739. Also, in the August 22, 2013 letter, the CEO notified Plaintiffs "**The Stop Work Order remains in effect until there is a resolution in this matter."** Plaintiffs also assert the SWO was illegal and violated Plaintiffs rights because the permits were vested and, there are no provisions in the Madawaska code books for a stop work order.

740. Plaintiffs explained to Chairman Vince Frallicciardi that they needed more time to prepare their defense before meeting with the Selectpersons. The chairperson told Plaintiffs to put the concerns and reasons in writing and that it would be decided at the meeting whether to postpone or not. Plaintiffs responded with a letter dated September 2, 2013, requesting to postpone the meeting alleging a variety of grievances including bias by Board members. The Board willfully violated Plaintiffs rights when it did not read the letter with the request, and denied a postponement. The Selectpersons willfully denied Plaintiffs the right to defend themselves and to bring their concerns including the appraisal. The Board decided to pursue the matter with a fine and Consent Agreement as detailed in DEP Stephenie's letter based on false information.

741. Plaintiffs letter of September 2, 2013 to the Selectboard complained of bias among many other personal issues concerning Selectboard members Brenda Theriault and Barbra Skinner. According to the Town of Madawaska September 3, 2013 Selectperson meeting (which we had not attended), the first question before the Board was as Chairman Frallicciardi stated, "[t]he Board can decide to carry forward with the violation or push the meeting so Mr. Cayer can be present." Selectperson Theriault willfully stated, there is no point in waiting, there is a code violation. Selectperson Skinner willfully agreed with Selectperson Theriault. A motion was willfully made by Selectperson Skinner to move ahead with the code violation for Mr. Richard Cayer; and willfully seconded by Selectperson Theriault. Chairperson Frallicciardi, Selectperson Skinner, and Selectperson Theriault were in favor of the motion. Motion Carried. (a) They willfully denied Plaintiffs the right to defend themselves. Plaintiffs claim this act by the Board was willful extrinsic fraud. (b) *Ex-parte* communication – request time for more information denied.

742. The Board willfully voted against allowing Plaintiffs the opportunity to be present, and to claim

concerns in the letter of, inter alia, bias by Selectperson Brenda Theriault and Barbra Skinner.

743. The Board's vote to deny Plaintiffs their Due Process right to provide the Board members the professional appraisal, which was the next step of the SZO§12C. (3) process. Plaintiffs were ready to provide the Board members exculpatory evidence that §12C (3) did not apply as charged by the CEO Ouellet because Plaintiffs increased the value of the camp by 300%.

744. A motion was made by Selectperson Skinner to offer Mr. Cayer a Consent Agreement and he will have to go back to the Planning Board.....second by Selectperson Theriault.

745. Plaintiffs believe this willful procedural due process violation resulted in the meritless code violation and illegal stop work order by the Town of Madawaska. For this reason, Plaintiffs claim the Town willfully violated Plaintiffs Constitutional rights of equal protection, and procedural due process rights, pursuant to 42 §§ 1983 and 1988.

746. On August 27, 2013, DEP Stephenie Maclagan wrote a letter to the Selectboard again filled with many willful fraudulent statements. She starts the second paragraph by stating, *"*[I'] v *been asked to clarify that an expansion is not possible if the nonconforming structure being expanded does not exist."* Plaintiffs facts make clear the nonconforming structure (the camp) was never removed and was worth over $27,500 with the new expansion. DEP Stephenie M. was told willfully by CEO Ouellet in the June 18, 2013 email many false statements inter alia, "[D]uring the month of May, I happened to drive by the work site and noticed that the structure was gone and all that remained was the steel frame work and the wall."

747. Plaintiffs assert the letter of August 09, 2013 by DEP Stephenie M. was willful extrinsic fraud requested by the Town CEO to support the CEO's claim for a violation of §12C (3) which was used willfully by both, the Planning Board, and the Select Board to justify the CEO's charge that Plaintiffs had violated the Madawaska SZO.

748. The Dismissal with Prejudice by the Town provides exculpatory evidence, that there was no violation.

749. Based on these undisputable facts, Plaintiffs' have had to endure years of harassment, decimation, and great financial loss defending meritless lawsuits, appeals, and petition to secede, against the Town of Madawaska's Board of Selectpersons, Town Manager Therrian, CEO Ouellet, Planning Board, and Board of Appeals members. The willful irreparable harm done to Plaintiffs reputation is ongoing.

750. The town has willfully claimed that Plaintiffs removed more than 50% of the market value of the camp, before removal. Plaintiffs removed the old portion of the newly expanded camp. According to the town, this portion was worth $2,000 before it was removed the part of the camp that did not meet today's code according to §12B (2). The town tax assessment shows that the newly expanded camp is worth $6,000. CEO Ouellet said in the July 9, 2013 Planning Board meeting that it was worth more than $4,000; and our appraisal, by a licensed appraiser, appraised it at $27,500.

751. The Madawaska SZO is clear, "[I]f it is determined by the CEO and Planning Board members

that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal.

752. After two (2) very lengthy and difficult Planning Board hearings where the CEO agreed the value to be more than $4,000. (twice its original value), and with a licensed professional appraisal for a value of $27,500, the Planning Board, CEO, and Board of Selectpersons willfully refused to even consider looking at Plaintiffs information as outlined in the town SZO.

753. On September 3, 2013, after all of the false claims made by CEO Ouellet about the removal of more than 50% of the structure, the Town of Madawaska's Board of Selectpersons denied Plaintiffs Richard and Ann Cayer the right to defend themselves before the Board of Selectpersons with their appraisal. Because the appraisal vindicated Plaintiffs Richard and Ann Cayer, CEO Ouellet, and the Board of Selectpersons now made other false claims based on DEP Stephenie MacLagan's letter falsely claiming that "[Y]ou cannot expand a structure that does not exist."

754. It is important to note the two Selectpersons, Brenda Theriault and Barbra Skinner, of the Board of Selectpersons who made and seconded the motions to deny Plaintiffs the right to postpone the meeting and found a violation existed that warranted legal action, were the two Board members Plaintiffs Richard and Ann claimed to be biased against them.

755. Plaintiffs tax card has comments from the tax assessor, where he **"encourages removal"** of the camp. He, (Randy Tarr, tax assessor) also added a comment about the 1952 camp as **"very poor"** Physical Value (sv) sound value $2,000.

756. As Plaintiffs worked in the newly expanded building, Plaintiffs were obligated to remove, replace, and rebuild all expansions in accordance with §12 B (2). The only thing that could be salvaged was the new electrical entrance that Plaintiff had installed a few years before. There was no other electrical, plumbing, egress windows, (2 inch) walls, (3 inch) roof, (2 inch) insulation, (4 inch) floors, or any other part of this camp especially with the mold, rot, and rust that Plaintiff discovered all over that conformed to federal, state, or local building and safety codes. Because the building permits issued by CEO Ouellet required Plaintiff to construct, expand, remove, and replace everything in accordance to §12 B(2) Repair and Maintenance: anything less would have been a clear violation of our permits for expansion under the SZO, §12 C (1) Expansion: <u>A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and comply with all other municipal ordinances, and is in accordance with subparagraph (a), and (b) below.</u>

757. CEO Ouellet knew exactly what Plaintiffs intended to do. He reviewed Plaintiffs' application, added and modified Plaintiffs' drawings, and issued the permits with clear and specific conditions for height of building, dye testing of septic system, and side yard distances. However, there was no mention or discussions of §12 C (3) or removing more or less than 50% of the structure as claimed by the Town and its Attorneys. CEO Ouellet understood that he could require these conditions such as the ones he put on our permits concerning the setbacks, dye testing the septic, or not to exceed onto the side yard distance "by a drip edge". However, he chose not to discuss, mention, or even add as conditions in writing, about

§12C(3) that he sometimes interprets to be for the “original building” rather than “by more than 50% of the market value of the structure before such damage destruction or removal” as is clearly stated in the SZO pursuant to §12 C(3). He also could have simply refused the permit application and if we did not agree with his conditions, we could have, and would have appealed his decision to the Board of Appeals, or Superior Court as was necessary in the past. In our opinion, it is painfully clear to us now that CEO Ouellet had always intended to grant us the permits, let us expand, and when we removed the parts of the old camp that we could not repair or comply with page 4 §12B (2) of the SZO, he would act as he did with a STOP WORK ORDER and citation. In other words, he granted the permits willfully “in Bad Faith” with the intention of revoking the permits, or stopping the work at some time after Plaintiffs started to build.

758. On April 15, 2014, 9 months after the notice of violation (*NOV*), the town filed a code violation on Plaintiffs Richard and Ann Cayer.

759. On June 10, 2014, Plaintiffs filed the Special Motion to Dismiss in Superior court docket CARSC-CV-2014-082 because Plaintiffs clearly understood the charges against Plaintiffs were meritless because the permits were vested.

760. On July 10, 2014, Town Manager Christina Therrien and CEO Bob Ouellet willfully filed fraudulent affidavits. Because of the significant importance (material facts) and the number of the willful false statements on CEO Ouellet's and Town manager Therrien's affidavits, on or about July 17, 2014, Plaintiff Richard Cayer filed a Response to Robert Ouellet affidavit/affidavit of Richard Cayer.

761. Number 10 of CEO Ouellet's affidavit willfully made the false statement under oath when he claimed, “[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system.” This was a willful and fraudulent statement of a material fact which CEO Ouellet used to justify the notice of violation and to convince DEP Stephenie Maclagan to support the CEO's meritless lawsuit against Plaintiffs.

762. In the Town Manager's affidavit, Christina Therrien claims the exact same willful fraudulent claim as CEO Ouellet “[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system.”

763. The Town's minutes of the May 10, 2012, Planning Board meeting, show Jeff Albert “[M]ove to table the Cayer request as noted in Article 4 and wait until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried. The matter was tabled and never brought up again. Jeff Albert was not “sworn in” as a Planning Board member, and had not been active as a Planning Board member since 2006.

764. Number 11 of the CEO's affidavit continues with more willful fraudulent statements; “[T]o my information and belief, Richard and Ann did not seek an administrative appeal of the Town Planning Board decision of May 10, 2012. Also, to my information and belief, Richard and Ann

did not seek judicial review of the Town Planning Board decision of May 10, 2012." Because the issue was tabled at the May 10, 2012 Planning Board meeting at the Cayer's request, there could be no appeal and CEO Ouellet knew this.

765. CEO Ouellet willfully made other false claims in his affidavit such as, "[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot, and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions." CEO Ouellet and Town Manager Christina Therrien also repeated these false statements about the permits being issued for "less than 50% removal, and under §12 C (3) to justify the meritless code violations.

766. Harold Pelletier (a neighbor) told Plaintiffs Richard and Ann Cayer that CEO Ouellet told him that he could remove his old camp and built a new home only to find that after the old camp had been removed CEO Ouellet refused to allow him to build at that same location. For this and many other reasons, Plaintiff did not trust CEO Ouellet and was careful not to make the same mistake and made sure not to remove more than 50% of the market value of the structure, before removing it. In 2012, the Chairperson of the Planning Board Vince Sirois asked Plaintiff Richard why he did not remove the camp after their approval at the August 25, 2008 Planning Board meeting. Plaintiff told Chairperson Sirois, because he did not trust the CEO, Plaintiff would not do anything without the permit in hand, which he did not receive in 2008 even though the Planning Board had approved it. Although CEO Ouellet was required to issue the permit after the Planning Board approval, he continued to make more requests until Plaintiffs gave up for health and court actions later in the fall. It was only in 2012 when the CEO granted the permits did the Plaintiff begin to build and made sure to keep more than 50% of the market value of the structure ($2,000.) before removing it, although Plaintiff understood it to be legal to remove the old camp at any time.

767. On April 23, 2012, CEO Ouellet emailed DEP Stephenie Maclagan willfully claiming, "[D]oes this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape upkeep to the property in the last 5-6 years, that if the applicant wants to remove all structure, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think."

768. There are two important statements in this email. First, the CEO is making a claim that the camp may no longer be grandfathered because of issues claimed. Second, the CEO is asking "[I]f the applicant wants to remove all structures, that he has lost his grandfathered status of, ... and DEP S. Maclagan responds with, "[S]ince the existing structure is proposed to be replaced, the replacement must comply with the shoreline setback to the greatest practical." Plaintiffs assert this is accomplished by applying §12 C(2), the very same provision for expansion pursuant to §12 C(1)(b) under Expansions that Plaintiffs had to meet in order to receive a permit. Moreover, the town assessor Randy Tarr had also "recommended removal" on the tax map because according to him "[t]he camp was not worth anything."

769. After Plaintiffs expanded with vested permits and removed the old camp as required by §12 B(2) ---and because nothing in the old camp complied with the provisions of 12 B(2)----of the SZO. The CEO willfully issued the Stop Work Order and notice of violation even though there were no violations and the permits had vested.

770. On August 9, 2013, DEP MacLagan wrote the CEO and town a letter telling CEO Ouellet "[O]n June 4, 2013 you issued a notice of violation and stop work order. The letter did not indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance. Please issue a notice of violation as soon as possible. In addition to the nature of the violation stated in the 4 June letter, state what corrective action are necessary §16(I)(2)a,...."

771. Plaintiffs believe because CEO Ouellet willfully misled DEP Stephenie MacLagan about Plaintiffs permitting process, he willfully did not follow up as suggested by S. MacLagan with a new NOV and corrective action. Because CEO Ouellet did not follow up as suggested by S. MacLagan with a new NOV and corrective action, Plaintiffs Richard and Ann were willfully deprived of proper Notice of violation as outlined in the Madawaska SZO §16(I)(2) a.

772. Plaintiffs claim these omissions, inter alia, is a violation of Plaintiffs procedural Due process rights, willfully done in bad faith, to deny Plaintiffs the right to correct and defend themselves against the CEO's meritless lawsuit. Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

773. On or about June 20, 2014, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556 because Plaintiffs believed inter alia, the SWO was a violation of their Due Process rights, the notice of violation was meritless and was initiated 43 hours after Plaintiffs filed a Petition to Secede from the Town, and the Town wanted to punish Plaintiffs for their actions against the Town.

774. On or about July 20, 2014, Defendant filed opposition to Special Motion to Dismiss with affidavits from CEO Ouellet and Christina Therrien. Plaintiffs received the court schedule for the anti-SLAPP case to be on the March 26, 2015 docket, 9 months after Plaintiffs filed a Special Motion to Dismiss.

775. On July 21, 2014, Plaintiffs filed a reply to Opposition to Special Motion to Dismiss.

776. On December 22, 2014, defendants filed their reply to Supplemental Opposition to Special Motion to dismiss.

777. Plaintiffs assert there are no provisions in the Special Motion to Dismiss to allow defendant's filing of opposition to the anti-SLAPP statute. The statute is clear, "[T]he court **shall** (emphasis added) grant the special motion, unless the party whom the special motion is made shows that the ...and that the moving party's acts caused actual injury to the responding party."

778. Plaintiffs assert that they most certainly met the Law Court two-step analysis that courts must follow to determine whether a Special Motion to Dismiss should be granted. *First*, the permits were vested, *second*, there was no violation, *third*, the SWO was illegal and violated Plaintiffs rights to due process of law, there was no hearing as claimed by the town, *forth,* the town

started the complaint 43 hours after Plaintiffs filed a petition to secede. In other words, “this was such a case.” Undisputable evidence that the violation claims were meritless is provided with the Dismissal with Prejudice by the Town.

779. The Town, through its Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully provided fraud on the Courts when the information provided to the courts claimed Plaintiffs were notified of the public “Hearing”, that the Board held a “Hearing” on September 3, 2013 and “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities’ Comprehensive Plan is unable to be realized without strict compliance.”

780. Justice Hunter continues “[T]he record seems clear to this court that on September 3, 2013, the Town made a determination at a public hearing that the Cayers had violated the Town's zoning ordinance and assessed a civil penalty.” Plaintiffs oppose and reject J. Hunter's claim that there was a “Hearing.”

781. Justice Hunter ignored Plaintiffs' claims that (1) CEO Ouellet issued Plaintiffs three permits that were vested. (2) The Stop Work Order was beyond the 30-day appeal period. (3) There was no violation. (4) There was no public “Hearing” by the Town. (5) Plaintiffs Richard and Ann Cayer were not notified of any Hearing. (6) On September 2, 2013 Plaintiffs sent the Board a letter asking for more time to prepare for the Board meeting, inter alia, bias by Brenda Theriault and Barbera Skinnier. (7) Plaintiffs were not present at the Towns' September 3, 2013, meeting. (8) The Town, through its' Selectboard committed an Ultra Vires act because it does not have jurisdiction to determine a code violation, that is the responsibility of the CEO.

782. In his decision, Justice Hunter refers to the Law Court decision of, Town of Madawaska vs Richard Cayer, et al., 2014 ME 121, 103 A.3d 547 where the Law Court stated that the anti-SLAPP statute did not apply.....except possibly in extraordinary circumstances. The extraordinary circumstance in this case was simple, the permits were vested; therefore, the Stop Work order was illegal and a violation of Plaintiffs' Due process rights pursuant to 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988. Moreover, the code violation action began 43 hours (*emphasis intended*) after Plaintiffs filed a Petition to secede from the Town of Madawaska. The Dismissal with Prejudice provides dispositive proof that the two code violations were willfully fraudulent and meritless.

783. It took Justice Hunter Nine (9) months to adjudicate this RV anti-SLAPP case, partly because of the supplemental briefs. Maine and California's anti-SLAPP statutes of both states have similar language except for the Governmental actions. “[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Adjudication of the anti-SLAPP case in California must begin within 30 days. In the State of Maine, the average time for an anti-SLAPP to be adjudicated in Superior court is about 10 months, and 20 Months if it is appealed to the Law Court. It is important to remember the anti-SLAPP statute is intended to dismiss meritless lawsuits quickly and efficiently, thus allowing courts to address the backlog of meritorious lawsuits.

784. Because the Maine Judicial Court often cite California's Supreme Court's Special Motion to Dismiss decisions, it is important to note that California's anti SLAPP law is pursuant to its

Rules of Civil procedure. The Maine anti-SLAPP Law is pursuant to Maine Statute.

785. Moreover, the Special Motion to Dismiss is unambiguous, and the statute is clear, "[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the special motion. [1995, c. 413, §1 (NEW).](3)." Justice Hunter allowed supplemental briefs which prejudiced Plaintiffs, and delayed the proceedings.

786. Plaintiffs were denied their Constitutional rights pursuant to Title 14 §556, and were not allowed to oppose a motion for discovery proceedings as provided by State Law.

787. Because of these delays and decision, Plaintiffs endured greater financial loss, unnecessarily prolonged the loss of enjoyment of property, and years more of pain, suffering and irreparable harm to Plaintiffs reputations.

788. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for the RV Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court against Plaintiffs, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the September 15, 2015 trial term.

789. When the RV matter came on for jury trial a second time during the September 2016 trial term, the Town, pursuant to M.R.Civ.P. 41, sought to dismiss the two code violations unilaterally with prejudice once again, but could not do so because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had done to them to come out in public.

790. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a dismissal with prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing repercussions from the court, Plaintiffs reluctantly accepted the Town's dismissal of the action with prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 7, 2016.

791. It is important to note that at this court proceeding before Justice Stewart, the Town Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits in two (2) previous Superior Courts, decided by Justice Cuddy and Justice Hunter.

792. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager

Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming, "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

793. §16 (I) Enforcement is a Madawaska SZO mandatory procedural, due process of law requirement which must be followed in order to provide all citizens their Constitutionally protected rights. This was not done in Plaintiffs case.

794. Because of this Maine Supreme Judicial Court decision against Plaintiffs Richard and Ann Cayer's Special Motion to Dismiss, the Cayers will forever be unjustly embarrassed because the Law Court has established, and has already applied in a Law Court decision, that the Cayer anti-SLAPP case was "[N]ot such a case."

795. The Town's dismissal of the action with prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the dismissal of the action with prejudice.

796. Following the Dismissal with Prejudice, the Town Manager Ryan Pelletier told the Saint John Valley Times (SJV Times), "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community." The SJV Times article goes on, "[S]ince then, town and new code enforcement officer, Andrew Dube, have declined to reinstate the original building permit. The Town has declined to approve the building project the Cayers want to complete, according to Dube. He added that he would be uncomfortable reissuing a permit that old and one that another CEO previously approved."

797. Plaintiffs assert CEO Dube and the Town have entered into another intentional tort of discrimination by denying Plaintiffs their vested permits inconsistent with the many illegal permits granted by CEO Dube without Planning Board determination of the greatest practical extent from the HWM listed below. This determination of the GPE from the HWM is a Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute.

798. On Tuesday June 26, 2018, the Planning Board held an EMERGENCY MADAWASKA PLANNING Board PUBLIC MEETING. This emergency meeting was to determine the "[G]reatest practical extent and Planning Board (after the fact) permit for principle structure replacement foundation located at 183 Lake Shore Road (Map-35/ Lot-20). This determination by the Planning Board is pursuant to the Madawaska SZO §12C (2) Relocation. The determination by the Planning Board requires a complicated process outlined in the SZO §12C (2) Relocation. The Board never even discussed a determination of the greatest practical extent (GPE) from the high-water mark, (HWM), according to the minutes which read in part, "[D]uring construction the building was raised, and the foundation failed. CEO found no ill intentions. Property owners are from out of state and were not familiar with regulations. CEO states that everything is to code, and this is not considered an expansion." CEO

referenced the Shoreland Zoning book Article §12, C (1). (Plaintiffs assert §12 C (1). is for expansions.) §12C (2) Relocation is for determination of the GPE from the HWM. CEO Dube then stated, “There was no need to fine the property owners at this time. Note, this camp is 35 feet from the HWM and there are NEW expansions toward the HWM by approximately five (5) feet without permits on this property and CEO Dube lied about those expansions inter alia.

799. The CEO ignored all these serious Title 38 SZO violations and allowed further expansions toward the lake HWM, a serious DEP violation, with a foundation without Planning Board determination of the GPE from the HWM or a variance from the BOA.

800. On Monday May 21, 2018 CEO Dube and the PB held another “Emergency” meeting, willfully granting another “after the fact” permit for an accessory structure in violation of §12 C (3) fraudulently determined to be located 50 feet from the HWM. This new CEO Dube and PB willfully violate Title 38 SZO State statutes indiscriminately. Plaintiffs can will provide countless examples of these willful violations of State Law by CEO Dube and town PB.

801. Another Madawaska Planning Board determination of the GPE from the HWM for another permit application is recorded in the minutes of February 15, 2017 Planning Board meeting show the determination of the GPE from the HWM to be 80 feet because the owner wanted to build a garage in line with the driveway. This is another SZO violation because the Planning Board clearly understood when they applied the determination for Plaintiffs, first relocate then expand. See Maine Supreme Judicial Court Osprey Family Trust v. Town of Owlshead et al. Docket Kno-15-288, - June 7, 2016. Justice Mead writes, “[T]he Planning Board was required to consider how the original structure's footprint could be relocated before considering the proposed addition.” DEP Stephenie Maclagan also made the Planning Board understand exactly how to apply the determination of the GPE from the HWM when Plaintiffs Richard and Ann Cayer met for that determination by the Planning Board. This Planning Board discussion is well documented.

802. On August 17, 2016, the Planning Board heard four (4) requests requiring the PB to decide the GPE from the HWM. In a few minutes the Planning Board granted (3) permits with little to no discussion regarding the GPE from the HWM, without applying any mandatory requirements pursuant to §12 C(2) or without applying Maclagan's requirements for those decisions as was understood when Plaintiffs applied for the same decision.

803. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town's new CEO Andrew Dube now asserts Plaintiffs permits have expired and Plaintiff must begin the permitting process over again, inter alia, including the Planning Board determination for the greatest practical extent from the high-water mark.

804. Following the Dismissal with Prejudice, Plaintiffs Richard and Ann Cayer met with CEO Dube on September 9, 2016 to request continuation of the building with new permits because the old permits had expired. CEO Dube made statements such as “[t]he permits were old permits issued by the previous CEO Ouellet and he did not know if the permits were legal.” CEO Dube told Plaintiffs he needed something from the court.

805. In the short time CEO Dube has been the CEO, he has issued 5 permits that Plaintiffs know of that are in violation of DEP Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute, inter alia, the determination of the GPE from the HWM by the Planning Board. Three of these were for foundations and one was also for violating §12(C)(3) of the SZO with removal of 100% of the structure without the required review of the Planning Board or a BOA variance.

806. Two of these violations were determined to require "Emergency Planning Board meetings" with very little documented information except that there was no fine, and permits were issued.

807. Plaintiffs assert these willful illegal actions by the CEO, Planning Board, and the Town, are intentional violations of Maine statutes Title 38. Waters and Navigation. It is important to note the differential treatment by the CEO where serious SZO Title 30 violations without permits are allowed "Emergency" Planning Board meetings granting permits without discussing the GPE, and without fines. This same differential treatment was perpetrated upon Plaintiffs Richard and Ann at the 2006 BOA meeting where Plaintiffs permits were willfully and illegally revoked with a very lengthy meeting followed by 8 variances granted without ever discussing "Undue Hardship", or Findings of Facts and Conclusions in less time than it took to revoke the 2 PB permits. Ultimately the BOA's actions against Plaintiffs were overturned by the Superior Court.

808. After the September 7, 2016 Dismissal with Prejudice by Justice Stewart, Plaintiffs met with CEO Dube September 9, 2016 requesting a permit renewal. Plaintiffs waited until September 22, 2016 to provide the CEO enough time to answer his questions with the court decision. Because CEO Dube willfully took no action on Plaintiffs request, Plaintiffs Attorney wrote to CEO Dube on October 13, 2016 confirming the Dismissal with Prejudice but received no response from the CEO. (The Town SZO §16 D Procedure for Administrating Permits states, "[W]ithin 35 days of the date of receiving a written application....SHALL notify the applicant in writing..")

809. Plaintiffs filed a motion for a Declaratory Judgment on January 18, 2017.

810. On March 14, 2018 seven (7) months after Plaintiffs request to renew their permits, Town Attorney Edmond J. Bearor wrote to Plaintiffs Attorney Luke Rossingnol stating, "[I] asked the town to think of options that might be open to Mr. Cayer for the construction of a building on his lot. Please consider this communication to be subject to *Rule 408*. See the attached outline for your consideration." This willful inflammatory communication from the Town CEO Drew Dube was headed, "Richard Cayer Resolution Options." Plaintiffs believe the outrageous "Resolution Options" by the CEO was willfully intended to inflame Plaintiffs because Plaintiffs successfully defended themselves against the Town's meritless code violations lawsuits and threatened to sue the Town and its employees for initiating and continuing the malicious prosecution against Plaintiffs Richard and Ann Cayer. Plaintiff's also believe that the most logical reason, based on the Town's past practice, for the Town to withhold Plaintiff's permit after the dismissal with prejudice was to offer the permits as a bargaining chip for Plaintiffs to dismiss the tort claims against the Town and its employees.

811. Furthermore, for Attorney Ed Bearor to claim in his March 14, 2018 email that the "Resolution Options" was "subject to *Rule 408* is regarded by Plaintiffs as, extrinsic fraud.

812. *M.R.E. 408.* is clear and unambiguous. The email from Attorney Ed Bearor was clearly not a, "[F]urnishing, promising, or offering, a valuable consideration in compromising or attempting to compromise the claim." Plaintiffs assert the information by Ed Bearor was intended to inflame Plaintiffs to which Plaintiffs refused to respond.

813. The CEO's actions are in willful direct contrast to the fraudulent claims by the Town Manager Ryan Pelletier when he told the Saint John Valley Times, "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community."

814. Town Manager Ryan Pelletier insinuates that the Town was doing Plaintiffs a favor by dismissing the meritless lawsuits the Town brought against Plaintiffs. Nothing could be further from the truth. It is well documented that Plaintiffs were vehemently opposed to the Dismissal with Prejudice until Justice Stewart convinced Plaintiffs it was a good offer. Furthermore, for the town Manager to claim "[I]t was a good faith effort to put the past behind and move forward for the betterment of the community" is an equally willful fraudulent statement considering the actions the town took when Plaintiffs requested that their permits be renewed in order to move forward, as claimed by the town, with their building project.

815. The Summary Judgment was denied to both parties by Justice Stewart leaving the Declaratory Judgment to be decided. The issue before Justice Stewart was simple. The Stop Work Order caused Plaintiffs to stop working on the camp. The Stop work Order was illegal and violated Plaintiffs Due Process rights for a Hearing before a court of law because the permits were vested. Furthermore, because the case was dismissed with prejudice the claims by the town were meritless and the Stop Work Order illegal. Moreover, the Town SZO does not have provisions for a SWO, but it does have language in 16 I §(3) for an injunction, and a Due Process of Law Hearing, whenever permits are vested.

816. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

817. The Town of Madawaska and its Attorneys gave no rational excuse or reason why the Board of Selectpersons have intentionally elected to enforce meritless lawsuits against Plaintiffs without the town's legislative authority granting the appropriation of funds necessary for the enforcement of such actions.

818. This Ultra Virous act by the Selectpersons violated their oath of office to limit expenditures of funds to the amounts appropriated by the legislative body in a Town meeting.

MOTIVE

819. In both "malicious prosecution" and "malicious use of process", the Plaintiffs must establish that: (1) the defendant caused a process to issue. (2) The action terminated in favor of the Plaintiffs: (3) Defendant instituted the action without probable cause and with malice. (4) The

Plaintiffs suffered damage. It is understood by Plaintiffs that in many states in order to succeed with a filing of malicious use of process, a Plaintiff must include a showing of motive. Grove v. Purity Stores Ltd., 153 Cal. App. 2D 234, 314 P.2d 543 (1957) ; Carbaugh v. peat, 40 Ill. App. 2D 37, 189 N. W.2d 14 (1963); Dwyer v. McClean, 133 Ind. App. 454, 175 N.E.2d 50 (1961).

820. Plaintiffs have recorded and maintained volumes of documented files, which are available to substantiate any statements made by Plaintiffs. Following is a very limited history, albeit, quite lengthy description of these actions by the Town against Plaintiffs that started in 1988, after Plaintiffs purchased the Birch Point Campground (BPC). This long history is intended, in part, to show how Plaintiffs have endured years of willful fraud by Roger Collins and his "Association," in willful and fraudulent coordination with the Town of Madawaska's Boards, CEO, and Town Manager, to deny Plaintiffs due process rights, equal protection rights, right to petition, willful discrimination, malicious use of process, abuse of process, inter alia. These willful and fraudulent acts by the Town employees, and it's Boards preventing Plaintiffs Richard and Ann Cayer from succeeding with their campground business and camp rentals by, inter alia, requiring Plaintiffs to attend countless illegal Planning Board, and Board of Appeals meetings and actions with illegal appeals, and by filing meritless lawsuits against Plaintiffs while willfully ignoring countless similar code violations known to the town, and CEO.

821. These willfully fraudulent acts were started by Association President Roger Collins, and Vice President, Robert Deschene by forming an ad hoc group, so called "Birch Point Association" whose sole purpose was to close the campground. Roger Collins and his group of abutting landowners had been willfully fighting with the previous owners for three (3) generations. Collins told Plaintiffs, "[B]ick Cayer if you would have minded your own business, we could have had this (campground) property for nothing." Furthermore, Collins threatened Plaintiffs saying, "[W]e will prevent you from ever succeeding with the campground."

822. While Plaintiffs Richard and Ann Cayer were in the process of buying the campground, they learned that the previous owners had been fighting with the abutting land owners for (3) generations. Plaintiffs believed the fighting would come to an end because Plaintiffs were friends with many of the abutters and Plaintiffs intended to work with the abutters to stop all fighting. After Plaintiffs bought the campground, Collins requested Plaintiffs to remove loads of gravel from the right of way placed by the previous owners. Plaintiffs paid to remove all excess gravel from the ROW. Because the abutting landowners had very small camp lots, Plaintiffs offered everyone free parking spaces on their campground as needed, to supply the abutters with well water, many did not have wells because the cesspools everyone has are too close, (most are 50 foot lots,) and satellite TV, as a showing of good faith effort to get along. However, after Plaintiffs removed the gravel from the right of way as requested by Roger Collins and Association members, the Association filed complaints with the town requesting inter alia, to close the Campground. The abutters then moved all their fences onto Plaintiffs ROW. For many years from 1988 to 1992, Plaintiffs endured more than (30 mostly illegal Planning Board, Board of Appeals, and Selectmen meetings intended to close the campground. In 1988, Plaintiffs campground license consisted of 15 sites, and in 1989 Roger Collins' Association was successful in having the town reduce the license to 6 sites.

823. This information is intended to satisfy "Motive" in Plaintiffs malicious prosecution case against

the Town and its employees. In 1992, Plaintiffs requested a variance to rebuild the 9 sites lost because of complaints by Roger Collins Association. Justice Joe Watman came to Madawaska to take part in a “workshop” with the Boards to discuss the campground, without any notice by the Town of Madawaska to the Plaintiffs. Justice Joe Watman informed the Board members that Plaintiffs must meet the Undue Hardship standard to regain the use of the 9 sites lost by Collins Association.

824. On April 9, 1992, the Board of Appeals did grant Plaintiffs a variance for an additional 6 sites; but the Collins Association subsequently convinced the town to amend the variance with many other unattainable conditions that could not be met.

825. On September 2, 1992, Roger Collins “Association” successfully requested another untimely Board of Appeals hearing to appeal the variance, five (5) months after the appeal period was over. Plaintiffs Richard and Ann Cayer did not appear at this hearing because they believed the meeting to be untimely and refused to legitimize it. Newspaper reporter Bermond Banville covered the proceedings in the Bangor Daily newspaper.

826. On September 9, 1992, Ginette Gagnon Albert wrote a letter in the local newspaper complaining about how rudely she was treated by a “concerned citizen” at the BOA meeting and was told to “shut up” because she was a “nobody in this Town.”

827. Circa 2006, Plaintiffs provided the Town Board of Selectmen a copy of the September 2, 1992 BOA meeting printed in the St. John Valley Time. Plaintiffs also supplied the Selectmen an editorial article by Ginette Albert. This document provided to the Board by Plaintiffs was devoid of the note added to it by Christina Therrien that said, “[G]ood person to testify to Mr. Cayer's behavior and Slanderous remarks” with an arrow pointing to the SJV article by Albert. Plaintiffs believe that the Town Manager Christina Therrien assumed the concerned citizen was Richard Cayer, when in fact it was Roger Collins. This false representation of Plaintiff Richard Cayer, held in Therrien's files, was used to willfully defame Plaintiff Richard Cayer. Plaintiffs believe this act by Therrien was libelous. This information inter alia, was used to damage Plaintiff's reputation in his community, different State agencies, and State departments.

828. After the September 9, 1992 BOA meeting, Roger Collins informed the town Planning Board they would oppose Plaintiffs campground expansion in court. This threat of legal action caused Plaintiffs such serious concerns, Plaintiffs offered to sell their land to all the abutting landowners for less than $9,000 per 50-foot back lot. This would have increased most camp lots by more than 120% of their current lot size.

829. Although many abutters properties are less than 50 feet wide and 75 feet deep, (less than 4,000 sq. feet total) President Roger Collin and Vice. P. Bob Deschene turned down the offer for the whole Association claiming that they had enough land. Pursuant to present DEP and Town SZO rules, a legal lot must be 200' x 200' or 40,000 sq. feet total. The intent of the DEP, town of Madawaska SZO and its Comprehensive Plan is for the gradual elimination on nonconforming conditions and lots.

830. In the fall of 1994, Roger Collins made illegal repairs to his cesspool without notifying the

Plumbing Inspector Don Deschaine. The Local Plumbing Inspector (L.P.I) Don Deshaine did inspect the Collins property with CEO Ouellet and followed up with a letter. Mr. Deshaine wrote, "[M]r. Collins wants to expand his building towards his neighbor, Bob Deschene. By doing so he will be nearly on his cesspool. Maine Law states that he must have a setback of at least eight (8) feet away from his septic tank and fifteen (15) for his disposal area. Gentlemen, there is no way possible for Mr. Collins to expand his camp at this time as he has proposed. By the time he gets done, his construction will be on his septic system." In his letter the L.P.I. complained about Collins lying to him on different issues such as a toilet and a sink in a shed near the high-water mark with a new cesspool. The result of the inspection by the L.P.I and CEO Ouellet were that Collins had 3 cesspools, 2 built illegally, without permits, within 20 feet of the lake. The L.P.I. listed 2 enforcement issues that landowner "shall do." The CEO Ouellet was responsible to follow up on these serious code violations and he refused to carry out that enforcement action. These violations still exist today.

831. Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increasing the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1). Plaintiff pointed out to CEO Ouellet that the in-filling/increase in non-conformance was not legal. CEO Ouellet told Plaintiff that was how he interpreted the code and always allowed infilling from that point on, until May 9, 2007 after Plaintiffs successfully defended CARSC-AP-06-003.

832. On many occasions, Town Manager Christina Therrien and Selectpersons agreed to amend ordinances, and laws to benefit Roger Collins, by changing and amending court decisions, illegally amending State statutes, changing/amending setbacks, ignoring inter alia septic code violations, and intentionally ignoring code violations by Collins and his Association. Furthermore, the Town has conspired with Collins and his Association members to take many fraudulent enforcement actions against Plaintiffs Richard and Ann Cayer without one successful claim.

833. On September 2, 1996, Roger Collin wrote a letter to the CEO complaining about "[N]umerous infractions have occurred on the campground". A Planning Board meeting was again set up to address these alleged violations. The Chairperson Gerald Dufour explained "[T]he Planning Board has no power in policing the Campground, it's up to the CEO and the Board of Selectpersons to look into infractions if they have occurred."

834. In June of 1997, Collins wrote to John Pluto office of the District Attorney complaining about trees Plaintiff Cayer planted to screen their tenants from the ROW which Deschene pulled out and kept. Deschene complained that the hedge was onto the right of way. On June 23, 1997, the District Attorney wrote to Plaintiffs' attorney Alan Harding advising him that "[I] am requesting that the Madawaska police department forward me a report on the situation."

835. On July 25, 1997, District Attorney John Pluto wrote to Collins. "[T]he State is declining to bring criminal charges against Mr. Cayer at this time. The recent planting of trees does not drastically further reduce the usable width of the right of way."

836. On July 27, 1998, CEO Ouellet sent Plaintiffs a letter complaining about a travel trailer parked on Map 34, lot 20 for a number of weeks.....if more than one(1) residential dwelling unit is on a

single lot....for each additional dwelling unit. CEO Ouellet sent a letter to Plaintiffs complaining about the alleged RV violation as he had done in the past. Plaintiffs understood this to be legal and did respond questioning the CEO's opinion which was never replied to.

837. On October 9,1998, Roger Collins, Bob Deschene, and Jim Gogan willfully caused great damage to Plaintiffs campground and Right of Way by removing trees that had grown naturally over the years, by bulldozing the right of way and the criminal theft of more than 600 yards of gravel from the right of way, making access to the campground impossible.

838. On October 15, 1998, Selectman Dan Ahearn and the Board of Selectmen hired attorney Bob Bellefleur to look into whether defendant's Deschene, Collins, and Gogan violated State and Town ordinances by digging in the right of way and removing over 600 yards of gravel from said right of way without the necessary permits because CEO Ouellet willfully refused to bring an enforcement action against Defendant's Collins, Deschene and Gogan.

839. On October 16, 1998, Plaintiffs filed an injunction and on November 8, 1998 served Defendant's Collins, Deschene and Gogan for inter alia, trespass, theft, and destruction of personal property.

840. On October 20, 1998 letter to CEO Ouellet from attorney Bellefleur stated, “[I]t appears that there is a zoning code violation which has been committed by Mr. Deschene, Mr. Collin and Mr. Gogan, because they failed to obtain a permit before moving 10 yards plus of dirt. They may not have constructed the roadway in accordance with the zoning code standards”. Note: (The illegal work done on the ROW by Deschene, Collin and Gogan, is a Title 38: §439-B. Shoreland Zoning Violation) “[I] recommend that the three individuals involved obtain a permit for the road construction and that they be informed what they need to do to comply with the zoning regulations for that kind of construction.”

841. CEO Ouellet did not do any of this enforcement action against defendants in spite of the attorney Bellefleur's legal opinion in Number 1: “[I] recommend that the three individuals involved obtain a permit for the road construction,” and “[I]f they do not complete the roadway to zoning code standards, then you should consider bringing enforcement action against them. You might also want to consider assessing a nominal penalty for their failure to obtain a permit prior to construction.” This legal advice by attorney Bellefleur was solicited by the Selectmen. Number 2: “[A]ny gravel that has been removed from the premises belongs to Mr. & Mrs. Cayer.

842. The Town and CEO Ouellet ignored the recommendations by attorney Bellefleur. Had the CEO carried out his duty as recommended by attorney Bellefleur in his October 21, 1998 letter, Plaintiffs could have concentrated on the real crime, the destruction of access to the private campground, and the theft of over 600 yards of gravel as pointed out by attorney Bellefleur in number 2 of his letter to the CEO.

843. Because construction of a road within 250 feet of Long Lake is a Title 38: §439-B. Shoreland Zoning Violation, enforcement is mandatory.

844. Justice Gorman attended a settlement conference on May 8, 2001 and falsely accused

Plaintiffs Richard and Ann Cayer of fighting with defendants over a period of 30 years. Plaintiffs had only owned the campground for 10 years when Collins, Deschene, and Gogan damaged the road (ROW) and stole 600 yards of gravel. Until this time defendants Collins, Gogan and Deschene had often attacked Plaintiffs and his tenants. Plaintiffs intentionally avoided any personal confrontation with any of the defendants. Because Plaintiff was naive, he believed the courts would protect him if he did not violate any law or code.

845. Following the court decision by Justice Gorman, Plaintiffs Richard and Ann Cayer were required to pay 75% of the cost to replace the gravel stolen by Deschene, Collin, and Gogan. Plaintiffs also had to pay 75% of the construction cost needed to repair damage done to the Right of Way in order for Plaintiffs campers could use it to access their campsites. This damage to the Right of Way by defendants' actions, Collins, Deschene, and Gogan on October 9, 1998 was done without the necessary permits or silt fence as required by Maine Statute Title 38: §439-B*. Contractors certified in erosion control.* This was a serious DEP violation which the CEO intentionally ignored even after a letter by attorney Bob Bellefleur's recommendation to take enforcement action against Collins, Deschene, and Gogan.

846. Moreover, the May 8, 2001 court decision by Justice Gorman allowed defendants Deschene, Collins, and Gogan the continued use of the intentional encroachment of defendant's fences on Plaintiffs properties even after a 1977 decision by Justice Roberts specifically preventing any further encroachment.

847. On May 25, 2001, Plaintiffs were required to secure a permit application to repair the ROW that involved lengthy, and costly engineered drawings.

848. The Gorman decision addressed inter alia, repairs to the road. Plaintiffs were held responsible to carry out these repairs caused by Defendant's illegal acts of theft and destruction of personal property that included, requesting and securing permits, hiring a contractor and pay to replace the 600 yards of gravel stolen by defendants, and to repair the damage to the Right of Way done by defendants. Defendants Collins, Deschene, and Gogan refused to help in this ROW repair.

849. On May 24, 2001, CEO Ouellet sent defendants attorney David Soucy a copy of page 30, §15(Q) Erosion and Sedimentation Control: from the Town SZO. CEO Ouellet asked attorney Soucy this question. "[D]avid: This is from our Shoreland Zoning Ordinance, does this not apply in this case. Let me know - Bob Ouellet 728-6351". CEO Ouellet was working with defendant's attorney, David Soucy, to make Plaintiffs permit requisition as difficult as possible, rather than bring an enforcement action against the individuals responsible for the damage done to the ROW as recommended by town attorney Bob Bellefleur.

850. On May 25, 2001, Plaintiffs attorney F. Bemis emailed Plaintiffs stating, "[B]ob Ouellet faxed this information to me. He is insisting that a permit is required. I tried to say that you were simply restoring the land and that no permit was used earlier but Bob would not budge." *Note:* CEO Ouellet did not bring a SZO violation against Deschene, Collin, and Gogan as recommended by Town attorney Bellefleur, but insisted that Plaintiffs follow strict DEP and Town permitting rules.

851. On August 16, 2000, Roger Collins and Bob Deschene wrote to CEO Ouellet requesting inter alia, a certification by the Health Officer and the Code Enforcement officer for the year 2000. On September 13, 2000, the CEO responded to Collin and Deschene about their concerns.

852. On August 16, 2000, Roger Collins complained in a letter to the CEO about alleged code violations at the Plaintiffs campground inter alia, a camper that remained on the campground beyond the allowed time of 3 months which was answered by the CEO on September 13, 2000. The reason that one camper remained on the campground was that when defendants damaged the ROW, Plaintiffs tenants could no longer access the campground to remove the camper. Furthermore, because both parties agreed to a court ordered injunction not to make any changes to the ROW, tenants could not repair the ROW necessary for the removal of the camper.

853. On November 2, 2000, Plaintiffs received a Notice of Violation from the CEO instructing Plaintiffs to "[R]emove the (1) camping unit ….no later than "[S]unday, November 19, 2000. Failure to comply with this order may result in court action against you. Title 30-A § 4452 establishes a fine of $100-$2,500 for each violation of the Ordinance." Note; Because Collins Association reconstructed the Right of Way without a permit, Plaintiffs could not safely remove the RV. Collins and Association were never charged as recommended by the town's own attorney Bob Bellefleur.

854. On November 22, 2000, VP Bob Deschene wrote a letter to the CEO informing him that because he was in Florida for the winter, he wanted to make sure that the CEO enforced the code and instruct Plaintiffs they must remove the camper before winter.

855. On November 27, 2000, Plaintiffs applied for a Board of Appeals temporary exception to allow a camper trailer to remain on the campground for one winter because of the damage done to the ROW by defendants Collins, Deschene, and Gogan made it too difficult to remove the camper until the ROW issue was resolved.

856. On November 28, 2000, Plaintiffs received a letter from the Board of Appeals denying Plaintiffs request to allow the RV to remain on the campground until the ROW could be repaired in order to safely remove the RV without causing damage to it.

857. On September 20, 2001, Bob Deschene wrote the CEO a letter complaining about two infractions on the Cayer campground. 1. No reseeding was done after landscaping on the land abutting the campground. 2. Three campers on the site, have not moved for a period exceeding 12 weeks since May 15, 2001.

858. On May 1, 2002, Collins wrote a letter to CEO Ouellet complaining about storage containers, and a trailer on site before the allowed time.

859. On May 21, 2002, CEO Ouellet issued Plaintiffs a code violation with an attached letter from Dwayne Collins, Roger's son, dated May 1, 2002, this was a complaint instructing Plaintiffs of possible code violations that had to be corrected.

860. Because Rouleau was constantly complaining about RV's on Plaintiffs camp lot, Plaintiffs

pointed out the RV's on Rouleau's illegally sub divided lot, that created an illegal individual private campground next to Plaintiffs house. Initially, the CEO claimed that the nonconforming lot was a lot of record. Plaintiff provided the CEO with deeds clearly showing that the lot in question had been illegally subdivided in 1989. Furthermore, Plaintiffs provided proof that Rouleau also built illegal structures on the property and dug an illegal cesspool 20 feet from Plaintiffs property. This forced the CEO to take an enforcement action against Rouleau. On August 30, 2002, David Rouleau filed a complaint against the CEO Ouellet claiming, "[I] would like to address a complaint of discrimination and harassment against the code officer Bob Ouellet".

861. It is important to note although David Rouleau was not an "officer" in the "Association" he was, and continues to be a member of the Association, that has willfully made many unsubstantiated fraudulent claims against Plaintiffs in public meetings, in local newspapers, with local police, with the Town, the CEO, DEP, and with the Board of Environmental Protection (BEP) in Augusta.

862. Plaintiffs assert that David Rouleau made malicious and willful derogatory statements printed in the newspapers and editorials on April 22, 1998, and September 2, 1998.

863. In late October, the CEO did not process many permit applications because there is little to no construction going on in the winter months. It is evident from the letter CEO Ouellet intended to drag this enforcement action for a long time.

864. On October 7, 2003, David Rouleau wrote a lengthy letter to the CEO requesting that the CEO take an enforcement action against Plaintiffs for numerous code violations on Plaintiffs house next door to Rouleau's house.

865. In October 2003, Plaintiffs received a letter from CEO Ouellet that read, RE: Land Use Complaint that copied (CC) Roger Collin and David Rouleau. "[P]lease find enclosed copies of three Land Use Complaints that have been forwarded to my office for clarification and investigation. Considering my work schedule, I will be reviewing each complaint as time permits. It is important to note there are very little permits being issued in October. After Plaintiffs followed up, Plaintiffs found out that the CEO had responded to Rouleau claiming that there were violations on Plaintiffs house lot.

866. On October 16, 2003, Collins wrote a 3-page letter to the Chairperson of the Board of Selectpersons complaining about "[S]everal new and old code violations.

867. On November 10, 2003, Plaintiffs received a letter from Maine DEP with a complaint by Collins, followed up by the CEO concerning railroad ties along the ROW requesting that Plaintiffs move them to a more suitable location. Plaintiff's complied with the request.

868. On December 9, 2003, Plaintiffs received a letter from the CEO "[c]concerning the complaints by David Rouleau of your property on Lake Shore Road and the complaints by the Birch Point Camp Association of you campground property. A Board of Selectmen's meeting will be scheduled in the January 2004 (sic) to discuss these issues. You will be advised of the time and place of this meeting. If you plan to have legal representation at this meeting, please

advise myself or the Town Manager." The CEO included a letter from the Birch Point Camp Association with a list of 9 complaints. Also included was a letter to David Rouleau with a response to his complaint letter agreeing with Rouleau that there were 3 violations on Plaintiffs properties.

869. On December 24, 2003, Plaintiffs hired attorney Luke Rossignol to protect Plaintiffs from these meritless charges of code violations.

870. Plaintiffs provided the CEO Bob Ouellet and Selectmen a letter explaining the permits issued by the past CEO and Town Manager Arthur Faucher, allowing Plaintiffs to expand their house. Because the harassment by CEO Ouellet and the Board of Selectmen continued, which included a surprise visit and illegal trespass by CEO Ouellet and Chairman Mike Violette at Plaintiffs home, Plaintiff asked the Town Manager and past CEO, Arthur Faucher, to explain that Plaintiffs worked with the necessary permits issued by Faucher.

871. After 8 months of unfounded investigations and charges, on June 10, 2004, the Town Manager, Arthur Faucher, wrote a Memo to CEO Ouellet and the Board of Selectmen. In his memo, he explained how he justified the permits and supported Plaintiffs explanation of the charges. This letter also scolded recipients of the letter by saying, *"[T]his situation is ridiculous and certain people have gone to ridiculous means to harm the character of Mr. & Mrs. Cayer and intentionally affect the Maine Constitutional rights of enforcement of Madawaska's Code Enforcement Officer by political means."* Town manager and past CEO continued, *"[T]he Cayers are undeserving of being accused of anything otherwise of what was permitted and done. Certain people are again trying to make a situation vulnerable and applying their baneful ways on the Cayers. The time has come to stop wasting your time, the taxpayer's money and the moral values of enforcement. I rest my case."*

872. A few weeks later, Town Manager Arthur Faucher who had worked as Town Manager for 16 years was fired without a Hearing. Plaintiffs explained to the Board of Selectmen that pursuant to Maine Law, the Board must make public the reasons for firing the Town Manager, Arthur Faucher. The Board refused to answer Plaintiffs request and never filed the mandatory document required by law.

873. On July 13, 2004, the Selectmen held a hearing on the charges by Rouleau and Collins Ass. After a very lengthy meeting on Rouleau's claims, the Board found no violations by Plaintiffs.

874. Although Maine Law has repealed, in part, State statutes for conspiracy and fraud, in common law jurisdictions, as a civil wrong, fraud is a tort and can be a crime if willfully committed with malice. Plaintiffs assert these actions by Collin's /Association, and the Town, have willfully caused Plaintiffs suffering and injury as a result of the existence of this conspiracy. Plaintiffs assert the clear evidence of discrimination against Plaintiffs support the theory of conspiracy and fraud by the Town and may be used in determining the amount of damages in Plaintiffs tort against the Town and the respective liabilities of civil co-defenders for the payment of damages.

875. At a 2002 BOA Hearing, Plaintiffs were in a discussion with 3 Board members. They were claiming that the code is too strict and people cannot build, so "we will give variances". Plaintiff

told the BOA members the proper way was to amend the code if they felt it was too strict.

876. On November 8, 2004, the same Madawaska Board of Appeals willfully and fraudulently granted Roger Collin a variance without willfully addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion. Plaintiff R. Cayer spoke at the BOA Collins hearing and told the Board that they were required to address the Undue Hardship provision in order to issue a variance, that Collins request violated the 30% volume expansion rule, and the setback rule, to which the CEO simply said, “I don't know about that because I have not looked into the 30% volume”.

877. Although the CEO was present and was well aware of the willful and fraudulent BOA’s actions, the CEO willfully and fraudulently refused to take legal action or even speak up at the BOA hearing for Roger Collins concerning these serious DEP and Maine statutes violations.

878. It is important to note, notwithstanding the willful procedural and substantive SZO violations by the BOA, the CEO granted Collins a permit the very next day on November 9, 2004. The willful actions by the BOA and CEO ignoring procedures and finding of facts at these hearings and meetings compared to the difficulty Plaintiffs had to receive their permits after Planning Board approval speakers’ volumes. This is especially important because the CEO simply said at the BOA hearing, “I don't know about that because I have not looked into the 30% volume”.

879. Because the Town and its CEO allowed this willful fraud by the BOA at the November 8, 2004 hearing granting Collins a variance without discussing undue hardship, in violation of Maine Statutes, Plaintiff R. Cayer successfully appealed, Docket No. *CARSC-AP-04-011*, the action by the BOA in Superior Court on October 25, 2005. (*J. Hunter).* Reasons cited by J. Hunter were, failure to apply the Undue Hardship provision and failure to “[m]ake its findings of facts and conclusions of law in accordance with the principles of law as indicated herein.”

880. Despite the Court's Order, the Board of Appeals did not conduct a hearing *de novo* on the Collin's permit application according to the principles of law set forth in the Superior Court's Decision and Order. Rather, on July 11, 2006, the Board of Selectmen conducted a Public Meeting and willfully and fraudulently voted to allow the illegal structure to remain pursuant to a Consent Agreement and a small fine.

881. On August 10, 2006, Plaintiff R. Cayer filed another 80B appeal Docket No. *AP-06-005* that was again sustained in Superior Court (*J. Hunter)* and ordered the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and remanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application .....or in the alternative, to remand the case back to the Town for appropriate enforcement action as provided for in the Superior Court's October 25, 2005 Decision and order in CARSC-AP-04-011.

882. Because Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increased the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1), this 1995 expansion increase was added to the total calculation for determining how much more footprint and volume Collins could expand.

883. The CEO was aware that Collins had expanded after1989 because he issued the1995 permits allowing Collins to expand close to, if not all of the 30% volume allowable lifetime expansion as provided pursuant to the 1989 SZO, and DEP rules. The willful fraud on the courts claim by the CEO and the Town, allowed Collins to- add- this pre 1995 expansion which increased the allowable 30% volume substantially, rather than -subtract- the 30% expansion permitted in 1994 to the total allowable expansion.

884. For this reason, Plaintiffs knew throughout these appeal proceedings for the Collins camp expansion that the CEO and the Selectboard were willfully aware that Collins had expanded significantly beyond the 1989 SZO §12C (1) allowable lifetime 30% expansion provision. The town willfully and fraudulently prevented Plaintiffs to allow these facts to be discussed in public meetings, and willfully prevented Plaintiffs to know what actions the town was taking with the Collins case. The town willfully and fraudulently issued a Consent Agreement ignoring Justice Hunters order to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collins permit application."

885. The enforcement action by the town and CEO willfully ignored important material facts, such as, the increase of more than 30% volume increase, removal of shed ordered by the court, 3 illegal cesspools, and the encroachment into the front yard setback from Plaintiffs property to which no variance or permit was granted. These willful violations remain a nuisance of the Town SZO and State Law (Title 38) to this day all in violation of Justice Hunters August 10, 2006, decision.

886. By a Consent Order and Judgement, dated December 17, 2007, the Town willfully settled the case with Collins in District Court by filing and claiming fraud on the court statements that the Town clearly understood to be untrue. The Town willfully entered into another fraudulent Consent Agreement with Collins which allowed the illegal structure to remain on the Collins premises without legal permits or variances despite the facts that: (a) the first Superior Court decision in CARSC-AP-04-011 found that the Board erred in its determination of its 30% expansion and in conducting its proceedings on the expansion issue by willfully refusing to allow Plaintiff Cayer, the opportunity to present evidence describing the development history related to the Collins property. And by, (b) allowing Collins to build beyond the 30% volume allowed pursuant to the town SZO (1989), a Town and State DEP Shoreland Zoning Ordinance violation, and (c), the Town willfully and Freudianly amended the 50 foot setback, and willfully applied, with fraud on the court, the amendment for the 50 foot setback from Plaintiffs campground and ROW, by willfully ignoring Title 1.§ 302 making the amendments void as applied in this case.

887. *Title 1.§ 302; "[F]or the purposes of this section and regardless of any other action taken by the reviewing authority, an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before. For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law. [1987, c. 766, §1 (AMD).] "* Therefore, the willful, fraudulent actions by the Town to amend its SZO, willfully allowing the Collins encroachment into Plaintiffs ROW and campground without a variance,

was a willful violation of Plaintiffs rights, and willful fraud on the Courts by the Town of Madawaska. Pursuant to Title 1.§ 302, Collins failed to comply with 50 foot setback which was a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

888. From 2005 to 2009, the Town Manager, CEO, Planning Board, and the Selectpersons willfully amended inter alia, the SZO front yard, and side yard setback distances to accommodate Roger Collins code violations with many emergency Planning Board meetings and hearings to help Collins circumvent the towns ordinances. Although the courts ignored the fact that the amendments to the ROW setbacks were legally null and void in the Collin matter pursuant to Title 1. § 302, the courts repeated the amendments as legal. The District court decision by J. Daigle ignored the fact that the 2 foot encroachment still required a variance, and the willful act by the Board of Selectmen granting another Consent Agreement without a variance was still in willful violation of Justice Hunters decision, and a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

889. The Town willfully prevented Plaintiff R. Cayer from knowing how the Board of Selectpeople were handling the Collin case, with illegal secret meetings, illegal Executive Sessions, Ex-parte communication, including illegal Code Amendments for setbacks.

890. On October 16, 2007, a few weeks before Plaintiffs left for the winter, Plaintiffs asked the CEO what was happening with the town filing for the Collins case in District Court and if the town had complied with J. Hunter's decision to apply section H of the SZO. The CEO told Plaintiffs he did not know anything about that, and that he just did what he was told, that he was just an employee.

891. On April 14, 2005, Dwayne Collin wrote a letter to the CEO claiming Plaintiffs had constructed a storage shed without a permit and enclosed a picture of the shed.

892. On May 24, 2005, CEO Ouellet issued a NOTICE OF LAND USE VIOLATION to Plaintiffs Richard and Ann Cayer claiming "[I] have verified this complaint and I do not find a Land Use Application or permit for this structure. You are in violation of the Shoreland Zoning Ordinance. You will be notified of the Selectmen meeting, when this violation will be discussed."

893. Plaintiffs did appear at the June 2005 Selectmen meeting and after the Board claimed a building code violation against Plaintiffs based on the Dwayne Collin letter and pictures, Plaintiffs showed the Board that no structure had been built. The picture Plaintiffs provided showed the alleged building to be a simple K Mart swing that belonged to a tenant, with a tarp protecting it from the winter snow.

894. On Wednesday, July 27, 2005, David Rouleau filed a complaint at the Police Department against Plaintiff alleging Plaintiff engaged in conduct constituting Criminal Mischief, and asked

the Madawaska Police Department to prosecute Plaintiff for the alleged offense, (b) Police offense report states that Defendant reported that the Relatives told him they saw the Plaintiff wade into the lake in front of the camp and turn off a ball valve that controls the water flowing to the pump.

895. On August 23, 2005 the office of District Attorney issued a criminal mischief summons to be heard on December 7, 2005 at the Caribou Superior Court and the court will establish a criminal jury trial schedule for January 19, 2006.

896. On November 23, 2005 the St. John Valley Times as reported by Beurmand Banville, for the first time in many years, and not since then, (*emphasis added)* printed the Madawaska District Court cases of September 14, to November 17, that clearly stated, Richard A. Cayer 60, St. David, criminal mischief, jury trial. This was also repeated in the Bangor Daily Newspapers as reported by Beurmand Banville.

897. After Rouleau's tenants filed their version of the facts, it was clear that David Rouleau's statements to the police, that the tenants saw Plaintiff Richard Cayer close the valve" was a willful fraudulent claim by Rouleau in his police report. The DA office dismissed the case. This willful slanderous act by Rouleau willfully harmed Plaintiff's reputation.

898. Because Roger Collins and his Association had a history of causing physical damage to the campground including a claim by the previous owners of pouring cement into the sewer lines, Plaintiffs dug up all sewer lines and did find the cement in the sewer lines as claimed by the previous owners. Plaintiffs tenants at the campground also complained about harassment and trespassing onto Plaintiffs campground before and after Plaintiffs bought the campground. For this reason, Plaintiffs warned the Association members verbally and in mail form not to harass their tenants and not to trespass on Plaintiffs properties.

899. It is also well documented that before Plaintiffs bought the campground, Collins and his Association were responsible for removing large rocks on the campground ROW, intended to encroach onto the previous campground properties. This willful encroachment continues today with Rouleau's removal of legal property line monuments placed by registered surveyors, and placement of fences willfully onto Plaintiffs ROW. This encroachment history by all abutters continues to be a serious problem for plaintiffs. Because of these problems with the abutting landowners, Plaintiffs had their property surveyed. Since none of the abutters had their lots surveyed and they willfully continued to encroach onto Plaintiffs properties, Plaintiff Richard Cayer offered to pay for any surveyor of their choice, and agreed to abide by their legal interpretation of the property lines. Not one Association member agreed to those terms and continue with ongoing willful encroachment.

900. Because the pictures taken by Collins clearly showed him trespassing on Plaintiffs campground, Plaintiffs filed a trespass by Roger Collins and his son. Legal action was taken by the D.A. and found Collins and his son guilty of trespassing to which Collins paid a $200 fine.

901. Plaintiffs assert these claims of violations are selective enforcement against Plaintiffs, and are in sharp contrast as to how the code is applied for most other citizens of Madawaska. For this

reason, in the Fall of 2006 Plaintiffs wrote a letter to DEP Richard Baker requesting that he come to Madawaska and present the Boards a training session on how to carry out their duties fairly and consistently.

902. On October 19, 2006, DEP Richard Baker did provide the Boards a short class on how they should perform their job on the different Boards. Unfortunately, few Board members attended, and those who did, showed little interest and left early.

903. Because the CEO and Boards did not improve the administration of the individual Boards or offices, Plaintiffs wrote DEP Richard Baker again on November 14, 2006 requesting "[y]our office, through the office of the Attorney General, to take action against the Town of Madawaska and CEO, Bob Ouellet according to Title 38: Chapter 3: Sub chapter 1:Article 2-B,§ 443-A for failing to properly administer the duties of his position as Code Enforcement Officer."

904. On February 5, 2007, Richard Baker replied "[d]ue to your concerns, I traveled to Madawaska on October 19, 2006 and conducted a workshop on shoreland zoning administration for the town officials. At that workshop, which was attended by you and Mrs. Cayer, I stressed the need for the town to follow the provisions contained in the ordinance, and to be consistent in their application of the ordinance requirements."

905. Plaintiffs believe and assert, the willful illegal actions by the BOA on June 5, 2006 inter alia, revoking Plaintiffs vested permits, was done intentionally to punish Plaintiffs for successfully appealing their November 8, 2004 Board of Appeals decision granting Roger Collin a variance, without addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion.

906. On June 2, 2008 Nancy Macirowski, Assistant Attorney General wrote a letter to Richard Baker concerning the Collins case. "[I]t appears that there were two substantive issues in the Collins matter. The first, the shoreland zoning issue, centers on whether Collins increased the volume of the building within the shoreline...by more than 30% … The stipulated facts in the Consent order and Judgment state that the shed on the camp property was removed to bring the volume within the statutory requirement." Fact 1. The claim by the town that the 30% expansion volume was met is willfully false. The CEO made these fraudulent statements to the BOA willfully, inter alia, by omission when he did not speak up at the 2004 BOA hearing for Collin but issued the permit the next day. The BOA refused to allow Plaintiff Cayer an opportunity to provide evidence to prove this fact by stating Plaintiff Cayer could not discuss the past even though it was necessary to go back to 1989 by court order. (2) CEO Ouellet falsely claimed the 30% measurements were his figures, when in fact they were Collins' calculations and way over the 30% limit. (3) The "shed" that AG assistant Nancy Macirowski said had been removed was false. The shed never was removed, and is still at the same location. (4) Plaintiffs were denied any information concerning the Consent Agreement and the Chairman of the Selectmen and the Town Manager intentionally lied about the Consent Agreement. (5) In the Summer of 2007, the Town Manager Therrien, amended the SZO front yard setback to 15 feet in order to help Collins. However, this was not enough because Collin was still 3 feet beyond the allowed setback and never requested or received a variance by the BOA as ordered by Justice Hunter.

907. Because there was still a problem with the setback, Therrien made a second rushed attempt to bring the setback to 10 feet which, she believed incorrectly, would have negated the encroachment. It is important to note the Collins permit was requested before the setback was changed and the amendment did not provide a revisionary clause. Pursuant to **Title 1. §302. *Construction and effect of repealing and amending Acts,*** the setback amendments did not apply to Collins, and the town attorneys knew that, or should have known. Certainly, the Courts should have known and did ignore that fact. In the alternative, Collins was still 3 feet beyond the setback limit and did not receive a variance according to Justice Hunter's decision, and still remains a willful violation by the Town, violating Plaintiffs rights to equal protection of law and due process of law.

908. Plaintiffs filed a Contempt of Court because they understood the Collins camp was still in violation of Maine's Title 38 §12. C. of the SZO which was denied by the Superior Court. Plaintiffs appealed the decision with the Maine Supreme Judicial Court which was denied in 2009 with the decision by Justice Gorman in February of 2010. The Town filed the RV violation on June 5, 2010 five (5) months (*emphasis added)* after the Gorman decision was issued. The RV violation was dismissed with prejudice by the Town in September of 2016.

909. What is important to understand is the differential treatment that Collin received such as the aggressive attempts to amend the ordinances for Collin and the decisions of the BOA, PB, CEO, and the Selectmen, when they are dealing with Plaintiffs Richard and Ann Cayer. That differential treatment includes, applying undue hardship for the Plaintiffs and not for Collins or anyone else, allowing in-filling until Plaintiffs request it, time limits for exercising vested permits, payment of $1.00 to re-issue permits, extend time limit on permits, BOA hearing untimely appeals forcing Plaintiffs to appeal in Superior Court, denying Plaintiffs a "Reconsideration vote" as provided in the town SZO, by the BOA, amending court decisions making court decisions void, and many more discriminatory actions.

910. Because Therrien's attempt to amend the setback to 10' for Collins was rushed, it did not meet the statutory provisions for posting requirements pursuant to State statute. Plaintiffs pointed this out at the Town meeting where Therrien stood before the town and intentionally lied to the citizens that Plaintiff Cayer was wrong and that the posting did meet the necessary requirement. Attorney Bob Bellefleur was the moderator and told Plaintiff Cayer he could file an appeal in court if he disagreed. Plaintiffs did file an appeal Pro se in Superior Court, requesting that the code amendment rushed through at the Special Town Meeting to reduce the ROW setback to the 10-foot mark so Collins would not be in violation, should be overturned. Shortly after Plaintiffs filed an appeal pro se, the Town Manager Therrien wrote Plaintiffs a November 8, 2007 letter admitting the error and blaming the Planning Board for the error. For this reason, the Madawaska Selectmen intentionally, and illegally ignored the town ordinances, and allowed Collins to further encroach into the Plaintiffs ROW setback without a variance because the setback remained at 15 feet. The Town lied to the Courts claiming there were no more violations.

911. On February 24, 2006, Plaintiffs filed a request for 2 land use permits because Plaintiffs wanted the permits in hand by early May because the building season is so short. CEO Ouellet complained many times that we should wait for the snow to melt. On March 13, 2006, the Planning Board held a meeting and granted Plaintiffs the existing location for the greatest

practical extent from the high-water mark for the camp expansion and foundation. This was Planning Board member Gary Dufour's first meeting. He asked, "[W]ould this be a foundation under the whole building?" Richard Cayer replied, "Yes." (This is from the town's PB minutes.)

912. This is an important fact because after the Superior Court decision by Justice Hunter, the town requested an amendment to the Superior Court decision: "to allow a foundation, only, under the "existing structure" and not under the new structure." Plaintiff believed this was simply a retaliation effort by the Town Manager because she lost both appeals of the BOA. Plaintiffs did not want to spend any more money on this ridiculous amendment and allowed the town to prevent a foundation under the new structure. Furthermore, the Town Manager Therrien, the town attorney, and the CEO for the first time, denied Plaintiffs the right to in-fill, even though the CEO clearly said at both, the PB, and the BOA hearing on June 5, 2006 that in-filling was allowed.

913. It is important to note at the March 13, 2006 Planning Board meeting, CEO Ouellet explained in-filling, or aka as increase in non-conformance, that Plaintiffs could in-fill because it had always been allowed.

914. On April 27, 2006, the PB held a second meeting to discuss the boat landing permit application which was also permitted with the conditional requirement that the DEP grants a permit.

915. These decisions were appealed beyond the 30-day appeal period. Furthermore, the "[N]otice to Abutting Landowners" mailed to Plaintiffs clearly said in regards to the Plaintiffs appeal, "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing: " Because Plaintiffs understood the appeal was untimely, and the notice simply said "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing:" Plaintiffs did not believe there would be a vote taken and were only prepared to "discuss" the permits, and the timeliness of the appeal.

916. The violations to Plaintiffs rights at this Hearing were too numerous to include in this format, so Plaintiffs will include a few key points. (1) There were 14 appeals at this June 5, 2006 hearing. All were "to review and decide" except Plaintiffs appeals that was, "to review and discuss." For this reason, Plaintiffs were not expecting a vote to reverse the Planning Board decisions. After the Hearing on his permits, Plaintiff had to leave for work and did not expect more public discussion or a vote to be taken.

917. Plaintiffs told the Board of Appeals members that the boatlanding, and camp expansion appeals were untimely.

918. After Plaintiff was told by the BOA Chairman that it was the end of his hearing, Plaintiff Cayer left for work. The Board ended the public hearing. The BOA heard and granted nine (9) Shoreland zoning variances without any mention of the words Undue Hardship or filing findings of facts and conclusions in less time then they spent on Plaintiffs permit issues. The BOA again discussed Plaintiffs Planning Board permits with the citizens in the audience in violation of Plaintiffs due process rights and illegally voted to remand the permits back to the Planning Board.

919. It was at this June 5, 2006 BOA hearing where attorney Bob Bellefleur representing the Morins' appeal of Plaintiffs Planning Board permits said, "[T]he Cayer's request would need to go to the Board of Appeals for a variance and it will be difficult to get because undue hardship needs to be proven by the Cayer's. Bellefleur explained the 4 elements that need to be proven for undue hardship. **Attorney Bellefleur also said that "[t]he BOA has been giving out variances like candy in the past and that is illegal."** This was said by attorney Bellefleur after the October 25, 2005(*J. Hunter)* decision eight months after J. Hunter remanded the Collin BOA decision. After the BOA heard the Plaintiffs appeal, they then authorized 9 variances for undue hardship without mentioning the words undue hardship. At another BOA meeting a few years later, another BOA member said, "[W]e don't have to follow the law, we use common sense." And, BOA member said while holding up the Shoreland Zoning Ordinance, "[D]o you mean to say we have to do everything in this book, how will we ever get anything done?"

920. The BOA did not fulfill the State requirements pursuant to M.R.S.A. Title 38 §438-A Municipal authority; state oversight, 6-A, requirement Variances. "*[A] copy of a request for a variance under an ordinance approved or imposed by the commissioner or Board under this article must be forwarded by the municipality to the commissioner at least 20 days prior to action by the municipality."* The BOA also failed to complete a finding of facts and conclusion.

921. The BOA Chairman Marc Morneault refused to allow a reconsideration vote by the BOA members on Plaintiffs two (2) Reconsideration request.

922. Within two (2) days, Plaintiffs sent the Chairperson Morneault, a letter requesting a reconsideration vote. Because the Chairperson told Plaintiffs that although the BOA did not vote to reconsider the decision, he took it upon himself to deny the reconsideration request.

923. Although the BOA can refuse a reconsideration request, there must be a vote of the majority of the Board members to decide if a reconsideration is allowed. Plaintiffs assert that because the BOA did not discuss or vote on the reconsideration request, the decision by the Chairperson to deny Plaintiffs a reconsideration vote was a violation of Plaintiffs Due Process rights. This reconsideration vote could have prevented the Superior Court appeal that Plaintiffs were successful in Superior Court, *J. Hunter*.

924. Plaintiffs' attorney Luke Rossingnol also wrote to chairperson Morneault on June, 23, 2006 requesting a Reconsideration vote by the BOA which was not answered.

925. Plaintiffs successfully appealed the two (2) BOA decisions in Superior Court with a decision, to, "[A]ccordingly, this court concludes that the June 5, 2006 determinations of the ZBO to remand both the Plaintiffs permit application and foundation/deck permit application to the Board are not supported by law because both Board Determinations were final and beyond the authority of the ZBA to address in any way." The Town took actions to amend the camp permit decision by justice Hunter, and limited the foundation to "[T]he existing structure only." The town also prevented Plaintiffs from in-filling the L shape of the camp, that the CEO told both Boards was allowed and legal.

926. Plaintiffs assert that because in-filling was a legal past practice defended by the CEO since his

hiring in 1994, clearly demonstrated the intentional discrimination by the Town against Plaintiffs Richard and Ann Cayer.

927. At a 2009 town meeting amending the SZO, Plaintiff Richard Cayer asked the CEO if the state mandated SZO on the agenda included any other language or amendments requested by the town. The CEO made clear that to his knowledge the town did not include language beyond what the state required. Shortly after the new SZO was approved, it was made clear the Town did include new language that supported the requirement that in-filling was now only possible with a variance from the BOA.

928. Although Plaintiffs were denied in-filling in 2008, it was only in 2009 that the town adopted the new SZO with hidden language added by Christina Therrien to prevent in-filling. Once again Therrien amended the code to prevent Plaintiffs from benefiting from a successful appeal of the BOA, and court decision by Justice Hunter. This is all well documented. Even though in-filling was amended in 2009, Plaintiffs should have been allowed pursuant to Title 1 §302 because it was legal at both Board meetings. Sometime cerca 2016, after Therrien was no longer the Town Manager, Plaintiff Richard Cayer made the Madawaska Planning Board aware of this illegal act by Therrien, and reversed that amendment allowing in-filling once again.

929. On November 12, 2008, attorney R. Currier wrote to RHR SMITH & COMPANY, CERTIFIED ACCOUNTANTS, P.A.. Currier begins, "[M]r Cayer is a highly litigious, disgruntled citizen residing at Long Lake in Madawaska Maine. He has previously filed suit(s) against the Town...." In his Summary attorney Currier claims "[M]r Cayer is provocative and aggressive. His correspondence to the Town Selectmen is close to being slanderous." Plaintiffs had never met attorney Currier at this point and believe his description was based on Town Manager's biased information and false description of Plaintiff."

930. CEO Ouellet refused to provide Plaintiffs their permit to expand the camp after the court decision because Plaintiffs needed to put a foundation under the new expansion as well as the rest of the camp and needed to in-fill the deck as allowed by the court decision. In order to get the permit, Plaintiffs had to agree not to in-fill.

931. Because of these intentional delays by the CEO, Plaintiffs received the permit in September which was too late to begin building. Plaintiffs went to Florida for the winter and sometime in April they received a letter from the CEO informing the Plaintiffs that because they had not begun building in the 6 (winter) months, the permit had expired and Plaintiffs had to start the permitting process over again because the permits were not vested yet. Plaintiffs assert this is willful fraud because Plaintiffs did not have one year to vest the permits as permitted in the SZO.

932. After 4 years of Planning Board, BOA, meetings, appeals, and favorable Superior Court decisions, Plaintiffs were not able to build anything with their permits, because Plaintiffs had not begun to build in the 6-month period, (winter months) and Plaintiffs gave up.

933. Because of these willful bad faith and fraudulent actions by the Town Manager C. Therrien, on or about September of 2009, Plaintiffs filed a documented administrative complaint that was

heard in open session with a court stenographer. The Selectmen were represented by Richard Currier, and Therrien was represented by attorney Richard Dubois. The end result was that Plaintiffs Richard Cayer proved with clear and convincing evidence that the Madawaska Town Manager Christina Therrien was a lier and many of her lies were clearly intended to harm Plaintiffs Richard and Ann Cayer. Attorney Richard Currier then told the Board of Selectmen that although Christina Therrein had lied, Plaintiffs did not prove that it was done with malice. With this information the Board of Selectmen took no action against Therrien.

934. The town tried to amend the boatlanding permit as adjudicated by Justice Hunter, “to be used only by Plaintiffs.” Plaintiffs did not allow Therrien to amend the “Permanent Boat Landing,” and told Therrien that he would allow others to use it because she had prevented the Town from building a public boat landing. Following the granting of the boatlanding permit, Plaintiffs filed a very complicated and expensive permit application with the Dept. of Environmental Protection. The permit was denied and Plaintiffs filed an appeal with the Board of Environmental Protection (BEP) in Augusta. At that Hearing, the Town Manager Christina Therrien was present and testified opposing Plaintiffs permit even after the Court instructed the Town to grant Plaintiffs the permit. David Rouleau was also present and testified against the boatlanding. The BEP voted against Plaintiffs and denied the permit inter alia because the Town opposed it. Augusta is a 6-hour drive one way from Madawaska.

935. This hateful and spiteful Ultra Virus act by Town Manager Christina Therrien, fraudulently testifying before the BEP to prevent Plaintiffs their permit application for a boatlanding, was not approved by the Town of Madawaska, or the Selectmen, was done at the Towns expense, and as a representative of the Town of Madawaska. Plaintiffs assert that this action by Therrien was an Ultra Virus Act willfully and fraudulently done to willfully cause Plaintiffs pain and suffering, because Therrien knew how important this boatlanding was to Richard and Ann Cayer. After that BEP hearing, Plaintiff's wife, Ann, could not stop crying.

936. Plaintiffs worked very hard over a period of 35 years to build a much-needed public boat landing at Long Lake and were denied mostly because of Christina Therrien. Therrien then, without town approval, built a boatlanding at the St. John river that is not needed or useful, is dangerous, because of high current, and within 100 feet from shore of the border with Canada. Because of this fact many boaters have been warned by Homeland Security that they will be arrested and charged if they step out of their boats 100 feet from shore.

937. Therrien is also responsible for building a campground at the same location, in secret, without town approval, without State permits, in violation of State laws, DEP shoreland rules and laws, and without proper sewage disposal. This campground was so secret even the Chairman of the Planning Board did not know it existed until Plaintiff told him 2 years after it was built. In the Spring of 2018, the river overflowed the campground by at least 4 feet causing the 2 illegal holding tanks to be submerged.

938. On the same day Plaintiffs met with the Board of Environment Protection (BEP) in Augusta, Plaintiffs met with Governor John Baldacci where the Governor assured Plaintiffs that he would personally look into the boatlanding matter to help Plaintiffs build a public boat landing.

939. Plaintiffs met with Governor Baldacci in his office in Augusta, in Madawaska, and in Portland to discuss the Town public boat landing. Governor Baldacci called Plaintiffs twice at his home to tell him to enjoy the summer and he, Gov. Baldacci would take care of the public boat landing.

940. Governor Baldacci followed up on his pledge and on August 14, 2008, a public meeting was held in Saint Agatha to discuss the boatlanding on Plaintiffs property. Present were Christina Therrein, IF&W Commissioner Roland Danny Martin, St. Agatha Town Manager Ryan Pelletier, County Administrator Doug Beaulieu, Soil and Water Commissioner George Powell, Biologist Dave Baisley, and other state officials. Because this was posted as a public meeting, Plaintiffs Richard and Ann Cayer were also present for the meeting to discuss their boatlanding proposal. When Plaintiffs Richard and Ann Cayer tried to enter the meeting room, they were physically prevented from attending the public meeting by these same officials. The only people present at the meeting were those public officials.

941. At this August 14, 2008 public meeting, Christina Therrien reportedly said, “The Madawaska Board of Selectmen do not support a public boatlanding on Plaintiffs lot.” This was an intentional lie because just days before the Board had made a public statement that because the Governor wants to build this boat landing, the Board of Selectmen would approve, “the best location with enough water depth”, including the Plaintiffs lot. Although IF&W biologist David Baisley said at that public meeting in St. Agatha “The Cayer lot is the only lot with enough water depth that IF&W will support is this site.” the proposal was denied because of the lie that Christina Therrien said at that August 14, 2008 public meeting. The Town still does not have a public boat landing at Long Lake to this day.

942. It is important to note on December 5, 2009, the Maine Supreme Judicial Court denied Plaintiffs Contempt of Court in Fort Kent Maine Docket No.ARO-09-45 , and on June 9, 2010, approximately 6 months after the Contempt of Court decision, and 9 months after the administrative appeal by Plaintiffs, the Town willfully filed the meritless RV violations against Plaintiffs.

943. For over 40 years, boaters and fishermen tried to find a suitable location for a public boat landing but did not find any lot on the Madawaska side of Long Lake that was suitable because of depth issues. In 1997, Plaintiff Richard Cayer offered his lot to be used for a public boat landing. Plaintiff Cayer contacted the Maine Inland Fisheries and Wildlife in Augusta and after careful investigation by IF&W, it was declared Plaintiffs lot was the only location that IF&W would support for a public boat landing, and at no cost to the Town.

944. In 1998, the town held a Planning Board meeting with IF&W grant writer Bob Williams and biologist Dave Baisley in hopes of convincing the Board to allow IF&W to build a public boat landing. The Planning Board was convinced by Roger Collins' Association to look for other places that IF&W could use for the public boat landing. This was a tactic used multiple times by the Collins Association that did work. The Planning Board agreed to search for any other potential locations, and agreed to accept findings IF&W would agree to. After extensive search, IF&W once again told the Selectmen the Cayer site was the only lot that had the necessary depth for a public boat landing. Plaintiffs heard IF&W say, “[W]e don't have to jump through hoops like this, there are plenty of other towns that want our money to build public boat landings.” IF&W Bob Williams gave up.

945. In 2002 IF&W Bob Williams contacted Plaintiff Richard Cayer and they tried once again to build the public boat landing on Plaintiffs land with worst results because two Selectmen created an ultra-virus act when they approved another site in secret without the Boards approval or discussion. After IF&W paid $2,500 for an appraisal, Plaintiffs provided the State pictures showing the location considered by IF&W was too shallow. IF&W biologist Dave Baisley confirmed Plaintiffs claim that the location in question did not meet the necessary depth required for a public boat landing. At this point Bob Williams gave up once again and wrote a letter claiming that Plaintiffs lot was also no longer suitable because he was angry with Plaintiff for embarrassing him. The Town still does not have a boat landing on Long Lake.

946. After two separate attempts in a long 6-year battle with the Town, IF&W gave up and declared the Plaintiffs lot also not suitable. The group responsible for this decision by IF&W was Roger Collins Association and the Town of Madawaska led by Christina Therrien.

947. Circa 2015 two (2) new members were sworn in as Selectmen. One of these Selectman was voted in as Chairman, although he had never taken any interest in any town business. The second new member made a motion to nominate himself to be Vice Chair and was also voted in. He also had no record of attending any town meetings. Their first action was to not reappoint the CEO Ouellet. Plaintiff Richard Cayer warned the Board not to do this without providing the CEO Ouellet a Hearing because he could, and probably would sue the town. But more importantly, although the CEO had violated Plaintiffs due process rights many times, Plaintiffs truly believed that the CEO was entitled to a Hearing because he was entitled to due process of law. Plaintiff wrote a 3-page letter providing the Board with enough evidence to justify the action of non-reappointment, legally. The Board ignored Plaintiffs advice and did fire CEO Ouellet without a hearing. A short time later CEO Ouellet did file a lawsuit against the Town and was awarded $56,202.09 in settlement funds. This settlement was done at a public town meeting and once again, because this was all done in secret, the only person present at this secret Town Meeting was Plaintiff Richard Cayer. At the Hearing for the CEO lawsuit, Plaintiff Richard Cayer attempted to ask questions and make statements but was denied by the moderator Beurmand Banville past reporter for the Bangor Daily News.

948. At the very same Board meeting that the CEO was fired, the Town Manager resigned although she had recently signed a new contract and was awarded approximately $45,000 in severance pay.

949. Plaintiffs own a certain piece of property located at 57 Chapel Road, Lot 468, in the shoreland zone in the Town of Madawaska, which property is improved by a seasonal camp with an access driveway, running water, and subsurface waste water disposal system (hereafter the “Property”).

950. In the third week of May in 2010, Plaintiffs rented the Property to a couple for use as a camp during the summer season.

951. The tenants arrived with a recreational vehicle (RV) camper trailer in order to facilitate their stay at the camp which was discussed and allowed by Plaintiffs.

952. Tenants asked if a second RV could be allowed on the camp lot and Plaintiffs clearly refused to allow a second RV without CEO authorization, even though Plaintiffs knew that it would be legal to do so based on the Board of Selectmen statements at Board meetings and the non-action by the Board in regards to Plaintiffs written complaints concerning the Rouleau properties.

953. For many years, Plaintiffs had received several complaints by the CEO in regards to RV's on this lot because the CEO claimed that the RV caused a -change of use-. Plaintiffs disagreed with the CEO's interpretation of the word use. These complaints were initiated by his neighbor David Rouleau.

954. Unbeknownst to Plaintiffs, the tenants placed a second recreational vehicle on the property when the tenants occupied the property.

955. Because Plaintiffs owned and operated a campground abutting the camp being rented, Plaintiffs did not want a second trailer to be placed on the camp lot because it generated no additional income and increased operational cost at the camp. This would be analogous to renting a campsite at Plaintiffs campground and allowing a second RV trailer to be added on the same site for the same price.

956. On June 4, 2010, Defendant, Robert Ouellet, the Town of Madawaska's Code Enforcement Officer (CEO), issued Plaintiffs, by registered mail, notice of an alleged violation at the property as a result of the placement of the two RV's on the Property. The Notice of Violation failed to meet even the basic mandatory notice requirements and provisions in order to satisfy the procedural due process requirements of the SZO under, §16. (I). Enforcement. §16 (I). (2)(a) states, *"[I]f the CEO shall find that any provision of this Ordinance is being violated, he or she shall notify in writing the person responsible for such violation, indicating the nature of the violation and ordering the action necessary to correct it, including discontinuation of illegal use of land buildings or structures, or work being done, removal of illegal buildings or structures, and abatement of nuisance conditions."*

957. Plaintiffs Richard and Ann Cayer regarded this June 4, 2010 registered mail - Notice of Violation - as the start of a legal court action pursuant to Title 30-A §4452 and Title 38 §435-§447, because the penalty/fines accrue from the date of Notice of Violation pursuant to Title 38 §349 Penalties. For this reason, Plaintiffs took immediate and decisive action to correct and comply with the Notice of Violation by instructing the tenants to remove the second RV trailer from the property, even though the notice of violation did not provide the mandatory information to identify and correct the alleged violation. Plaintiffs understood that having two RV's on a camp lot was not a violation.

958. The CEO failed to include many of these mandatory requirements in the notice of violation. First, he did not notify in writing the person alleged to be responsible for the alleged violation - the tenant- and willfully ignored the M.R.civ P 80K, and the SZO provisions of §16 I (2)(a) when the CEO served the owners Richard and Ann Cayer as the violators. At the June 29, 2010 Selectmen's meeting, CEO Ouellet said "[I] sent notice of the violations to the owners which was the Cayer's."

959. Second, the CEO willfully ignored these required provisions and did not serve the violator, the tenant, and did not provide the Plaintiffs (landowners) a copy of the alleged violation as also required pursuant to M.R.Civ.P and RULE 80K. LAND USE VIOLATIONS.

> *(2) Additional Service on Property Owner. When the alleged violator is not the owner of the property on which the violation is alleged to have occurred or is occurring, the person making service on the alleged violator shall serve, or cause to be served, a copy of the Land Use Citation and Complaint upon the owner of the property by any appropriate method provided in Rule 4 of these rules.*

960. Third, the CEO did not properly indicate the nature of the violation.

961. Fourth, the CEO willfully omitted to order the action necessary to correct it.

962. The enforcement process in §16(I) of the town's SZO is intended to provide all citizens a uniform, consistent, and equally fair method of code enforcement clearly outlined in the SZO which must be applied consistently to all citizens without discrimination.

963. In this instant case, Richard and Ann Cayer were not provided with the same enforcement action, and fines, as other citizens are subject to pursuant to §16. I.(2)(a) of the SZO. The alleged violators were not provided with the Notice of Violation, instead the landowners Richard and Ann Cayer were served, contrary to the SZO provisions of §16. I. (2) enforcement and M.R.Civ.P. Plaintiffs view this, and other willful procedural due process acts by the CEO and the Town as discrimination, selective enforcement, abuse of process, malicious prosecution, and a violation of Plaintiffs Constitutionally protected Civil Rights to equal protection of the Law, and Due Process. (Town of Orangetown, v. John Magee, et al.88 N.Y.2d 41, 665 N.E. 2D 643 N.Y.S.2d 21(1996))

964. In the June 3, 2010 notice of violation letter, the CEO wrote, “[A]ll code violations are submitted to the Madawaska Board of Selectmen to determine what action will be taken in regards to the violations. The Town will notify you of the date and time when the Board of Selectmen will be discussing this issue.”

965. At the time Plaintiffs received the June 4, 2010 “Notice of Violation”, they understood that there might be one RV/travel-trailer placed on the Property, and that it was legal to have one RV/travel-trailer on the Property.

966. Notwithstanding their understanding regarding the legality of allowing RV/travel-trailers on the property, Plaintiffs had the tenant immediately remove the relative's RV/travel-trailer from the Property on June 4, 2010.

967. Plaintiffs Richard and Ann Cayer were willfully and fraudulently charged as the violators in this meritless 80K violation lawsuit based on the fact that they are the landowners. The Law Court has made clear that a landowner is only responsible for the actions of its tenants if the landowners fail to correct the violations. In *Town of Boothbay et al. v. Barbara Jenness et al. 2003 Me. 50. Lin-01-554* the Law Court held “[T]he consensus from the few jurisdictions that have considered the issue is that a landlord can be held responsible for the tenant's violations if the landlord (1) has knowledge of the violation, *DeLoach,* 714 A.2d at 486-87; *City of*

Webster Groves v. Erickson, 789 S,W,2d 824, 826-27 (No. Ct.App. 1990); and (2) has the power to obtain the tenant's compliance or to evict the tenant after she receives knowledge of the violation. *DeLoach,* 714 A.2d at 486-87; *People v. Scott,* 258 N.E.2d 206, 209 (N.Y). 1970).19.

968. The Law Court continued, "[A]ccordingly, we hold that a landlord can be held to have violated the ordinance and can be sanctioned for the continuing violation of an ordinance by a tenant when: (1) the ordinance authorizes separate penalties against a landlord: (2) the landlord has notice of the violation; (3) the landlord has a reasonable ability to control the use of the land: and (4) the landlord has been given a reasonable opportunity to obtain the tenant's compliance or eviction."

969. In this instant case, although Plaintiffs Richard and Ann Cayer were not properly served by the CEO identifying the exact violation, i.e.: was the alleged violation on June 4, 2010, as claimed in Count I, that the Plaintiffs were creating another residential dwelling on their camp lot when the tenants parked their RV at the camp they had rented from Plaintiffs? Judge Daigle made clear to Attorney Currier "[R]ecreational vehicles are not residential dwelling units." Or, were the tenants creating another campground as alleged in Count II, and served on February 5, 2013 (895) (*emphasis added)* days after all RV's had been removed without providing Plaintiffs any notice of violation pursuant to §16 I(2)(a)?

970. On June 21, 2010, CEO Ouellet sent Plaintiffs a letter by regular mail, "[T]his letter is to inform you that the Board of Selectmen will be addressing what action will be taken regarding the violation on 57 Chapel Road Lot 468. Your attendance is requested at the meeting (*emphasis added)* to be held in the Selectmen Meeting Room on Tuesday, June 29, 2010 commencing at 4:30 PM."

971. On June 29, 2010, the Town of Madawaska subsequently conducted a regular Board of Selectmen's meeting and discussed Article 3 Code Enforcement Violation, Cayer.

972. The Madawaska Town Attorney Richard Currier possibly traveled over 100 miles to be present at this June 29, 2010 Selectmen "meeting" specifically for the Plaintiffs RV matter. This appearance by any Attorney to discuss a possible code violation was unprecedented before or since that Board meeting. Plaintiff's question if the $500.00 fine was not simply to cover the attorney's expenses for traveling to Madawaska simply to intimidate Plaintiff's into signing a consent agreement and paying this fine, to cover expenses, because he said nothing pertaining to the RV violation at that board meeting.

973. At the June 29, 2010 meeting, CEO Ouellet clearly said *"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."*

974. Plaintiffs neighbor, David Rouleau who was also present at the June 29, 2010 meeting spoke against Plaintiffs' RV on the lot at issue, and according to the Town minutes, said, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it. His case has been going

on for three to four years. If it is not allowed for me, then it should not be allowed for him." Richard Cayer responded that is different because Rouleau's lot is an individual private campsite. The first important thing to note here is that Plaintiffs original complaint in 2001 against Rouleau was initiated because Rouleau had been filing complaints, inter alia, June 1996, July 1998, June 16, 2009, with the CEO for many years claiming that Richard and Ann Cayer were violating the town code by allowing RV's on Plaintiffs camp lot. David Rouleau's illegally subdivided part of his house lot and was renting 39 feet to be used as an illegal Individual Private Campsite, pursuant to, and in violation of the Madawaska and DEP SZO §15E. The second important thing to note is that the Town did take an enforcement action for the building violations, but willfully refused to prosecute the more serious mandatory DEP violations, such as, the individual private campsite, pursuant to DEP SZO §15E, or the illegal cesspool Rouleau created. Furthermore, the individual private campsite was still willfully in operation in 2012 while the Town was prosecuting the RV violation against Plaintiffs even after Rouleau told the Board, "[t]hat he is in a similar situation with a violation and that matter was brought on by all these rules and regulations. He has the same thing and never got a permit to do it." Rouleau never received a permit for any RV's on his house or individual private campsite and never received a notice of violation.

975. After the Town discussed the alleged violation, Plaintiff Richard Cayer told the Board "[i]f that's the intent, that you are not going to allow that anymore , all I can say is, I apologize that I didn't know and I will have it removed as quickly as I can." Plaintiff said this to the Board before anyone had ever instructed or requested Plaintiff to remove the last RV from the camp lot, including the CEO's notice of violation, as required pursuant to §16. (I) (2)(a) under Enforcement.

976. Plaintiffs Richard and Ann Cayer should have been commended for their usual level of polite cooperation at the June 29, 2010 meeting in spite of the willful malicious prosecution, and fraudulent enforcement of a meritless lawsuit, perpetrated on two (2) of its citizens, by the CEO and the Town of Madawaska.

977. It was only after Plaintiff apologized and said that he would have the one remaining RV removed the next day that the Board acting without any legal authority to do so, willfully instituted a fraudulent act when they maliciously, found a violation existed on the property, imposed a $500 fine on Plaintiffs, and rewarded the alleged violator, the tenant, by allowing the RV trailer to remain an extra 5 days beyond the date Plaintiff said they would have it removed. Audio and video recordings are available of this meeting.

978. The Board maliciously and willfully informed Plaintiffs that they would have to sign a Consent Agreement admitting to meritless code violation charges to which Plaintiffs did not commit. This fraudulent act by the Town would have incriminated Plaintiffs for meritless code violations preventing Plaintiffs from forever allowing RV's on their camp lots. This is only one citation of the many methods the Town fraudulently used the legal system to intimidate and coerce Plaintiff's Richard and Ann Cayer into submission.

979. The Town through its CEO, Town Manager, Selectmen, and Attorney R. Currier willfully violated Plaintiffs Constitutional procedural Due Process Rights by willfully ignoring the plain language provided in the Town SZO requiring all provisions of §16.I.(2)(a) to be applied before

threatening Plaintiffs Richard and Ann Cayer, with a $500 fine pursuant to §16.I.(3), for Legal Actions when a violator refuses to comply.

980. In this instant case, the willful abuse of process, pursuant to Section §16.I.(3), Legal Actions, was used fraudulently to willfully punish, coerce, intimidate, and forever bar Plaintiff's from placing RV's on their camp lots, while all others in this municipality continue to enjoy this privilege, as is allowed to this day, without permits.(*emphasis added*)

981. CEO Ouellet questioned if the fine should be $1,000 because there had been 2 RV's at one time.

982. After Plaintiffs cooperated with the Board and agreed without hesitation, to have the last RV removed by the tenant who placed it there, before anyone instructed Plaintiff to do so, the Town through its Attorney Currier willfully took fraudulent “[L]egal Action” pursuant to the Madawaska SZO under §16 I.(2)(3) against Plaintiffs.

983. The CEO, Selectmen, and Attorney Currier willfully ignored the provisions of §16. I. (2)(a) where an alleged violator can correct an alleged code violation, and fraudulently applied §16. I. (3) Legal Actions against the Cayer’s who were not the violators. Because of this willful fraudulent act in violation of Plaintiffs Constitutionally protected right to Due Process, Plaintiffs had to endure years of pain and suffering at great financial cost.

984. It is well established that before this June 29, 2010 meeting, fines for code violations were $200. Fines were increased for Plaintiffs that night to $500 with discussions by the CEO and Board members if Plaintiffs should pay $1000 because there were 2 trailers involved prior to June 4. However, because Plaintiffs instructed their renter to remove one as soon as it was known to them, and there was only one left at that time, the discussion by the Board of Selectmen was based solely on the one single RV trailer, and the fine remained at $500, because there was only one violation. All code violation fines remain at $200 to this day; and if the violation is corrected before a certain date, the fine is withdrawn in most cases, except for Plaintiffs.

985. In the first six months of 2018 alone, there have been, inter alia, two (2) serious shoreland zoning violations in Madawaska for work done without the necessary building permits or proper determination of the greatest practical extent (GPE) from the high-water mark (HWM). The CEO through its Planning Board held “emergency” meetings and issued after the fact permits without fines.

986. Plaintiffs were also very clear to the Board and CEO that they were not responsible for placing the trailers on the lot and were not the violators and would follow up with a letter requesting time to look into the legality of the matter, and prepare for a Hearing.

987. Plaintiffs did have the remaining RV travel trailer removed from the property on or before July 6, 2010 as instructed by the Board, even though Plaintiffs understood and believed that it was legal for them to have one (or more) RV's/travel-trailers on the property under the existing Shoreland Zoning Ordinance.

988. Based on the June 21, 2010 letter from the CEO, Plaintiffs were not prepared for an opportunity to defend themselves at the Board of Selectmen regular meeting. Plaintiffs followed up with 2 letters dated August 4, and August 18, 2010, to Attorney Currier and the Board of Selectmen requesting an opportunity to defend the meritless allegations against them, and to explain other legal facts such as “we are not the violators.” These letters, and other questions were willfully never answered by the Board of Selectmen.

989. At that time, based on these letters, CEO Ouellet and Attorney Currier clearly understood that the Plaintiffs Richard and Ann Cayer were not the violators, but simply the landowners that corrected the Town's complaint by instructing the renters to remove their recreational vehicle from the camp they had rented. Because the renters could not park their RV on their rented camp lot, they demanded and received all their money, and left.

990. At the June 29, 2010 Selectmen meeting, Plaintiff Ann Cayer asked who complained. CEO Ouellet willfully refused to divulge the name of the person who complained because it was not in writing. Attorney Currier supported and reiterated that if it is not in writing, the CEO does not have a duty to divulge who complained. However, CEO Ouellet did have a 6/1/10 note that he wrote indicating the name of the person who called. This willful violation of Plaintiffs rights to information allowed by Title 1. §408-A (Public records available for inspection and copying). Note: the person who called was Roger Collin. The Town and CEO protected Collins from being identified and did not require a written complaint as required by Plaintiffs. The Town and CEO willfully repeated Plaintiffs names in many other proven legitimate complaints, causing irreparable damage to Plaintiffs Richard and Ann Cayer's reputation. These complaints were repeated in newspapers, and in court documents.

991. Because Plaintiffs neighbor, David Rouleau, was also allowing up to 5 additional RV's, travel trailers, and tents on his house lot, and his illegally sub-divided non-conforming lot while complaining to the CEO about RV's on Plaintiffs lot, Plaintiffs pointed this out to the CEO and the Board of Selectmen at a regular meeting and in written letter form circa 2003.

992. Plaintiffs assert that David Rouleau made the statement repeated in court documents, DOCKET NO. CV-09-035 *(J. Hunter)* “[T]he second was that it failed to include a provision that he thought was essential. That provision would have imposed an obligation upon the Town to commence enforcement action against Mr. Cayer whom the Defendant believed was also in violation of the 1993 Code for having built an addition onto his home that was too close to the water. The parties were not able to resolve their differences and no Consent Agreement was reached.”

993. Because Plaintiffs filed a complaint with the CEO against David Rouleau's placement of RV's, travel trailers, and tents at his illegally subdivided house lot, Selectman Lloyd Tardif, at a Selectmen Board meeting, told Plaintiff, “[B]ick Cayer, you are not going to stop us from allowing RV's and campers on house and camp lots”.

994. And, at another Selectmen meeting, Selectman Bob Williams willfully defended RV's on David Rouleau's house and camp lots when he fraudulently said,” [I]t is legal as long as the RV is licensed and the landowner has given permission.” In David Rouleau's case, this was not true because there is specific language in the SZO for individual Private Campsites pursuant to

§15 (E) (a mandatory State DEP statute) which Rouleau did not meet. CEO Ouellet fraudulently and willfully ignored this DEP violation well into 2012 while the Town was enforcing the meritless lawsuits against Plaintiffs Richard and Ann Cayer brought by David Rouleau's complaints.

995. Because the CEO Freudianly claimed that permits were required to place RV's and trailers on house and camp lots, and that he had to check his records if a permit had been issued to the Cayer's for this use. Plaintiffs knew this to be false so pursuant to the FOAA Plaintiffs requested to see the CEO's, permit book which is public information, to prove this fact. Attorney Currier willfully made this FOAA request very difficult and expensive to receive even though it was readily available.

996. Town Attorney Richard Currier denied Plaintiffs their motion for Discovery of proof that the CEO never issued permits for RV's to be placed on house and camp lots. Inter alia, Currier claimed this was a delaying tactic by Plaintiffs. It took the Town 24 months, two (2) years (*emphasis added*) to schedule a settlement conference with Justice Daigle, and 27 months to file count II.

997. Plaintiff Richard Cayer filed a FOAA request for information intended to prove that the CEO Ouellet never issued permits to allow RV's, trailers, or any recreational vehicle on house or camp lots.

998. Town Attorney Richard Currier fraudulently insisted that Plaintiffs pay $325.00 up front in order to review information compiled in a book instantly and readily available by the CEO. After months of delays, Plaintiff did review the CEO's permit book and there was not one permit issued for a trailer or RV unless there was construction being done on the property. This verified that the CEO was lying at the June 29, 2010 meeting about issuing permits for RV's and trailers on house and camp lots, and has also willfully committed fraud on the courts in their Briefs and Affidavit about this fact.

999. Plaintiffs received a Consent Agreement which the Plaintiffs refused to sign because, (1). there was no violation, (2). even if there was a violation, they would not have been the responsible party. Plaintiffs assert that the five (5) statements by the town in the Consent Agreement were willfully and knowingly false claims intended to fraudulently incriminate Plaintiffs. Plaintiffs believed the Consent Agreement and the letters from Attorney Currier to sign the agreement was a willful abuse of process and extortion.

1000. On or about August 11, 2010, the Town of Madawaska, by and through its Code Enforcement Officer and Attorney, willfully filed a Land Use Citation and Complaint, fraudulently alleging that Plaintiffs violated Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance by having more than one residential dwelling unit on the property without meeting the dimensional requirements for each additional dwelling units, and by placing the RV/travel-trailers on the property without a land-use permit.

1001. On August 23, 2010, approximately (51) days after Plaintiffs removed the last RV from the lot, the town Attorney Richard Currier willfully sent Plaintiffs a letter instructing Plaintiffs to sign a Consent Agreement and pay a $500 fine immediately. Currier wrote, "[I]f you wish to

sign the Consent Agreement and pay the penalty, please do so immediately and I will dismiss the pending Land Use Violation Complaint." Currier threatened Plaintiffs with a meritless lawsuit when he said, "[I]f you wish to sign the Consent Agreement and pay the penalty," '[I] will dismiss the pending Land Use Violation Complaint." Because Currier was at the June 9, 2010 meeting, he knew full well there was no violation, and even if there had been one the plaintiffs would not have been the violators.

1002. On August 24, 2010, Plaintiffs sent Attorney Currier a letter and copied the Chairman of the Board Don Chasse, requesting an opportunity to meet with the Board, and "[c]lairifing some important facts", such as:

1. Plaintiffs agreed to remove (1) RV placed by tenant, and pursuant to §16.(I).(2)(a) Enforcement "[T]he CEO "shall notify in writing the person responsible for such violation,...ordering the action necessary to correct it...including removal of illegal building or structures,..."

2. (2) "[A]nd the "Legal Actions" provides for, 'When the above action does not result in the correction of the violation ...."' In this case the Plaintiffs agreed to, and corrected, the alleged code violation created by their tenant, because they were the landowners before even being instructed to as required by §16. (I). (2)(a) Enforcement.

1003. Plaintiffs continued in their letter with numbers 2, 3, and 4, explaining that "[w]e never agreed to sign any Consent Agreement, never admitted to installing or partaking in any way the installation of said camper trailer, and did not agree to pay a fine.

1004. Notwithstanding Plaintiffs letters of August 4, and August 18, 2010, that were never answered, Attorney R. Currier sent Plaintiffs another letter on September 9, 2010 warning that "[F]failure to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings." Because these fraudulent claims were clearly meritless, Plaintiffs assert this willful act by Currier was intended to punish Plaintiffs for their public participation in local Town Government and was acknowledged as extortion.

1005. On September 13, 2010, Plaintiff sent Mr. Currier a "good faith" letter that read, "After reading your letter of 9-09-10, this is my response. Thank you, but no thanks. I will also reciprocate "in good faith" by giving the Selectmen one last chance to drop this harassment and discriminatory act against us. All that I am requesting at this point is a public apology by the Board of Selectmen and a promise to seriously review the actions by our Town Manager, Christine Therrien and CEO Bob Ouellet concerning this and previous actions against us. Otherwise, I will move forward and any future settlement will be much more difficult and demanding. You have until 4:00 p.m. Friday the 17th of September to accept this offer".

1006. This response to Currier's threatening letter was intended to let everyone involved know that Plaintiffs had no doubt that the enforcement action was meritless. Plaintiffs believed that

the courts could, and would protect them if the town persisted with these fraudulent threats of extortion.

1007. Plaintiffs lost, and continue to lose the income that they would have earned from the one RV/travel-trailer that could have, and should have, remained on the Property.

1008. The Town did not provide any reference or citation to any provisions of the Shoreland Zoning Ordinance or any past practice in support of its allegation in the Land Use Citation and Complaint that a land-use permit was required to place an RV/travel-trailer on the Property.

1009. Because Plaintiffs believed that the enforcement process §16 I (2)(a) willfully violated Plaintiffs Constitutional Due Process rights, they filed a timely request to remove the matter to the Superior Court for a jury trial as allowed under M.R.Civ.P. 38 and City of Biddeford v. Holland, 2005 ME 121, ¶¶ 10-15, 886 A.2d 1281, 1285-869.

1010. After 2 years (728 days) (*emphasis added*) on August 9, 2012, the Superior Court (*Daigle, J.*) conducted a judicial settlement conference on the matter. The Town of Madawaska CEO and town Attorney Richard Currier acknowledged Justice Daigle's reference to the SZO that the Notice of Violation and the Land Use Citation and Complaint erroneously cited Plaintiffs for violations under a section of the Town of Madawaska Shoreland Zoning Ordinance that did not apply due to the fact that the ordinance plainly defined Residential Dwelling Units, and clearly states, "[R]ecreational vehicles are not Residential Dwelling Units."

1011. With the knowledge that the alleged Count I violation was without probable cause, or reasonable grounds to support the original Count I charge, the town CEO, and Attorney Currier, requested (*Judge Daigle*) to allow them to amend Count I which was granted.

1012. After acknowledging their clear error to Judge Daigle, on November 13, 2012 the Town of Madawaska willfully filed a fraudulent Motion to Amend its Land Use Citation and Complaint, more than 3 months (94) days, after Judge Daigle allowed the Town to amend the meritless claim, and (821) days after the town filed Count I. (*emphasis added*)

1013. The Town once again fraudulently charged Plaintiffs Richard and Ann Cayer with the identical and original Count I without any amendments, even after being told by Judge Daigle that Section §15(A)(5) of the Town of Madawaska Shoreland Zoning Ordinance did not apply to Recreational Vehicles.

1014. The Town, through its Attorney Richard Currier, rather than amend Count I as agreed by Judge Daigle, fraudulently added another new meritless violation unrelated to the meritless Count I. This new Count II SZO violation was based on the provisions of Section §15(D)(1) related to campgrounds. The Town and Attorney Currier's fraud on the court claimed, "[T]he activity alleged to constitute the violation involved placing **[several]** travel trailers-camper units on a single lot." It is well documented there was only one trailer at the time of the meeting on June 29, 2010 because Plaintiffs had the second RV removed by the person responsible for placing it there the same day Plaintiff was made aware of it by the CEO, and there was never a third RV necessary to claim "several." Furthermore, at the June 29, 2010 Board of Selectmen Meeting it was confirmed by CEO Ouellet that there was only one trailer on the lot . CEO

Ouellet said ***"[C]ampground is two or more, so I figure this cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone."***

1015. In their complaint to the Superior and Supreme Court, the Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully made fraud on the court statements when they claimed, "[a]fter a "Hearing" (*emphasis added*) in front of the Plaintiffs Board of Selectpersons." And, "[T]he Defendants were notified of the "Public Hearing," regarding their violations, the Defendant's appeared to contest the violation, ." First, there never was a notice of any ("Hearing"), Second, there was no "Hearing". Third, Plaintiffs could not appeal the CEO enforcement action, and lastly, Currier wrote, "[P]laintiffs did not appear to contest the violation." Plaintiffs appeared at the Selectboard meeting simply because they wanted to understand what the notice of violation was about.

1016. In their Superior and Supreme Judicial Court filing against Plaintiffs, the Town Attorneys, Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully claimed fraud on the court statements when they claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance. The Defendant's never provided any evidence, either testimonial or documentary in nature, to the Plaintiffs Board of Selectpersons detailing their compliance with §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance."

1017. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed, "[F]irst, the Defendant's never complied with the minimum lot standards enumerated by §15(A)(5) of the Plaintiffs Shoreland Zoning Ordinance." After a short explanation, Plaintiff Richard Cayer politely apologized and told Mr. Ouellet and the Board that he would have his tenant remove the last remaining RV trailer from the camp lot. Therefore, Plaintiffs did comply with §15(A)(5) (Count I) by having their tenant remove the last RV, contrary to the Town Attorneys, Richard Currier's Esq. (#2245) and Jon Plourde's Esq. (#4772) fraud on the courts' statements.

1018. The Town Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) willfully claimed to the Courts "[D]efendants never complied with the minimum lot standards enumerated by §15(D)(1) (Count II). The Town's Attorneys, Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) instituted fraud on the courts by claiming that Plaintiffs had to comply with §15(D)(1) Count II. Plaintiffs could not comply with the Town's request, first, because Plaintiffs were not creating a campground, second, there were no RV's to remove on the camp lot after July 6, 2010 or since, and Plaintiffs were vehemently opposed to signing the Consent Agreement and paying a $500 fine, admitting to something they did not do, and agree to pay what Plaintiffs believe to be extortion.

1019. Plaintiffs were denied procedural Due Process and equal protection rights (1988 equal protection and Due Process Rights) with Count II because Count II was first filed and claimed against Plaintiffs on February 5, 2013, (895) days after service of the Town's Count I complaint, and (971)(*emphasis added)* days after the June 29, 2010 Selectmen's regular Board meeting where CEO Ouellet said, and it was confirmed by CEO Ouellet, that there was only one trailer on the lot. CEO Ouellet said ***"[C]ampground is two or more, so I figure this***

cannot be a campground……So that's what I see and today I went to take a look again at the lot, today there's only one. The little white one is there, the other brownish one is gone." Therefore, Plaintiffs were denied an opportunity to defend against these fraudulent accusations filed by Attorney Richard Currier Esq. with Count II.

1020. Plaintiffs also find it perplexing for the Town to claim Plaintiffs changed the "use" of the tenants RV trailer to another residential dwelling in Count I, and in the other breath claim a new and different code violation in Count II that the camp lot is also now converted into a campground because there had been an RV on the property over two and a half years prior, and none since July 5, 2010. This camp lot is 49 feet by 100 feet.

1021. This is especially true since after July 5, 2010, there has only been a single camp on the property with no RV's or trailers. The Town and the courts have also repeated another false claim that there was a mobile home on that lot. This is false. There has never been a mobile home on lot 468, and there has not been an RV/travel trailer on that lot since July 5, 2010.

1022. When Plaintiffs first saw the Town's amended Count II filing proposed on November 13, 2012 with the --(Relief Sought from Court) -- which was (1). a Civil Penalty for each day of violation, (2). Removal of Violation, (3) Removal of the two travel trailers, and (4). Attorney fees, witness fees, and costs, Plaintiffs never imagined that any fair and competent court would grant such a motion, and believed rather that the court should impose sanctions pursuant to M.R.Civ.P rule 11. on the Town, and Town Attorney Richard Currier Esq. (#2245) for intentionally making these fraudulent statements on court filed documents.

1023. Attorney Currier willfully claimed with fraud on the Courts about (1) there being "[s]everal travel trailer-camper units on a single lot," because Attorney Richard Currier Esq.(#2245) knew this to be false, and (2) for willfully refiling Count I, to which the Court (Judge Daigle) informed the town that RV's are not Residential dwelling units, and (3) for claiming that "[t]he Town requires a land-use application or Permit for these travel trailers; (if allowed at all)." Plaintiffs proved without any doubt that the Town has never required permits to place RV's or trailers on house or camp lots, and the CEO has never denied anyone from placing RV's or trailers on house or camp lots with, or without a permit, as claimed by Justice Alexander. And, (4) for falsely claiming "[T]he Defendants agreed to sign a Consent Agreement". This is false, Plaintiffs never agreed to sign a Consent Agreement or pay a fine.

1024. Plaintiffs disagree with Attorneys Richard Currier and Jon Plourde that *MRE 408* applies to the determination made by (*Daigle, J.*) at the Judicial settlement conference as claimed in the June 11, 2014 "Brief of Appellee," because, being told that their claim was not valid/in error, or meritless by Judge Daigle, is not, pursuant to *MRE 408,* an offer of "[S]ettlement Discussions furnishing, promising, or offering "a valuable consideration." Willfully applying *MRE 408* to prevent the Courts from knowing the truth, that Judge Daigle made clear to Richard Currier, §15(A)(5) (Count I) did not apply to Recreational Vehicles, is an intentional misuse of the *MRE* 408 intended to willfully falsify the record and facts presented to the Maine Judicial Supreme Court (fraud on the court) with clear knowledge by the Town that Count I was meritless.

1025. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the CEO, and the Town, all understood and acknowledged that Count I was without probable cause according to Justice Daigle, can only be seen as applying *MRE 408* to justify the intentional misleading of the courts in order to continue filing Count I against Plaintiff. Plaintiffs believe that Attorneys Richard Currier and Jon Plourde should have been sanctioned by Justice Hunter pursuant to Rule 11. M.R.Civ. P. for intentionally misusing MRE 408 to deceive the courts from knowing the truth.

1026. The Court (Justice Hunter) granted the Town of Madawaska's Motion to Amend Complaint on January 24, 2013.

1027. Included in Attorneys Currier and Plourde's brief in support of the right to file an amendment, Currier claimed, "[A]s *M.R. Civ. P. 80K (2)* provides "motions for appropriate amendments of the Land Use Citation and Complaint shall be freely granted." Plaintiffs assert that once an 80K (District Court) complaint is removed to Superior Court, as this case was, it no longer remained an 80K violation. Once Plaintiffs removed the case to Superior Court for a Jury trial, it became an 80B code violation.

1028. On February 5, 2013, (895) (*emphasis added)* days since service of the Town's Complaint, Plaintiffs received the order granting the Town's amended complaint and were stunned that any court would allow the town to amend the complaint with a different violation claim without providing Plaintiffs the equal protection and due process as outlined in §16 (I)(2)(a) under Enforcement.

1029. Count I claimed Plaintiffs were converting an RV trailer into a Residential Dwelling exactly as it was originally filed. Plaintiffs believed Count II was another new willful fraud on the court by Attorney Richard Currier and Jon Plourde, that there were now **[several]** travel trailer-camper units on a single lot, including a mobile home, and that Plaintiffs had now created a new campground. It was at this point approximately 910 days after the first notice of violation filing by the CEO that Plaintiffs understood that the Town, with the Court's deferential protection of municipalities, could, and would continue filing these meritless lawsuits against Plaintiffs Richard and Ann Cayer until Plaintiffs pay the extortion demand for $500 and sign the Consent Agreement admitting to something they did not do forever barring Plaintiffs from allowing tenants to arrive at the camp lot with an RV even though everybody else was allowed. This fraudulent act by the town was clearly seen by Plaintiffs as an abuse of process.

1030. Plaintiffs believe these willful acts by the town are an Abuse of Process intended to (1) extort money from Plaintiffs, and (2) requiring Plaintiffs sign a confession to an act they did not commit, (3) for an act that never existed. Attorney Currier's September 9, 2010 letter warning that "[F]ailure to sign and return the Consent Agreement and pay the $500 penalty by September 14, 2010 at 4:00 p.m. shall result in enforcement against you. No payment will be accepted on or after that date and you will be responsible for all Court imposed penalties including legal fees and costs incurred by the Town of Madawaska in these proceedings."

1031. Because there had been no trailer to remove for more than two and a half years, the Maine Rules of Civil Procedure [M.R.Civ.P.] 12B(6) "Failure to state a claim" would or should have applied, or at least that sanctions under Rule 11 of the M.R.Civ.P. should be imposed on

the town and it's Attorneys for willful fraud on the Superior Court, and the Maine Supreme Court, claiming inter alia, that Plaintiffs Richard and Ann Cayer placed **[several**] RV trailers on this [**mobile home]**camp lot and had a **Hearing**. Plaintiffs Richard and Ann Cayer did not place any RV/trailer on any lot, and was not aware that any RV/trailer had been placed on their rented lot. Simply put, there was no violation, and even if there was a violation, Plaintiffs Richard and Ann Cayer were not the violators. They are simply the landowners who corrected the alleged violation.

1032. The Town of Madawaska willfully failed to provide Plaintiffs a new written notice of the alleged, new violation, in accordance with the applicable provisions pursuant to §16(H)(2) of the Shoreland Zoning Ordinance relating to enforcement actions in effect at that time, and the relief sought did not exist (remove 2 travel trailers) except for the $500 fine and signing the Consent Agreement which Plaintiffs believe was a willful act of abuse of process.

1033. Because the Town was successful in punishing Plaintiffs with all the delays, and filing of newer, and meritless lawsuits "based on" Plaintiffs exercised their Constitutional rights to public participation in local government, Plaintiffs asked their Attorney to file a Special Motion to Dismiss.

1034. Because Plaintiffs Attorney, Mr. Rossignol, was not familiar with the relatively new (1995) Special Motion to Dismiss, anti-SLAPP statute, more time and money was expended for researching the Special Motion to Dismiss.

1035. On or about March 25, 2013, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556.

1036. On 4-16-2013, Town Attorney Currier filed for enlargement of time.

1037. On 4-24-2013, Justice Hunter granted motion for enlargement of time to Attorney Currier. The Special Motion to dismiss language is intended to quickly dismiss meritless lawsuits against the moving party. The Maine anti-Slapp Law clearly states, "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require." In Plaintiffs case the courts did the opposite and delayed justice.

1038. On August 29, 2013, Town Attorney Currier wrote to Town Manager Christina Therrien telling her, "[J]ustice Cuddy of the Superior Court held a conference today on Mr. Cayer's Special Motion to Dismiss the Amended Complaint under the anti-SLAPP statute. In the course of our discussion, we advised that a recent Supreme Court Decision in the *Bradbury v. Town of Eastport* might have some bearing on the outcome, Justice Cuddy requested that we submit a Supplemental Brief by September 4th and advised Mr. Cayer to respond by September 9th. He will take the matter under advisement and issue a decision based on the Motions, Briefs and Opposition filed by the parties. A copy of the Supplemental Brief will be sent to you in the next few days."

1039. Title 14 §556 Special Motion to Dismiss clearly states "[A]ll discovery proceedings are stayed upon filing of the special motion under this section, **except that the court, on motion**

and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the special motion."

1040. None of this was done, which prejudiced Plaintiffs Richard and Ann Cayer's filing of the anti-SLAPP statute in violation of Plaintiffs Constitutional Right to file and defend themselves pursuant to Title14 §556 Special Motion to Dismiss.

1041. In this instant case, Justice Cuddy specifically instructed Town Attorneys Currier and Plourde, to supply the court with a supplemental brief (discovery) with information that Justice Cuddy could and did use to defeat Plaintiffs right to file the anti-SLAPP motion, contrary to the plain language of the Maine statute Title 14 §556 Special Motion to Dismiss.

1042. Plaintiffs question the legality, and court rules of such court instructions to defendants to provide the court with specific evidence that could be used to defeat a Special Motion to dismiss.

1043. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) on page 7, where they willfully made fraud on the court statements to the Maine Supreme Judicial Court claiming there were now "**[s]everal** (*emphasis added*) travel trailer-camper units on their lot **with a mobile home** which constituted a violation of section 15(D)(1)." Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) knew or should have known that nowhere in any related discussions or documents that a claim had been made that there were now, or ever had been, "**[s]everal** travel trailer-camper units on Plaintiffs lot including a mobile home. These false claims by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) to the Maine Supreme Court were intended to justify the false Count II allegation that Plaintiffs had created a new campground because two or more trailers were necessary to meet the campground provision §15(D)(1). The definition of "several" is ..." More than two."

1044. Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) also willfully fabricated these false claims on page 13 and elsewhere to the Courts when they claimed, "[T]he amendment directly relates to Richard and Ann Cayer's placement of two travel trailers on their lot on June 3, 2010." Plaintiffs assert that they never placed, requested, or ordered placement of any RV on their camp lot.

1045. In the Special Motion to Dismiss (anti-SLAPP) Appellee's Brief filing by Richard Currier Esq.(#2245), and Jon Plourde Esq. (#4772), p.(2) where they willfully made false statements to the Maine Supreme Judicial Court claiming many times, that the "Plaintiffs had placed 2 trailers on their lot", and held a "Hearing". They also claimed fraud on the court statements that Plaintiffs received a "notice of public hearing"; and "[O]n June 29, 2010, the Town's Board of Selectpersons proceeded with the "hearing" as to the violation. These are all false claims under oath made by Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) to the Maine Supreme Court to which the Maine Supreme Court repeated in their CASE HISTORY.

1046. The false statements repeated by the Maine Supreme Court include;

(9) "[t]o a lot where one mobile home was already located." There never was a mobile home on this camp lot.

(10) There never was a June 29, 2010 "Hearing" held with Plaintiffs.

(11) Attorney Jon Plourde and The Maine Supreme Judicial Court repeated that the Plaintiffs could appeal the enforcement action -[of the June 29, 2010 meeting]-. This is false. The Madawaska SZO clearly states, on p.35 §16 H Appeals (1)(a) Administrative Appeals, "[A]ny order, requirement, decision or determination made, or failure to act, in the enforcement of this ordinance is not appealable to the Board of Appeals," and in the alternative, M.R.Civ. P. 80K (e) (2) No Joinder. "[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, **nor shall an alleged violator file a counterclaim or cross-claim."** (*at this time, it was an 80K enforcement action.)*

(12) The Court also repeated these false statements made by Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772) and ignored important facts produced by Plaintiffs such as;

(a) In Note [3] page 2 of Justice Alexander's CASE HISTORY he repeats many incorrect facts such as, "[W]here one mobile home was already located. This is not so. There has never been a mobile home on that lot.

(b) "[A]s the Cayer's had not submitted an application to the Town to allow additional trailers." ... Justice Alexander failed to believe Plaintiffs defense, that no permits had ever been issued for Recreational Vehicles because Recreational Vehicles are licensed and on wheels and have always been allowed on house and camp lots in Madawaska without permits.

(c) Justice Alexander goes on in page 3, "[A]fter a June 29 hearing before the Town Board of Selectmen, during which the Board members heard testimony from the Cayer's....First, there was no "Hearing". Second, there was no testimony. For Justice Alexander to believe the Town Attorney's Richard Currier Esq. (#2245), and Jon Plourde Esq. (#4772) claims to the Maine Supreme Court over documented material facts Plaintiffs provided in their brief, leads Plaintiffs to believe the Court grants municipalities, as in this case, the Town of Madawaska, too much deference. According to Maine Statute 30-A §2002. Municipality as body corporate; The residents of a municipality are a body corporate which may sue and be sued, appoint Attorneys and adopt a seal. It is unimaginable that the courts ignored the plain, simple fact, that the Plaintiffs Richard and Ann Cayer were not the violators, and that there was no violation.

(d) Justice Alexander goes on in page 3, "[T]he Cayer's did not appeal the Board's June 2010 decision to the Superior Court pursuant to M.R.Civ. P. 80B." The plain fact is that after the June 29, 2010 Board of Selectmen's meeting Plaintiffs Richard and Ann Cayer followed up with 2 letters dated August 4, and August 18, 2010, trying to set up a Hearing to discuss the alleged violation; however, the Board willfully did not

respond to Plaintiffs letters. Furthermore, Justice Alexander is familiar with M.R.Civ. P. 80K (e) (2) No Joinder. "*[P]roceedings pursuant to this rule shall not be joined with any action other than another proceeding pursuant to this rule, nor shall an alleged violator file a counterclaim or cross-claim."*

(e) On page (4) Justice Alexander goes on by stating "[T]he amended complaint alleged an additional violation of section §15(D)(1) of the ordinance, "[b]ut alleged no additional facts." Justice Alexander should have been aware that the amended Count II complaint did not reflect in any manor the violation of Count I which was a claim by the town that the Plaintiffs were creating a Residential Dwelling Unit, which is what the Town was allowed to amend. Rather, the town willfully filed a new violation claiming the Plaintiffs were now creating a new campground. The Superior Court did not provide Plaintiffs' their Due Process rights for a new notice of violation. The CEO also violated Plaintiffs rights because he did not apply the mandatory provisions of §16 I(2)(a) for count II.

(f) Count II claimed that Plaintiffs were creating a new campground two and a half years (910 days) (emphasis added) after Plaintiffs removed both RV's from their properties. Plaintiffs fail to understand how the Town can file a new and completely different code violation 910 days after the original complaint, "[b]ut alleged no additional facts." Plaintiffs believe this to be a violation of their Constitutionally protected procedural due process rights for a "Hearing" and to a proper notice of violation pursuant to §16 I(2)(a).

(g) Justice Alexander goes on; Note; [7] "[A]lthough the Cayer's filed the special motion to dismiss 131 days after the Town filed its motion to amend, they did not request leave from the court to file the motion beyond the anti-SLAPP statute's sixty-day time limitations."

(h) The Court failed to apply the common Law, and court rule that the Maine Supreme Judicial Court adopted and applied "the challenged pleading," as in this instant case which was Count II. For the Plaintiffs Count II was the trigger, the final straw, the instant that Plaintiffs decided to apply the Special Motion to Dismiss. The Law is unambiguous and clear. "[W]hen the moving party asserts (emphasis added) ...." is when a special motion to dismiss is filed. Not before! Filing any meritless lawsuit, including a Special Motion to Dismiss that Plaintiffs believe is not ripe for adjudication is subject to court sanctions. It is also absurd to claim that the anti-SLAPP must be filed at the onset of a complaint, as claimed by justice Cuddy. The anti-SLAPP should only be filed "[W]hen the moving party asserts that the civil claims.... are based on the moving party's exercise of the moving party's right of petition under the Constitution of the United States...the moving party may bring a Special Motion to Dismiss. "

(i) On page 3 of the Law Court decision/ CASE HISTORY the court states, "[A]s of August 2010, the Cayer's had not paid the assessed civil penalty or signed a Consent Agreement." Because Plaintiffs voluntarily corrected the alleged violation by removing the RV from their properties before being instructed to, Plaintiffs assert

the Town abused the [legal] process by willfully bringing a meritless lawsuit and demanding Plaintiffs sign a fraudulent Consent Agreement, admitting to something the Town clearly understood to be false, and pay a $500 penalty. Plaintiffs told the town this was extortion.

(j) Note; [10] of the Law Court decision points out how Maine's Special Motion to Dismiss is different from any other anti-SLAPP law because "[T]he statute broadly defines "a party's exercise of its right of petition to include any written or oral statement made before or submitted to a legislative,....or any other governmental .....," and yet did not even give the Plaintiffs Richard and Ann Cayer the benefit of the doubt and make an effort to understand the facts of the case, when it wrote, Note: (11). "[T]he Cayer's contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions seeking to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or Local government seeking to enforce law. Nothing in the anti-SLAPP statute or its history expresses or even implies that it would protect the Cayer's from the Town's efforts to enforce an ordinance limiting the number of trailers that they are permitted to maintain on their land." Plaintiffs respectfully respond to these incorrect claims by the court by saying, "[n]nothing could be further from the truth."

1047. In 2010, Plaintiffs Richard and Ann Cayer owned the only campground in the town of Madawaska. An ordinance prohibiting RV's, trailers, or any camping facility on any house or camp lot would have increased tremendously the demand, and price for a site, campground income, and business value of the Cayer campground.

1048. Although it would have been in the Plaintiffs favor to prevent RV's from being on house and camp lots, Plaintiffs never once asked for this to be enforced (except for the Rouleau DEP violation SZO §15E.), because it was not illegal. Plaintiffs did not believe it would have been fair to prevent anyone wishing to park and use a RV/trailer on anyone's house or camp lot. Note: Because Rouleau was the one complaining most of the time, and because Rouleau's lot had been illegally subdivided, and because Rouleau placed structures in violation of Maine SZO, and because Rouleau built an illegal cesspool on the lot, and because Rouleau's illegally subdivided lot had an Individual Private Campsite in violation of Maine's SZO, pursuant to §15. E. Plaintiff Richard Cayer pointed out to the CEO and the Board of Selectmen that the person complaining about an RV on Plaintiffs camp lot, Rouleau himself had up to 5 RV's on his property. It is important to note that in 2012 while the town was bringing an enforcement action against Rouleau for the illegally placed structures on the same Rouleau lot, the Town ignored the cesspool violation and the fact that there still was an RV camper trailer on the same lot 2 years after the town brought an enforcement action against the Plaintiffs Richard and Ann Cayer. The camper trailer was still being used on the illegally subdivided lot, on an illegal *Individual Private Campsite* pursuant to §15 E of the Town SZO. The CEO ignored those violations at the Rouleau lot while Plaintiffs were in court for the instant RV case. (emphasis added)

1049. It was for this reason when Plaintiff Richard Cayer complained about all the campers and tents on the illegally subdivided Rouleau lot that Selectman Lloyd Tardiff told Richard

Cayer at a Madawaska Selectmen meeting, **"[B]ick Cayer you are not going to prevent the town from allowing RV's and trailers on house and camp lots in Madawaska."** And, at another Selectmen meeting, Selectman Bob Williams told Plaintiff Richard Cayer when he complained about another RV trailer on the Rouleau lot **"[I]t is legal to have the RV/trailer on the lot as long as the owner approves and it is licensed."**

1050. Attorney R. Currier was allowed to amend Count I; an alleged §15 A (5) for a change of use to a residential dwelling unit, that Judge Daigle made clear did not apply because, "[R]ecreational vehicles are not residential dwelling units." Based on Plaintiffs understanding of the Madawaska SZO, Plaintiffs did not believe that the courts would allow the Town to file a new violation without the proper notice of violation and a corrective action as provided pursuant to 16(H)(2) of the Shoreland Zoning Ordinance. Plaintiffs were shocked on January 24, 2013 that any court in the United States of America would allow such a miscarriage of Justice. For this reason, the Plaintiffs never took the notice to file as proposed by the Town on November 14, 2012 seriously because they did not believe any court would ever allow another meritless code violation without the proper notices pursuant to the SZO 16 (I) Enforcement. There was never any doubt, and it was very clear in both Plaintiffs minds, that for many years the Town was discriminating and punishing the Cayer's because Plaintiffs were filing lawsuits against them.

1051. It was only after this second meritless lawsuit was filed by the Town that Plaintiffs were convinced that this action by the Town was only intended to punish the Plaintiffs by filing meritless lawsuits, and they would continue unless Plaintiffs could stop them, the only way they knew how, which was with the courts. Therefore, at that time, and for reasons clearly outlined in the Maine Legislation pursuant to M.R.S.A Title 14: §556 Special Motion to Dismiss, Plaintiffs decided to file the Special Motion to Dismiss against the town because this was the instant, "[W]hen a moving party asserts that the civil claims, counterclaim or cross claims against the moving party are based on the moving party's exercise of the moving party's right of petition...."

1052. Based on all previous Title14: §556 Special Motion to Dismiss decisions by the Maine Supreme Court, Plaintiffs understand the Courts great disdain for the anti-SLAPP law and would never file such a claim again unless the Maine Legislature amends the statute and, or, subjects the Special Motion to Dismiss to the M.R.Civ. P similar to California's anti-SLAPP laws.

1053. Plaintiffs disagree with the courts' past decisions abrogating the Special Motion to Dismiss into common Law, contrary to its intent Inter alia, especially the use of Bradbury v. City of Eastport for establishing case Law to determine when or whether a Special Motion to Dismiss is timely or not. In Bradbury, the court (J Silver) has decided "[A]lthough the statute uses the word "complaint," we interpret the sixty-day period as running from the date of service of the challenged pleading, as the statute expressly permits special motions to dismiss "civil claims, counterclaim or cross claims," which may or may not themselves be served within the sixty days of the complaint."

1054. In Justice Cuddy's Discussion he claims, “[I]n Count 2, no additional facts are alleged but it is alleged that these underlying facts also constitute a violation of Section §15. D.1 of the Shoreland Zoning Ordinance.”

1055. Justice Cuddy also claims “[T]he claims or defense asserted in the amended pleading arose out of the conduct, transaction or occurrence set forth or attempted to be set forth in the original pleading.” The first Count I complaint by the town claimed Plaintiffs were creating a new Residential Dwelling until Judge Daigle said it did not apply to §15(A)(5). §15(D)(1) Count II claimed that Plaintiffs were creating a new campground even though there had not been a RV on said lot for over 971days because Plaintiffs Richard and Ann Cayer had the parties responsible for placing those RV's on Plaintiffs land remove them and did not allow any more RV's on said lot.

1056. Justice Cuddy also claims “[w]e interpret the sixty-day period as running from the date of service to the challenged pleading...” The challenged pleading in this case is Count II. The new Count II code violation “challenged pleading” was entered in the docket on February 1, 2013 and the Cayer's filed the anti-SLAPP on March 25, 2013.

1057. Notwithstanding this fact, the Maine Supreme Court ignored the timeliness of the filing of the anti-SLAPP which was on appeal, and arbitrarily and capriciously ruled, “[B]ecause we conclude that this was not an appropriate circumstance for application of the anti-SLAPP statute, we affirm the judgment for reasons different from those stated by the trial court.”

1058. The simple facts of this case cry out for a Special Motion to Dismiss because: Fact (1). The Cayer’s are not the alleged violators, they are the landowners. Fact (2). There never was a violation and the Town, the Town's Attorneys, and the CEO knew it, and were successful in convincing the court by willfully repeating fraudulent material facts such as; Several, Hearing, Notice of Hearing, agreed to sign Consent Agreement, agreed to remove 2 trailers, etc.etc., to the point the Maine Supreme Court failed to understand, or investigate court documents, material facts, and finally simply claimed “[T]his is not such a case.”

1059. Plaintiffs believe the Bradbury rule by the Maine Judicial Supreme Court for determining when a Special Motion to Dismiss should be filed is in derogation to the statute. “[W]hen a reasonable interpretation of a statute would satisfy constitutional requirements, we apply that interpretation. *Francis S. Driscoll JR. et.al. v. Ernest w. Mains JR. Et al. See Town of Baldwin v. Carter, 2002* ME 52, 9, 794 A.2d 62, 66-67.

1060. On June 11, 2014, Attorney Richard Currier filed the Brief of Appellee in relation to ARO-14-51. In this brief on page 19, Jon Plourde states, “[I]n this matter, the Superior Court never addressed the merits or lack of merits of Appellants Special Motion to Dismiss. (*A. Tab 3).*

1061. The Special Motion to dismiss is clear, “[T]he court shall grant the special motion, unless the party against whom the special motion is made shows that the moving party's exercise of its right of petition was devoid .....in making its determination, the court shall consider the pleading and supporting and opposing affidavits stating the facts upon which the liability or defense is based.”

1062. Plaintiffs claim the Superior Court (J. Cuddy) decision without addressing the merits or lack of merits of Appellants Special Motion to Dismiss, violated Plaintiffs rights that led to a costly Supreme Court appeal where once again the court failed to apply the statute as intended.

1063. Title 14: §556 the Special Motion to Dismiss is clear, "[T]he Special Motion to Dismiss may be filed within 60 days of the service of the complaint or, in the court's discretion, at any later time upon terms the court determines proper." The simple and clear language of the statute allows "[i]n the court's discretion, at any later time upon terms the court determines proper" can only be achieved after the court understands the "merits" of the case. Attorney Plourde made clear this was not done.

1064. The Special Motion to Dismiss is clear, the determination of when, or if, the Special Motion to Dismiss should be filed is a decision that must only be made by the moving party, and only "[W]hen a moving party asserts...." The courts should not be allowed to make that determination, as claimed by Justice Cuddy in his cv-12-155 decision claiming, "[I]t is noted that the Special Motion to Dismiss is intended to be filed at the commencement of the action to minimize expense in terms of litigation cost."

1065. Plaintiffs believe that unless the courts can assure every moving party they will not sanction a moving party for any filing of the anti-SLAPP statute, the courts should apply the statute as intended. The 60-day period for filing is not mandatory, it simply allows when the anti-SLAPP "may" be filed. The determination when or if it should be filed must be "[W]hen a moving party asserts that...the moving party *may* (emphasis added) bring a Special Motion to Dismiss." Or, "[i]n the court's discretion, at any later time upon terms the court determines proper." In order for this level of judgement to be made fairly, the court must apply facts, and issues of the motion which was not done in Plaintiffs Richard and Ann Cayer's case because the Plaintiffs would not be the violator even (*IF)* there had actually been a violation.

1066. Because of this perceived error by the Supreme Court, Plaintiffs Richard and Ann Cayer continued to be punished by the Town, causing them to endure many more (8) years of much undeserved financial loss, and irreparable pain and suffering inflicted on them willfully by the Town of Madawaska and its employees.

1067. Superior Court (*Cuddy, J.*) also requested that the Town Attorneys file supplemental briefs contrary to the State statute, adding more delays and costs to Plaintiffs contrary to the statute's intent.

1068. Furthermore, Plaintiffs believe this request to the Town attorneys by J. Cuddy to supply him with a supplemental brief on the Bradbury Law Court decision to be used as the deciding factor was a violation of court rules, Law, and Plaintiffs rights.

1069. The Special Motion to Dismiss is unambiguous, "[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted.

The stay of discovery remains in effect until notice of entry of the order ruling on the Special Motion. [1995, c. 413, §1 (NEW).] (3) Cuddy allowed supplemental briefs."

1070. Ultimately, the Superior Court (*Cuddy, J.*) denied Plaintiffs Special Motion to Dismiss based on Bradbury.

1071. J. Cuddy goes on "[L]ikewise the procedure provided in Rule 80K is designed for expeditious resolution of a land use violation." "[C]learly, for a variety of reasons, the policy goals of the legislation and civil rules were not accomplished."

1072. Apparently, J. Cuddy failed to understand once a claim is removed from District Court it is no longer an 80K violation.

1073. It took Justice Cuddy Ten (10) months to adjudicate this case, partly because of the supplemental briefs and "[T]he Court's traveling schedule cause it to be delayed in getting to this matter." Maine and California's anti-SLAPP statutes of both States have similar language, except for the "Governmental actions." "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require." Adjudication of anti-SLAPP cases in California takes a few weeks. (It must be on the docket within 30 days). In the State of Maine, the time for an anti-SLAPP to be adjudicated is approximately 10 months.

1074. The Law Court ignored the crucial facts, (1) that the Cayer's were not the person responsible for the meritless lawsuit, (2) there were no violations, and (3) Plaintiffs removed both RV's before even asked by the Town. Therefore, according to §16.I(3) *Legal Actions*: Legal actions for fines and Consent Agreements are not allowed and are only legal "[W]hen the above action does not result in the correction or abatement of the violation or nuisance condition....."

1075. Plaintiffs claim, the willful failure by the Town, it's CEO, and Attorney Richard Currier Esq. to provide Plaintiffs with all the procedural Due Process protections of all the steps required in Madawaska SZO §16. I. Enforcement, violated Plaintiffs Richard and Ann Cayer's equal protection and due process rights pursuant to 42 §§ 1983 and 1988.

1076. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Judicial Supreme Court, against Plaintiffs by fraud on the court about material facts such as, inter alia, the *M.R.E 408* claim that Plaintiffs could not repeat Judge Daigle's decision of August 9, 2012 because it was a settlement offer.

1077. The Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) also willfully and with fraud on the court, claimed that permits were required for RV's and trailers, that Plaintiffs had Hearings, Notice of Hearings, and that the Cayer's placed several trailers on their lot and the lot had a mobile home, and Plaintiffs had to "[r]emoval of 2 trailers", these were violations of §15(A)(5), and §15(D)(1).

1078. Based on this information, the Maine Supreme Court incorrectly concluded, “[T]he Cayers contend that this language authorizes individuals to invoke the anti-SLAPP laws to obtain dismissal of State or local actions to enforce laws with which the individuals disagree or do not wish to comply particularly when, as here, the individuals have had prior disagreements with the State or local government seeking to enforce the law.”

1079. Plaintiffs Richard and Ann Cayer were successful in five (5) out of five (5) appeals before the Maine Superior Court against the Town for code related issues from 2003 to 2008.

1080. Plaintiffs have on many occasions told the Selectpersons, and CEO that Plaintiffs Richard and Ann Cayer have no problem respecting the Town's codes. All Plaintiffs want is for the code to be applied evenly, fairly, and consistently.

1081. Circa 2006, Plaintiff Richard Cayer wrote a letter for DEP Richard Baker requesting that he come to Madawaska to educate the members of all Boards including the Selectpersons, Planning Board, and Board of Appeals, about the law and how to apply it consistently.

1082. Based on the willful fraud on the court material facts provided by the Town, it's CEO, and Attorneys Richard Currier Esq. (#2245) and Jon Plourde Esq. (#4772), the Maine Judicial Supreme Court concluded “[T]his is not such a case.” “[B]ased upon the plain language of the statute and its limited scope of application, we conclude that the anti-SLAPP statute cannot, in *ordinary circumstances* (emphasis added) such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law.”

1083. At the onset of the decision by Justice Alexander, he asserts “[T]his is not such a case.” Based upon the plain language of the statute and its limited scope of application...” Plaintiffs believe, Maine's Special Motion to Dismiss statute is known to have the most liberal language in all of the United States of America allowing the anti-SLAPP statute to be filed against *any governmental proceeding*; (emphasis added) including written or oral statement .....by a legislative, executive or judicial body, or any other governmental proceeding; ...or any other statement falling within constitutional protection of the right to petition government.” Furthermore, Justice Alexander included note 8 in his decision which stated, “[T]he enacting bill's brief statement of fact does indicate, however, that the Legislature intended for a Special Motion to Dismiss to apply to those claims or counterclaims filed for retributory or otherwise frivolous reasons. This bill allows a person exercising the first amendment right to bring an action and if a counterclaim is filed against that person for apparently dilatory expense incurring reasons or other frivolous reasons for seeking redress and accord, then that person has a right to a Motion to Dismiss and have that motion advanced so that the motion can be heard as soon as possible and if the Motion to Dismiss is granted, to have the case dismissed as soon as possible.”

1084. The Plaintiffs filed the Special Motion to Dismiss on March 25, 2013 and the Supreme Judicial Court decision was filed on November 4, 2014, one year and eight months, or almost 20 months and tens of thousands of dollars later. For this reason, inter alia, Plaintiffs believe the courts failed to protect the Plaintiffs Richard and Ann Cayer Constitutional Rights, or fulfill the legislative intent of the Special Motion to Dismiss statute.

1085. The Maine Judicial Supreme Court believed and accepted the willful fraud on the court claims by the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) when they asserted, “[w]e conclude that the anti-SLAPP statute cannot, in ordinary circumstances such as those presented here, be invoked to thwart a local government enforcement action commenced to address the defendants' alleged violations of law.”

1086. The Maine Judicial Supreme Court believed that Count I and Count II were “[o]rdinary circumstances” and (1) did not believe Plaintiffs Richard and Ann Cayer were simply the landowners who corrected the false claim by the town, and were not the violators. And, (2) that there were no violations. Two very simple facts to understand.

1087. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court, against Plaintiffs anti-SLAPP, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the Superior Court's September 15, 2015 trial term.

1088. At the September 2015 trial term for the RV violation, the Town immediately sought to dismiss the RV actions pursuant to M.R.Civ.P. 41. Because Plaintiffs had filed a written response denying the Land Use Citation and Complaint the Town could not do so. Plaintiffs refused to allow the town to simply “Dismiss” this meritless lawsuit against them. The Town then offered to dismiss both actions unilaterally, the RV, and the building violation, but could not do so because Plaintiffs believed the building violation was also meritless, and filed willfully and fraudulently to pressure Plaintiff's into dismissing the secession case. This was the same code violation that Town Manager Christina Therrien, Chairman Vince Frallicciardi, and Selectman David Morin had CEO Ouellet initiate an inspection on 43 hours (emphasis added) after Plaintiff R. Cayer filed their petition to secede on May 28, 2013. This was the same day the Chairman of the Board Don Chasse resigned, and was replaced by Vince Frallicciardi as Chairperson. Moreover, this is the same code violation that Chairman Vince Frallicciardi and Selectman David Morin told Plaintiffs they would help them with if Plaintiffs agreed to dismissed the secession petition. Plaintiffs again refused, and demanded their right to a jury trial allowing the truth to come out. The Town then attempted to dismiss both cases with prejudice, and again plaintiffs refused to allow the town to dismiss any case, even with prejudice because they wanted the facts of what the town and Currier had to them to come out in public.

1089. After the Town prevailed in a decision by Justice Hunter against a Special Motion to Dismiss in Superior Court, the Town was now offering to Dismiss with Prejudice the very same building code violation Justice Hunter had just decided in the Town's favor against a Special Motion to Dismiss.

1090. Following the Plaintiffs refusal to Dismiss with Prejudice both code violations, defendant's Attorney Richard Currier Esq. requested to delay the trial based on the claim that

the CEO Ouellet had been fired, and the Town Manager Christina Therrien had resigned as Town Manager, and that they may be hostel witnesses.

1091. Plaintiffs disagreed with Justice Hunters decision to grant delay of the jury trial because the CEO had been fired and the Town manager had quit.

1092. Plaintiffs believe that Justice Hunter should have questioned Attorney Currier's credibility and honesty especially after Justice Hunter had just denied Plaintiffs their Special Motion to Dismiss for the very same building violation on March 10, 2015 in favor of Currier/Plourde and the Town. Currier and Plourde's reasons why Plaintiffs should not be allowed to succeed with a Special Motion to Dismiss was based on this statement. "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

1093. Seven months after the Town successfully convinced the court, (Justice Hunter), that the Plaintiffs should not be allowed to prevail with the filing of a Special Motion to Dismiss the alleged building violation, the Town attorney was now determined to Dismiss with Prejudice the very same anti-SLAPP case providing dispositive evidence that their claims were willful fraud on the court statements simply to deny Plaintiff's filings.

1094. Based on the fact that this case had been filed more than 5 years prior (emphasis added) and now key players were leaving the town employment, and Boards were changing, more delays would clearly compound this problem against Plaintiffs. It is for this reason, Plaintiffs believed they were denied justice because of Justice Hunters decisions. Plaintiffs assert that because Justice was delayed, Justice was denied."

1095. When the matter came on for jury trial a second time during the September 2016 trial term, the Town sought to dismiss the two code violations unilaterally once again, but could not do so pursuant to M.R.Civ.P. 41 because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had willfully done to them, come out in public.

1096. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a Dismissal with Prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing retaliation from the court, Plaintiffs reluctantly accepted the Town's Dismissal of the action with Prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 6, 2016.

1097. It is important to note that at this court proceeding before Justice Stewart, the Town had Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits

in two (2) previous Superior Courts decided by Justice Cuddy and Justice Hunter and one Supreme Judicial Court decision.

1098. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

1099. Because of this Maine Supreme Judicial Court RV decision against Plaintiffs Richard and Ann Cayer's' Special Motion to dismiss, the Cayer's reputation will forever be unjustly damaged because the Law Court has established, and has already applied in Law Court decisions, that the Cayer anti-SLAPP case was "[N]ot such a case," when in reality it was exactly, "such a case."

1100. The Town's Dismissal of the action with Prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the Dismissal of the action with Prejudice.

1101. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town is allowed to deny RV's onto Plaintiffs camp lot without a permit and are denied the right to allow 2 RV's onto their lot. All other citizens are allowed to place one (1) or more than two (2) on their lots without permits. This discrimination against Plaintiffs continues today.

1102. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

LOT 468 BUILDING VIOLATIONS GENERAL ALLEGATIONS

1103. On May 21, 2008, Plaintiffs applied for a land use building permit requesting to remove a portion of a camp on lot 468 and expand according to the Town Shoreland Zoning Ordinance (SZO) 12C(1) Expansions.

1104. On June 4, 2008, Plaintiffs received a letter from the town advising them that the plumbing inspector Don Deschaine would meet with them to determine if the same septic system could be used for the new expansion.

1105. On June 6, 2008, the plumbing inspector informed Plaintiffs that the septic system was functioning properly and that Plaintiffs could go forward with the new construction.

1106. On July 21, 2008, the CEO Bob Ouellet informed the Plaintiffs they would have to meet with the Planning Board to determine the greatest practical extent from the high-water mark.

1107. Because the CEO determined that Planning Board approval was necessary since more than 50% of the market value of the camp was being removed and the new expansion required a foundation §12 C(1)(b) applied, and the Planning Board had to apply §12 C(2) of the Madawaska SZO to determine the greatest practical extent from the HWM. Based on the CEO's reason for Planning Board review, Plaintiffs decided to amend the permit application to remove all the camp as suggested by the CEO Ouellette July 14, 2008.

1108. On July 29, 2008, the CEO sent Plaintiffs a letter claiming that a meeting with the Board of Appeals was also necessary because Plaintiffs permit was requesting to in-fill, or increase in non-conformance. It is an undisputable fact that CEO Ouellet had always allowed the side yard setback “increase in nonconformance” of a structure, or aka, in-filling and the SZO had not changed since 2004. This increase of nonconformance was always allowed and was never subject to a Board of appeals variance. Specific language amending the SZO to prevent in-filling was willfully and fraudulently added in 2009 by the Town Manager Christina Therrien and CEO Ouellet without anyone's knowledge.

1109. It is important to note that the first time the CEO fraudulently required a variance for in-filling was in 2007 during Plaintiffs Superior Court appeal of the BOA decision. Moreover, at both, the 2006 Planning Board meetings, and the BOA meeting, the CEO made very clear that Plaintiffs were allowed to in-fill because this had always been allowed. Because Plaintiffs won their appeal in Superior Court against the town, the CEO changed that policy and denied Plaintiffs the very same right the CEO told both Boards, that the Cayer’s can in-fill because '[I]n-filling has always been allowed. Plaintiffs view this differential treatment as willful discrimination.

1110. On August 7, 2008, CEO Ouellet sent Plaintiffs a letter informing them that Plaintiffs had amended the application not to include in-filling, or aka increase in nonconformance, and BOA variance was not necessary. Second, that the Planning Board will determine the greatest practical extent from the High-Water Line. (HWL). Third, “[E]nclosed you will find a copy of the Maine Subsurface Wastewater Disposal Rules concerning replacement structures for your review. This section would apply to the required septic disposal system for any replacement

structure." Although the CEO included this information in his letter, he never mentioned it at the August 7, 2008 Planning Board hearing, but did use it in October 6, 2008 as a reason why he did not issue the permit.

1111. It was only in 2009, two years after the Town willfully and fraudulently refused to allow in-filling for Plaintiffs camp, that the Town Manager Christina Therrien and CEO Ouellet were successful in fraudulently amending the SZO denying in-filling or increase in non-conformance.

1112. The illegal in-filling amendment of 2009 was once again overturned in 2016, after Plaintiff Richard Cayer made the Madawaska Planning Board aware that it had been secretly amended to prevent in-filling in 2009.

1113. At the August 25, 2008, Planning Board hearing CEO Ouellet asked "are you removing the whole building?" Plaintiff Richard Cayer replied, "yes, that is what we are doing."

1114. At the August 25, 2008 Planning Board meeting, a motion by Ron Dalgo "[t]o accept the land use application for a replacement location for a seasonal dwelling at the greatest practical extent from the normal high-water line for Richard and Ann Cayer." second by Gary Dufour. All in favor, Motion carried.

1115. Because the Madawaska Planning Board does not issue permits, Plaintiffs had to wait for the CEO to issue the permit as approved by the Planning Board.

1116. On October 6, 2008, the CEO willfully and fraudulently sent Plaintiffs a letter outlining 5 highlighted requirements that needed to be addressed before a permit could be issued. The letter read, "[F]inally, I am returning the application for you to complete the highlighted portion. Once I receive the completed application, I will be able to determine the permit fee and discuss the internal plumbing permit with you." Among these issues were questions on the septic system.

1117. Although Plaintiffs were not required to include this information because the Plumbing Inspector Don Deschaine had approved the existing system, Plaintiffs supplied the CEO with a new septic plan. Furthermore, whenever a permit application is presented to the Planning Board, these issues that CEO Ouellet was requesting were supposed to have been addressed and the Planning Board decision is final, and the permit issued.

1118. On November 6, 2008, CEO Ouellet willfully and fraudulently Informed Plaintiffs that he had received the permit application with the required completed information that he had requested in his October 6, 2008 letter; however, Plaintiffs now had to meet new requirements concerning non-vegetation that had already been addressed by Plaintiff and CEO.

1119. Because of health and legal issues (Supreme Court ARO-09-45 contempt of court) and the 2010 (CARSC-CB-12-155) RV violation, Plaintiffs were not able to continue the permitting or building process.

1120. On April 10, 2012, Plaintiffs applied for a new building permit for a replacement structure at the same camp lot as approved at the August 25, 2008 Planning Board meeting.

1121. On April 17, 2012, Plaintiff sent CEO Ouellet a letter explaining “this is to replace and supplement the previous permit application dated May 21, 2008 Under Comments, Plaintiff added, (unless we have to go to the Planning Board.) The Town has a long history of making Plaintiffs attend Planning Board, Selectmen, and Board of Appeals meetings unnecessarily.

1122. On April 23, 2012, CEO Ouellet emailed Stephenie Maclagan of DEP with willful fraudulent statements such as, (1) “[I] would need interpretation of section 12 non-conformance letter D non-conforming Uses #2 the last sentence. Does this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape upkeep to the property in the last 5-6 years, that if the removal of all structures, sic, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think.” Plaintiffs believe this to be an important material fact. The significance is that CEO is making claim that the camp may not be grandfathered because it is in disrepair, no electricity, etc. Most of these statements are fraudulently and willfully false. An example is that for every year we rented the camp and it had electricity.

1123. DEP Stephenie MacLagan responded on April 26, 2012. Section 12.D does not apply. Her letter went on to advise Planning Board review and explained how to do it. Plaintiffs believe this is basic code enforcement, permit review by the Planning Board and CEO, and everyday function by the Planning Board to know how to determine the greatest practical extent from the high-water mark.

1124. On April 26, 2012, Stephenie Maclagan responded to the CEO's letter correcting CEO Ouellet although he knew better, and Plaintiffs believe he was fishing for a way to prevent Plaintiffs from being allowed to build.

1125. On April 26, 2012, CEO Ouellet sent Plaintiffs a certified letter that read, “[y]our applications request a replacement structure, larger than the existing structure, unless it has to be reviewed by the Planning Board.... to make the application easier to understand for myself and/or the Planning Board, please complete 2 different sketches. Once I receive this new application, I will then review it and if required, schedule a Planning Board/Board of Appeals meeting”.

1126. On April 30, 2012, Plaintiff filed an amended application complete with drawings.

1127. On May 01, 2012, CEO Ouellet received a letter from the Maine Subsurface wastewater unit project manager, James Jacobsen, stating “[A] malfunctioning system cannot be used to serve a replacement structure.”

1128. The Town of Madawaska posted the agenda for the Planning Board Public Meeting scheduled to be on Thursday, May 10, 2012. At this public meeting, CEO Ouellet willfully provided the Planning Board fraudulently obtained information from DEP Stephenie Maclagan without informing Plaintiffs of the information.

1129. At the Planning Board meeting, Plaintiffs explained the reason why they did not want to meet with the Planning Board was because the Planning Board had already decided the greatest practical extent from the HWM in 2008, and then asked the question, “[W]hy are we even here?”

1130. The response from the CEO Ouellet was, “[A]w Bick, you would have been upset if I didn't.” CEO Ouellet said this even after Plaintiffs application said in his April 17, 2012 letter, “Unless we have to go to the Planning Board.”

1131. The minutes show Jeff Albert who had resigned from the Planning Board in 2006 moved to table the Cayer request as noted in Article 4 and wait “until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried.

1132. It is important to note that Jeff Albert had resigned from the Planning Board in 2006 and was not sworn in as a Planning Board member. Jeff Albert later did become a Planning Board member and Plaintiffs assert that the reason he was there was to prevent Plaintiffs from successfully defending themselves. Jeff Albert only attended Plaintiffs issues and quit again after Plaintiffs were charged by the town.

1133. On May 17, 2012, Plaintiffs filed a new application to repair the old camp and on May 17, 2012 CEO Ouellet granted the permit. Plaintiff realized that no portion of the old camp could meet the new State rules under Mubec and pursuant to the town SZO §12 B(2). Because Plaintiff understood that they were under much greater scrutiny then everyone else, they decided to expand the camp pursuant to §12 C (1) of the SZO which would result in replacing most of the old camp that could not meet the town and State building codes.

1134. Based on the August 25, 2008 Planning Board meeting where the Planning Board determined the greatest practical extent location of the new replacement camp, (structure) Plaintiffs understood they could expand and or replace the old camp. On May 22, 2012, Plaintiffs filed another permit application for expansions to existing camp to increase floor space and add a second floor with a cathedral ceiling and a loft.

1135. On May 29, 2012, CEO Ouellet issued a permit and included the Project Description: “[E]xtention of Existing Camper and Addition by Constructing Steel Framework for a second floor 16' by 20'. Construct 2nd Floor with loft and Cathedral Ceiling. Height of Bldg shall be no higher than 20' within 75' of NHWL from existing ground level in Front. Dye testing of Septic System is required. New Construction shall be no closer than 5 ft. From property line.”

1136. It is important to note this is the same permit which CEO Ouellet and Town Attorney's claim, “[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot , and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions.” CEO Ouellet and Town Manager Christina Therrien willfully repeated these fraudulent statements about the permits being issued for “less than 50% removal, and under §12 C (3) to justify the meritless code violations.

1137. Plaintiffs assert that it was impossible to leave the old camp inside the new expansion especially “with loft and Cathedral Ceiling” as allowed with the new permit.

1138. Based on the Plaintiffs difficult past history with the CEO and the Town concerning building permits, it was at this time Plaintiffs believe the CEO may now be granting Plaintiffs permits without the usual discrimination and difficulty with the intention of later revoking the permits, after Plaintiffs started to build. Although Plaintiff was certain, that the old camp could be removed based on the 2008 Planning Board decision for the greatest practical extent(GPE), Plaintiff began construction by removing only parts of the old camp that was necessary for construction of the new foundation, until the expansion increased the value of the camp by more than 50% of the market value of the structure before removal, pursuant to the town SZO §12C(3) as the CEO had done to another landowner, Harold Pelletier.

1139. On June 14, 2012, CEO Ouellet sent Plaintiffs a letter explaining that he had conducted a test on our septic system and wrote, “[O]n this day, it appears that the system is functioning properly.” The CEO said this in spite of his October 6, 2008 letter from Jim Jacobson with a copy of the Maine Subsurface Wastewater Disposal Rules.

1140. On June 18, 2012, Plaintiffs filed for another permit that was quickly granted on June 18, 2012 by CEO Ouellet for “45'x12' extension to Existing Structure. A 20' section of the recently purchased mobile home (65'x12') will be removed and the remaining portion 45'x12' will be attached to the existing structure as shown on the diagram.”

1141. Plaintiffs assert that normally an amendment to a permit was sufficient, however, for Plaintiffs, the CEO requested Plaintiffs file a new permit application for every amendment, and pay a new fee, which Plaintiffs did.

1142. On July 5, 2012, CEO Ouellet posted a memo to his file. The memo stated that he received a call from Roger Collins regarding the Plaintiffs permits.

1143. On July 5, 2012, CEO Ouellet arrived at Plaintiffs camp with the police. CEO Ouellet said that he had received a call that Plaintiffs were doing something in violation regarding our building permits. This was upsetting for Plaintiffs carpenters. CEO Ouellet took pictures and was satisfied that Plaintiffs were not in violation of the permits.

1144. On August 20, 2012, a notice of hearing on an untimely Administrative Appeal (*emphasis added*) by David Rouleau for application and permits approved by CEO regarding lot 20.

1145. On August 27, 2012, the Board of Appeals held a hearing concerning an administrative appeal by David Rouleau for vested permits granted to Plaintiffs by the CEO. The CEO Ouellet defended all of Plaintiffs permits as being legal.

1146. On September 18, 2012, CEO Ouellet took pictures of the camp after construction was stopped for the season.

1147. Although Plaintiffs were not required to submit a new septic plan by the CEO, on September 17, 2012, Plaintiffs had a new septic site plan designed by soil site evaluator with attached email to CEO Ouellet and James Jacobsen from the Subsurface Wastewater Unit in Augusta.

1148. On March 15, 2013, Plaintiffs applied for another permit with drawings, for an expansion to the structure permitted on June 18, 2012, "[T]o expand existing camp to maximum allowed expansion."

1149. On April 8, 2013, Plaintiffs received a letter from CEO Ouellet stating, "[I] am in receipt of a land-use application dated March 15, 2013. This application is requesting on expansion to the structure that was permitted on June 18, 2012." Permit granted. Plaintiffs noted incredulously how simple it was to have their permit approved by the CEO compared to past permit applications in 2006.

1150. On May 19, 2013, Plaintiffs began to remove all parts of the old camp that could not possibly meet the Town newly adopted (*emphasis added)* State Mubec and Town building codes.

1151. Because, inter alia Plaintiffs decided to file a Special Motion to Dismiss after the Town issued Count II (approved by J. Hunter) in the RV violation, and after years of differential treatment by the Town; on May 28, 2013, Plaintiffs filed a Petition to Secede all properties from the town of Madawaska. (e*mphasis Added)*

1152. On May 30, 2013, 43 hours (emphasis added) after Plaintiff filed a petition to secede all their properties from the Town, Plaintiffs observed CEO Ouellet willfully and fraudulently, caught on Plaintiffs security cameras taking pictures of the new camp expansions. The Town acknowledged this was the start of the enforcement action for the building violation.

1153. On June 4, 2013, CEO Ouellet willfully and fraudulently sent Plaintiffs a Notice of Violation and Stop Work Order and added, "[T]his SWO is in force until the Board of Select People meet to discuss this matter." Plaintiffs assert a violation of 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988 because Plaintiffs permits were vested which required an injunction to be filed pursuant to the Town SZO §16(I)(3) in order to prevent the Plaintiffs from continuing work on their camp.

1154. Plaintiffs assert the Stop Work Order was illegal because the 30-day appeal period was past. In *Wright v. Town of Kennebunkport, 1998 ME 184, note 8, 715 A.2d 162, 165. Frank Juliano, SR v. Town of Poland 1999 Docket: And-98-348,* the Maine Supreme court adds, "[T]he stop work order was issued nearly two years after the permit was granted and was not timely due to the thirty-day appeal period specified in the ordinance. We have noted that "[s]trict compliance with the appeal procedure of an ordinance is necessary to ensure that once an individual obtains a building permit, he can rely on that permit with confidence that it will not be revoked after he has commenced construction." It is for this, and inter alia, Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

1155. CEO Ouellet willfully failed to follow the requirements as explained in the SZO pursuant to §16.I Enforcement: DEP Stephenie Maclagan instructed CEO Ouellet to indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance by stating, "[P]lease issue a notice of violation as soon as possible." CEO Ouellet willfully ignored this request by DEP Stephenie M. and instituted a fraudulent act by issuing the notice of violation and stop work order without providing Plaintiffs the proper information as required by §16 I(2)(a).

1156. Moreover, because CEO Ouellet willfully claimed Plaintiffs to be in violation of SZO §12 C (3), Plaintiffs defended themselves by asserting their right to have the Planning Board also be part of this determination as clearly stated in the SZO. §12 C(3) reads: "[I]f it is determined by the Code Enforcement Officer and Planning Board members that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."

1157. Town Manager C. Therrein, and CEO Ouellet were willfully and vehemently opposed to allow the Planning Board determination if more than 50% was removed as stated in the Madawaska SZO. The Selectboard did approve to allow the Planning Board review a determination of more than 50% removal.

1158. Plaintiffs believed that the reason the Town Manager and CEO were so vehemently opposed to allowing the Planning Board to determine if more than 50% of the value of the building had been removed was because; if the Planning Board agreed with the Plaintiffs, they would not have a legal argument to allege a code violation against Plaintiffs pursuant to §12 C(3).

1159. It is important to note that after Plaintiffs filed the petition to secede from the town on or about May 28, 2013 the Chairperson Don Chasse, who's Board cited Plaintiffs for the RV violation resigned immediately and Vince Frallicciardi became Chairperson. Plaintiffs understood that Frallicciardi had allegedly embezzled $15,000 from Plaintiffs sister, which she had the FBI investigate.

1160. Another reason Plaintiffs distrusted Frallicciardi was that to their knowledge, Frallicciardi personally told Plaintiffs sister that he had been dishonorably discharged from the U.S. Marine Corps for stealing military equipment, served 18 months in military prison, and was a convicted felon for those crimes.

1161. On June 15, 2013, Plaintiffs met with the Selectboard Chairperson Vince Frallicciardi and Selectboard member David Morin to discuss and explain that we were not in violation and that §12 C(3) did not apply to the alleged building violations because there was no violation, Plaintiffs had legal vested permits, and the appeal period was past.

1162. On June 22, 2013, Plaintiffs met again with the same two Board members to discuss the building violations. It was said by both Board members to both Plaintiffs, Richard and Ann Cayer, at both of these meetings, "[I]f you drop the secession claim, we will help you with the building violation."

1163. It is important to note on June 22, 2013 when Plaintiffs met with the same two Board members to discuss the building violations, the two Selectmen knew the Town Selectboard had willfully taken legal actions against Plaintiffs secession petition by contacting the Maine Municipal Association (MMA), and our State Representative Ken Theriault, to willfully and fraudulently amend the secession statute without Plaintiffs Richard and Ann Cayer's knowledge. It is also a fact, that the Town Manager Christina Therrien willfully took steps to make sure Plaintiffs did not know what she was doing with MMA and the Maine Legislature. Plaintiffs assert this willful fraud in the inducement, violated Plaintiffs Constitutional right to petition Government.

1164. Plaintiffs believe that the willful secret conspiratorial action by the Town, MMA, and the Maine Legislature, - a legal association sworn to defend the Law - perpetrated extrinsic fraud, willfully violated Plaintiffs rights, and violated their oath of office by amending a State Statute without Plaintiffs knowledge, in secret, fraudulently claiming an emergency amendment, willfully, without any public notice, in violation of Maine Legislative Rules, and in clandestine meetings.

1165. Within 3 weeks on July 1, 2013, (*emphasis added)* the Maine Legislature, willfully committed extrinsic fraud, in violation of their own rules requiring a public notice in newspapers, acting in a conspiracy with MMA, the Town, in clandestine hearings and meetings, fraudulently, and willfully, passed an “Emergency Amendment” bill preventing Plaintiffs from continuing with their petition without the Maine Legislature's authorization. Because this bill amended the secession State statute without any notice (in violation of Maine Law), and completely in secret, Plaintiffs were denied an opportunity to be heard before the Maine Legislature. However, the Town and MMA were present and were allowed to be heard by the Maine Legislature in these clandestine Hearings and meetings. Plaintiffs assert this was a violation of their Constitutional rights to petition and partake in governmental lawmaking process and procedures, denying them the right to take part in amending a State statute that directly affected them. This was also a violation of State Legislative Rules.

1166. Plaintiffs believe this willful clandestine act by the Maine Legislature, MMA, the Town, Representative Ken Therriault, and Town Manager Christinna Therrien, caused extrinsic fraud, violating, inter alia, Plaintiffs' Constitutional rights of State Legislative Rules, and the right to petition government for secession pursuant to: the United States Constitution, and the Constitution of the State of Maine. Article I Section 2 Power Inherent in People.

1167. §2171. Legislative intent: The Legislature finds that the citizens of the State in accordance with the Constitution of Maine, Article I, Section 2, have an unalienable and indefeasible right to institute government and to alter, reform or totally change the same, when their safety and happiness require it. The Legislature further finds that the Legislature has the responsibility to ensure that the rights of all citizens are protected and that a decision to alter or otherwise change the boundaries of a municipal government should be made with caution and only after following the process set forth in this subchapter. [1999, c. 381, §1 (AMD).]

1168. Plaintiffs assert this extrinsic fraud by the Town, MMA, the Maine Legislature, Representative Ken Therriault, and Town Manager Christina Therrien constitute a willful

conspiracy intended to prevent Plaintiffs from exercising their Constitutional Right to secede from the municipality.

1169. Plaintiffs objected to Justice Hunter's reasons for his decision in the civil action to secede from the Town of Madawaska. Inter Alia, especially the claim that "[T]he Town has no obligation to apprise the citizenry at large about its efforts to further State legislation." Plaintiffs assert that the Town does not have the right to conspire with MMA, the State legislature, State Representative, and the Selectpersons to circumvent Maine Law and Maine Legislative Rules that shall provide for a "Notice" of bills to be presented to the Maine State legislature. Simply put, the Maine Legislature MUST publish a Notice of the bills to be voted on 6 months in advance of Hearings or in the alternative the Maine Legislature MUST publish a Notice of the bills to be voted on, and cannot amend State law in secret clandestine meeting and Hearings.

1170. Furthermore, Plaintiffs vehemently object to Justice Hunter's claim that "[P]laintiffs do not succeed in arguing that the Town's surreptitious Lobbying deprived them of the right to participate in the legislative process (couched as a violation of their right to free speech or right to petition." First, the definition of surreptitious is, "[k]ept secret, especially because it would not be approved of." The citizens of Madawaska and the State of Maine do have a right to know when, and what, or which State Statute the Maine Legislature is amending. Plaintiffs also have a right to know what the Town is doing whenever it is conducting clandestine meetings. There was no public discussion or vote taken at any Board meeting on Therrien's conspiracy with MMA, Representative Therriault, and the State Legislation, to secretly amend a statute in violation of a citizen's rights under the U.S. Constitution, and the Maine Constitution, especially if "it would not be approved of." In fact, video of the July Selectpersons meeting clearly show Therrein willfully concealed by extrinsic fraud, her actions with the Maine Legislature, as she had done in many previous meetings.

1171. The willful violations of Plaintiffs rights by the Town manager, and Chairperson Vince Frallicciardi, a convicted felon, inter alia, refusal to act, pursuant to the secession statute, caused irreparable harm to Plaintiffs secession petition.

1172. On June 27, 2013, the Selectboard voted to allow the Planning Board to determine if more than 50% of the value of the structure had been removed as provided in the town SZO. The CEO and the Town Manager were vehemently opposed to this. After the Board voted to send this matter to the Planning Board Plaintiffs were told by two Selectmen that the Town manager and CEO were so angry with the Board that they would not talk to them for a period of time and another Selectman resigned.

1173. On July 9, 2013, the Planning Board did meet to discuss this matter, however, the agenda for the Planning Board was willfully obfuscated by the CEO, "[T]o review and decide an Interpretation and Jurisdiction of the Planning Board of the Madawaska Shoreland Zoning Ordinance regarding Section 12-Non-Compliance Subsection C, non-Conforming Structures #3-Reconstruction or Replacement-as it relates to determining the less than or more than 50% market value of the structure."

1174. There is no Section 12 **Non-Compliance.** Plaintiffs believe because the Town Manager and CEO did not want to bring this matter before the Planning Board, they willfully obfuscated

this article for the Planning Board to review, which confused them to the point that after 2 hours of discussion in two separate meetings, they were still asking themselves what they were there to decide.

1175. Unknown to Plaintiffs, CEO Ouellet had provided the Planning Board with a package of information about his interpretation of the history of Plaintiffs permitting process including a "memo to Planning Board regarding the July 9th meeting. In the memo from CEO Ouellet to the Planning Board was a copy of an email dated Wednesday June 19, 2013 from DEP to CEO Ouellet in regards to CEO Ouellet's fraudulent question in his email on June 18, 2013. '[I]f less than 50% was removed, should we now see a new portion being added to the old portion which is greater than 50%?" Plaintiffs question the CEO's intent of Greater than 50% of what?

1176. DEP Stephenie MacLagan responded with this willful, fraudulent statement, on June 19, 2013 "[Y]ou're correct, regardless of cause, when more than 50% of the market value of the structure is removed within an 18-month period, then in order to reconstruct, the applicant has to get Planning Board approval. The language in the SZO is clear. "[A]ny non-conforming structures.... which is removed or destroyed by more than 50% of the market value of the structure before such damage, destruction, ... may be reconstructed or replaced provided that a permit is obtained within eighteen (18) months of the date of said damage, destruction,"

1177. Plaintiffs believe this willful fraudulent statement by DEP Stephenie MacLagan was intended to set up the next statement from DEP S.MacLagan. "[T]hat process requires the Planning Board to review where the ORIGINAL STRUCTURE could be relocated to meet the setback to the greatest practical extent." S. MacLagan goes on to say "[W]e have a record that they did this and so that is where the entire structure would have to be reconstructed and any expansion would have to be outside the shoreland setback." This willful false statement by S. MacLagan is referring to the May 10, 2012, Planning Board meeting where Jeff Albert motioned to table the permit application "[u]ntil Mr. Cayer can present to the Planning Board a valid septic plan for the lot." The motion to table the application was unanimous. Therefore, the town does not have a record "[t]hat they did this."

1178. The determination for the GPE from the HW line had been determined by the Planning Board on August 25, 2008.

1179. Plaintiffs claim that DEP Stephenie MacLagan was willfully misleading the Planning Board based on another alleged code violation that was in Superior Court at the time as the RV violation in which both CEO Ouellet and DEP Stephenie M. conspired to obfuscate the facts, as in this instant case, to punish Plaintiffs. Plaintiffs complained to her superiors in Augusta about her biased performance in carrying out her duties at DEP. Plaintiff verified with Colin Clark, her past supervisor, that Stephenie MacLagan is no longer working for DEP.

1180. During the July 9, 2013 discussion by the Planning Board, Vince Vanier asked, "[M]r. Cayer is it your opinion that what you have on your lot right now is worth more than $4,000?" Plaintiff R. Cayer responded "yes, it is worth much more than that". He then asked the CEO Ouellet, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth more than $4,000?" CEO Ouellet replied "[O]h, there is no doubt that it is but, it came...It came

through the back door, he came to me for an application for less than 50% remove. Okay there is more than one way to get to the finish line here."

1181. Planning Board member, V. Vanier, said "[T]hey are both in agreement that what is sitting there now is more value than what the existing trailer was. ***They're both in agreement, we don't even have to be here."*** [audio recording location (1:34:42)]

1182. Chairman Vince Sirois ***"can you put that in a sentence ha ha (laugh) in the form of a motion?"*** Vince replied, "***I'll make a motion"*** ..CEO Ouellet interrupts the motion "***you know the way I'm looking at it is a roundabout way" …..***Vince Vanier said, ***"I know it's a very complex issue*****."** CEO Ouellet, ***"right, the fact that I agree with that's what's there today yeh..just like everyone will agree that your shirt is purple today but if you came to me the other day with blue, well where is your blue shirt? Okay. Where is your blue shirt?"***

1183. It is important to note that when asked by Planning Board member Vince Vanier, "[B]ob is it your opinion that the structure that is sitting on the lot presently is worth $4,000?" CEO Ouellet replied "***Oh, there is no doubt that it is ".*** And his other statement a few minutes later, ***"right, the fact that I agree with that's what's there today, yeh. "*** CEO Ouellet admitted that his claiming that Plaintiffs had removed more than 50% of the structure, was false.

1184. At the July 9, 2013 Planning Board meeting, there was discussion about the value of the trailer camp before Plaintiff started the expansion including discussion of the town evaluation for $2,000 by Randy Tarr (Tax Assessor). Plaintiff also explained to the Board that Mr. Tarr told him that the camp was not worth anything and the reason for the $2,000 tax assessed value was because the location of the structure was grandfathered. For that reason, the tax assessor added "encourage removal" of the camp on the tax map, because it had no market value other than its grandfathered location.

1185. After more than two (2) hours (in two (2) separate (2) hour Planning Board hearings) (4 hrs. total) into the Planning Board meeting, (location 2:00:00 of the audio recording) the Chairperson Vince Sirois said "*do we eh. Are we saying eh. We have to make a decision to ehh. The only thing that we have to say here is that do we agree with Bob's decision or do we.... On this 50% market value here.*" Now, the Chairperson re-reads the Article 4. once again "*to interpretation and Jurisdiction of the Planning Board "*...Jeff Albert says: "*We have to decide, we have to try to make a decision in our opinion, did he remove more than 50% of the market value of the structure.*" Chairperson Vince, "*no it has nothing to do with Mr. Cayer, this article 4 has just a word in this book it has nothing to do with the landowner, it doesn't mention Mr. Cayer in here."* CEO Ouellet said, "*Vince, I gata go - just make a decision*". Chairperson Vince Sirois "*yup, if you read this article all we're trying to do here is to try to agree with eh...do you agree with that Jeff*? Jeff, "*what*? Vince, "*With what the article is saying"*. Jeff, in French "*ahhh ban la, ehhh non.. non...ehh..the ordinance is saying eh.. the ordinance ….is the ordinance okay....*" Vince, "s*o what's our, what's our, what's our, decision based on article 4...What's our decision based"* Jeff, "*does it have to be based on did he take out, did he remove more than 50% of the market value, okay did he remove more than 50% or did he remove more than 50% of the market value of that structure. Okay, that's it, that's all we have.*

Okay? Vince, "*the landowner's name is not on this article.*" Jeff, "*it doesn't matterrrrrr. That's why we're hererrrrr. It's that structurerrrrr.*" Vince, *"laughs ha ha, okay, okay, somebody, somebody make a decision, somebody make a motion and somebody second it and*," Jeff, *"That's what we're here for right,". Jeff, "that's all we're hererrrr for right?"* Vince, "*if we need to table it we can ….where's my ehh ...where's my ...pause... as chairman I can table this until next time or do we want to make a decision"* Jeff, *"do as you like, we have Board members here now and we can make a decision here or not. I mean it's an opinion."* Chairman Vince, *"hum hum,"* Jeff "*it's ..it's an opinion I, I mean it's an opinion you know we can make an opinion and Mr. Cayer agrees or doesn't agree he can take the next step, it's as simple as that..and it's the same as Bob, if Bob doesn't agree if we say he took out less than 50% and he thinks there's still a violation pursue it, by all means let him pursue it, that's it right? That's it...right."* Vince, "*laugh ha ha"* Jeff, "*whoever is there pursue it. We're not judging Bob, we're not judging Bick,* Inaudible Laughter from the Planning Board members. Jeff, *"I'm going to put forward a motion that says, he took out more than 50% or he took out less than 50% it's one or the other, that's all that's being asked of us here...pause.* Vince, *exactly right,* Jeff, *"exactly right, it's not for us to decide there's case laws there are other issues the other issues that he has vested rights, maybe he does maybe he doesn't I don't know that, I really don't, if he believes he does he has every right to believe that, okay, (Laughter,) he has every right. Okay, and is there a violation there, is he trying to break,, get around the regulations and all that maybe he is.... maybe he's not ...I'm not going to decide that anyway. (*Background talk)*, your right, I think your right, okay,,"* Vince, *"we've been provided evidence that we need to determine this.*" Vince Vanier, "*we've been provided some evidence but we weren't provided with the actual market value of what's there*" Jeff, "*no because we have to disagree with Mr. Cayer first for him to go get an appraisal. He doesn't have to otherwise.*"

1186. It is important to note that the CEO Ouellet left half way through this meeting.

1187. **" Vince Vanier said even after his previous statements, "Okay I guess I'll do it eh..I'll make the eh I'll make the motion that determines that Mr. Cayer that Mr. and Mrs. Cayer have removed more than 50% of the market value of the Property on that lot"** Tom Schneck **"I'll second that".** Jeff, "your saying that he removed more than 50% of the market value of that structure is that... inaudible.... umm" Chairperson Vince Sirois says, "and Tom seconds it... is there anymore discussion, all in favor? Inaudible noise ...pause Recording location: (02:05:06) Article 5....

1188. Plaintiffs assert the Planning Board members at these meetings willfully obfuscated the simple issue of the value of the camp at that time, and fraudulently caused Plaintiffs great harm financially, and emotionally.

1189. In 2013, Plaintiffs received their tax bill from the Town of Madawaska for the camp on that lot. The assessment by the Town for the camp as of 2013, in now worth $6,000. A 300% increase from before Plaintiffs expanded in 2012 which was $2,000.

1190. On July 19, 2013, Plaintiffs appraisal confirmed that the market value of the expanded camp was now worth $27,500.

1191. Enclosed is a handwritten Fax dated 7/23/13 to Stephenie Maclagan (DEP) contradicting his statements at the July 9, 2013 Planning Board meeting that the structure was worth more than $4,000 including many false statements in his usual obfuscated way. CEO Ouellet claims "[I] look at it as being in violation of the 1st permit". However, he does not identify the violation.

1192. On July 29, 2013, CEO Ouellet sent Plaintiffs a letter concerning the Planning Board decision of July 9, 2013. His letter tells about how the Planning Board met at Plaintiffs request *"*[t]*o discuss the issue of 50% of market value of the structure." "After much deliberation, the Planning Board motioned that more than 50% of the market value of the existing structure had been removed."* CEO Ouellet now is stating *"the Planning Board motioned that more than 50% of the market value of the existing structure had been removed."* He also explains that he is setting up another meeting with the Planning Board to review our appraisal.

1193. There are no provisions in our town code requiring Planning Board meetings to review the licensed Appraisal. They (Planning Board) certainly proved how incompetent they were in determining the 50% at the July 9, 2013 Planning Board meeting. Plaintiffs question why would we need the Planning Board to review a Professional Appraisal?

1194. According to the Madawaska SZO on page 7. (3) *"if it is determined by the Code Enforcement Officer and Planning Board members that more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal."* This Professional Appraisal is the last step in determining the value of the structure before and after removal. At this point, the CEO was proven wrong, alleging that Plaintiffs had removed more than 50% of the market value of the structure before they removed the last remaining part of the old camp and should have removed the SWO and allowed Plaintiffs to continue with their construction.

1195. At the August 12, 2013 Planning Board meeting, the agenda was *"to Review Richard and Ann Cayer's appraisal regarding Market Value of the existing Structures".* The Planning Board willfully refused to review the appraisal; but instead fraudulently discussed another *ex-parte* letter from DEP Stephenie Maclagan dated August 9, 2013.

1196. Although every Planning Board member had a copy of a letter dated August 9, 2013 by DEP Stephenie Maclagan, Plaintiffs had not seen a copy and were unaware of such a letter and what they were discussing. After discussion about the DEP letter by the Planning Board, Planning Board member Jeff Albert commented that according to the DEP letter by Stephenie Maclagan, the decision about the more or less than 50% must be made from the original structure because according to Jeff Albert that was what the letter said. Plaintiffs made clear that the Planning Board was supposed to acknowledge the appraisal and not another DEP letter from S. Maclagan.

1197. Plaintiffs made clear that they opposed the fact that the Planning Board members were willfully reviewing a letter that Plaintiffs had no knowledge of. Plaintiffs believed that this action by the town was willful extrinsic fraud. Once again, the Planning Board was reviewing information provided by CEO Ouellet that put Plaintiffs at a severe disadvantage because Plaintiffs did not know what they were talking about and this was *ex-parte* communications,

and a willful violation of Plaintiffs' rights of due process and equal protection inter alia because the Board was only required to discuss the appraisal.

1198. Plaintiffs asked for a copy and after quickly reviewing the letter, Plaintiffs told the Board that nowhere in the letter by Stephenie Maclagan did it say that the decision about the 50% removal must be based from the original structure.

1199. Jeff Albert replied "[t]hat's how I interpret it, Yeh that's very apparent in that letter."

1200. Audio recording (12:40:00) Jeff Albert willfully said, "well listen, in the code it is very plain, we were to determine the eh.... the market value and what was removed. And I personally.... I'm inclined to agree with the Cayer's.... it's the structure. However, however, that is not the guidance from DEP, not the guidance from DEP, they only look at the original structure. We all agree 100% was removed there is no argument that the trailer that was there is gone... it all depends on how DEP looks at it.... DEP is telling us to look at only the original structure."

1201. Plaintiffs asked the Planning Board members if they were going to review our appraisal and who was going to pay for that appraisal.

1202. The response from Jeff Albert's willful statement was, "[N]o, and you will need it for court." Plaintiffs assert Jeff Albert had not been an active Planning Board member for many years and had participated only in Plaintiffs cases, at times without being sworn in. Plaintiffs later found out that Jeff Albert had a business agreement with the Chairperson of the Selectboard Vince Frallicciardi, transporting military equipment, some of which was illegally purchased and sold.

1203. Because Plaintiff Richard Cayer knew Chairperson Frallicciardi was a convicted felon, he had been investigating Chairman Vince Frallicciardi for some time concerning the use of his position as Chairman to buy military equipment. Moreover, Plaintiff Cayer was one of very few who knew Vince Frallicciardi had been dishonorably discharged from the military for stealing military equipment and had been in military prison for 18 months for those thefts.

1204. Chairperson Frallicciardi owns and operates a salvage business in Madawaska. After he became Chairperson, he secured a $10,000 transportation account paid by the Town, to be used to buy and transport military equipment bought at auction. Jeff Albert owns a trucking company that had an agreement with Chairperson Frallicciardi to transport this military equipment.

1205. Plaintiff Cayer questioned this fact at a Town Meeting by saying, "[I] want to have all information in regards to buying and selling of military equipment because I don't want to wake up some morning and find out that the Town is in the salvage business with Vince Frallicciardi." Chairperson Frallicciardi was visibly upset and firmly said at this public Town Meeting, "[I]f you think that I am lining my pockets with this military equipment, come to the Town office and I will give you all the paperwork.

1206. Shortly after at the town office, Plaintiff asked Chairperson Frallicciardi for this information. Chairperson Frallicciardi attacked Plaintiffs Richard and Ann Cayer by yelling and threatening them so violently the town clerk called the police.

1207. Plaintiffs filed a Protective Order in District Court which was denied, partly because Chairperson Frallicciardi lied on the stand about the threats to Plaintiffs.

1208. Plaintiffs Richard and Ann followed up with acting Town Manager Ross Dubois who is the Chief of Police today, requesting all information in regards to this $10,000. transportation account because Plaintiffs understood that chairperson Frallicciardi now had a military bulldozer at his gravel pit in Sinclair, ME. Plaintiffs received only two (2) sheets of paperwork with little or no information.

1209. Plaintiffs were also investigating another matter that was being secretly discussed by the Board of Selectpersons in executive session. Plaintiffs were having a hard time to get the information. It was later found out that the Chairperson Vince Frallicciardi had bought guns from the Madawaska Police department which proved to be a violation of Law because Chairperson Frallicciardi was a convicted felon.

1210. Chairperson Vince Frallicciardi resigned from the Board of Selectpersons shortly after.

1211. Because Plaintiffs proved without any doubt that they had not removed more than 50% of the market value of the structure before they removed it, that should have been the end of the CEO's fraudulent claim by the CEO, pursuant to §12.C(3). Moreover, the real reason Plaintiffs were not in violation of the SZO was because the permits were vested, not §12.C(3).

1212. On August 22, 2013, the CEO notified Plaintiffs (the Cayers) that the Board of Selectpeople would consider the building violation on September 3, 2013.

1213. Also, in the August 22, 2013 letter, the CEO notified Plaintiffs "**The Stop Work Order remains in effect until there is a resolution in this matter."** Plaintiffs also assert the SWO was illegal and violated Plaintiffs rights because the permits were vested and, there are no provisions in the Madawaska code books for a stop work order.

1214. Plaintiffs explained to Chairman Vince Frallicciardi that they needed more time to prepare their defense before meeting with the Selectpersons. The chairperson told Plaintiffs to put the concerns and reasons in writing and that it would be decided at the meeting whether to postpone or not. Plaintiffs responded with a letter dated September 2, 2013, requesting to postpone the meeting alleging a variety of grievances including bias by Board members. The Board willfully violated Plaintiffs rights when it did not read the letter with the request, and denied a postponement. The Selectpersons willfully denied Plaintiffs the right to defend themselves and to bring their concerns including the appraisal. The Board decided to pursue the matter with a fine and Consent Agreement as detailed in DEP Stephenie's letter based on false information.

1215. Plaintiffs letter of September 2, 2013 to the Selectboard complained of bias among many other personal issues concerning Selectboard members Brenda Theriault and Barbra

Skinner. According to the Town of Madawaska September 3, 2013 Selectperson meeting (which we had not attended), the first question before the Board was as Chairman Frallicciardi stated, "[t]he Board can decide to carry forward with the violation or push the meeting so Mr. Cayer can be present." Selectperson Theriault willfully stated, there is no point in waiting, there is a code violation. Selectperson Skinner willfully agreed with Selectperson Theriault. A motion was willfully made by Selectperson Skinner to move ahead with the code violation for Mr. Richard Cayer; and willfully seconded by Selectperson Theriault. Chairperson Frallicciardi, Selectperson Skinner, and Selectperson Theriault were in favor of the motion. Motion Carried. (a) They willfully denied Plaintiffs the right to defend themselves. Plaintiffs claim this act by the Board was willful extrinsic fraud. (b) *Ex-parte* communication – request time for more information denied.

1216. The Board willfully voted against allowing Plaintiffs the opportunity to be present, and to claim concerns in the letter of, inter alia, bias by Selectperson Brenda Theriault and Barbra Skinner.

1217. The Board's vote to deny Plaintiffs their Due Process right to provide the Board members the professional appraisal, which was the next step of the SZO§12C. (3) process. Plaintiffs were ready to provide the Board members exculpatory evidence that §12C (3) did not apply as charged by the CEO Ouellet because Plaintiffs increased the value of the camp by 300%.

1218. A motion was made by Selectperson Skinner to offer Mr. Cayer a Consent Agreement and he will have to go back to the Planning Board.....second by Selectperson Theriault.

1219. Plaintiffs believe this willful procedural due process violation resulted in the meritless code violation and illegal stop work order by the Town of Madawaska. For this reason, Plaintiffs claim the Town willfully violated Plaintiffs Constitutional rights of equal protection, and procedural due process rights, pursuant to 42 §§ 1983 and 1988.

1220. On August 27, 2013, DEP Stephenie Maclagan wrote a letter to the Selectboard again filled with many willful fraudulent statements. She starts the second paragraph by stating, *"*[I'] v *been asked to clarify that an expansion is not possible if the nonconforming structure being expanded does not exist."* Plaintiffs facts make clear the nonconforming structure (the camp) was never removed and was worth over $27,500 with the new expansion. DEP Stephenie M. was told willfully by CEO Ouellet in the June 18, 2013 email many false statements inter alia, "[D]uring the month of May, I happened to drive by the work site and noticed that the structure was gone and all that remained was the steel frame work and the wall."

1221. Plaintiffs assert the letter of August 09, 2013 by DEP Stephenie M. was willful extrinsic fraud requested by the Town CEO to support the CEO's claim for a violation of §12C (3) which was used willfully by both, the Planning Board, and the Select Board to justify the CEO's charge that Plaintiffs had violated the Madawaska SZO.

1222. The Dismissal with Prejudice by the Town provides exculpatory evidence, that there was no violation.

1223. Based on these undisputable facts, Plaintiffs' have had to endure years of harassment, decimation, and great financial loss defending meritless lawsuits, appeals, and petition to secede, against the Town of Madawaska's Board of Selectpersons, Town Manager Therrian, CEO Ouellet, Planning Board, and Board of Appeals members. The willful irreparable harm done to Plaintiffs reputation is ongoing.

1224. The town has willfully claimed that Plaintiffs removed more than 50% of the market value of the camp, before removal. Plaintiffs removed the old portion of the newly expanded camp. According to the town, this portion was worth $2,000 before it was removed the part of the camp that did not meet today's code according to §12B (2). The town tax assessment shows that the newly expanded camp is worth $6,000. CEO Ouellet said in the July 9, 2013 Planning Board meeting that it was worth more than $4,000; and our appraisal, by a licensed appraiser, appraised it at $27,500.

1225. The Madawaska SZO is clear, "[I]f it is determined by the CEO and Planning Board members that it is more than 50% based on current market value and the applicant disputes it, then he/she needs to submit an insurance or professional appraisal.

1226. After two (2) very lengthy and difficult Planning Board hearings where the CEO agreed the value to be more than $4,000. (twice its original value), and with a licensed professional appraisal for a value of $27,500, the Planning Board, CEO, and Board of Selectpersons willfully refused to even consider looking at Plaintiffs information as outlined in the town SZO.

1227. On September 3, 2013, after all of the false claims made by CEO Ouellet about the removal of more than 50% of the structure, the Town of Madawaska's Board of Selectpersons denied Plaintiffs Richard and Ann Cayer the right to defend themselves before the Board of Selectpersons with their appraisal. Because the appraisal vindicated Plaintiffs Richard and Ann Cayer, CEO Ouellet, and the Board of Selectpersons now made other false claims based on DEP Stephenie MacLagan's letter falsely claiming that "[Y]ou cannot expand a structure that does not exist."

1228. It is important to note the two Selectpersons, Brenda Theriault and Barbra Skinner, of the Board of Selectpersons who made and seconded the motions to deny Plaintiffs the right to postpone the meeting and found a violation existed that warranted legal action, were the two Board members Plaintiffs Richard and Ann claimed to be biased against them.

1229. Plaintiffs tax card has comments from the tax assessor, where he **"encourages removal"** of the camp. He, (Randy Tarr, tax assessor) also added a comment about the 1952 camp as **"very poor"** Physical Value (sv) sound value $2,000.

1230. As Plaintiffs worked in the newly expanded building, Plaintiffs were obligated to remove, replace, and rebuild all expansions in accordance with §12 B (2). The only thing that could be salvaged was the new electrical entrance that Plaintiff had installed a few years before. There was no other electrical, plumbing, egress windows, (2 inch) walls, (3 inch) roof, (2 inch) insulation, (4 inch) floors, or any other part of this camp especially with the mold, rot, and rust that Plaintiff discovered all over that conformed to federal, state, or local building and safety codes. Because the building permits issued by CEO Ouellet required Plaintiff to construct,

expand, remove, and replace everything in accordance to §12 B(2) Repair and Maintenance: anything less would have been a clear violation of our permits for expansion under the SZO, §12 C (1) Expansion: A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the non-conformity of the structure, and comply with all other municipal ordinances, and is in accordance with subparagraph (a), and (b) below.

1231. CEO Ouellet knew exactly what Plaintiffs intended to do. He reviewed Plaintiffs' application, added and modified Plaintiffs' drawings, and issued the permits with clear and specific conditions for height of building, dye testing of septic system, and side yard distances. However, there was no mention or discussions of §12 C (3) or removing more or less than 50% of the structure as claimed by the Town and its Attorneys. CEO Ouellet understood that he could require these conditions such as the ones he put on our permits concerning the setbacks, dye testing the septic, or not to exceed onto the side yard distance "by a drip edge". However, he chose not to discuss, mention, or even add as conditions in writing, about §12C(3) that he sometimes interprets to be for the "original building" rather than "by more than 50% of the market value of the structure before such damage destruction or removal" as is clearly stated in the SZO pursuant to §12 C(3). He also could have simply refused the permit application and if we did not agree with his conditions, we could have, and would have appealed his decision to the Board of Appeals, or Superior Court as was necessary in the past. In our opinion, it is painfully clear to us now that CEO Ouellet had always intended to grant us the permits, let us expand, and when we removed the parts of the old camp that we could not repair or comply with page 4 §12B (2) of the SZO, he would act as he did with a STOP WORK ORDER and citation. In other words, he granted the permits willfully "in Bad Faith" with the intention of revoking the permits, or stopping the work at some time after Plaintiffs started to build.

1232. On April 15, 2014, 9 months after the notice of violation (*NOV*), the town filed a code violation on Plaintiffs Richard and Ann Cayer.

1233. On June 10, 2014, Plaintiffs filed the Special Motion to Dismiss in Superior court docket CARSC-CV-2014-082 because Plaintiffs clearly understood the charges against Plaintiffs were meritless because the permits were vested.

1234. On July 10, 2014, Town Manager Christina Therrien and CEO Bob Ouellet willfully filed fraudulent affidavits. Because of the significant importance (material facts) and the number of the willful false statements on CEO Ouellet's and Town manager Therrien's affidavits, on or about July 17, 2014, Plaintiff Richard Cayer filed a Response to Robert Ouellet affidavit/affidavit of Richard Cayer.

1235. Number 10 of CEO Ouellet's affidavit willfully made the false statement under oath when he claimed, "[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system." This was a willful and fraudulent statement of a material fact which CEO Ouellet used to justify the notice of violation and to convince DEP Stephenie Maclagan to support the CEO's meritless lawsuit against Plaintiffs.

1236. In the Town Manager's affidavit, Christina Therrien claims the exact same willful fraudulent claim as CEO Ouellet “[O]n May 10, 2012, the Town's Planning Board, after being addressed by Richard and Ann, approved Richard and Ann's April 30, 2012 land use permit application with conditions which included installation of a new septic system.”

1237. The Town's minutes of the May 10, 2012, Planning Board meeting, show Jeff Albert “[M]ove to table the Cayer request as noted in Article 4 and wait until Mr. Cayer can present to the Planning Board a valid septic plan for the lot;” seconded by V. Sirois. Motion Carried. The matter was tabled and never brought up again. Jeff Albert was not “sworn in” as a Planning Board member, and had not been active as a Planning Board member since 2006.

1238. Number 11 of the CEO's affidavit continues with more willful fraudulent statements; “[T]o my information and belief, Richard and Ann did not seek an administrative appeal of the Town Planning Board decision of May 10, 2012. Also, to my information and belief, Richard and Ann did not seek judicial review of the Town Planning Board decision of May 10, 2012.” Because the issue was tabled at the May 10, 2012 Planning Board meeting at the Cayer's request, there could be no appeal and CEO Ouellet knew this.

1239. CEO Ouellet willfully made other false claims in his affidavit such as, “[O]n May 22, 2012, I received from Richard and Ann a land use permit application to remove less than fifty (50%) percent of an existing structure on their lot, and to add an addition to an existing structure on their lot which meets the requirements of the Town's SZO. After reviewing their land use permit application, I granted it on May 29, 2012 with conditions.” CEO Ouellet and Town Manager Christina Therrien also repeated these false statements about the permits being issued for “less than 50% removal, and under §12 C (3) to justify the meritless code violations.

1240. Harold Pelletier (a neighbor) told Plaintiffs Richard and Ann Cayer that CEO Ouellet told him that he could remove his old camp and built a new home only to find that after the old camp had been removed CEO Ouellet refused to allow him to build at that same location. For this and many other reasons, Plaintiff did not trust CEO Ouellet and was careful not to make the same mistake and made sure not to remove more than 50% of the market value of the structure, before removing it. In 2012, the Chairperson of the Planning Board Vince Sirois asked Plaintiff Richard why he did not remove the camp after their approval at the August 25, 2008 Planning Board meeting. Plaintiff told Chairperson Sirois, because he did not trust the CEO, Plaintiff would not do anything without the permit in hand, which he did not receive in 2008 even though the Planning Board had approved it. Although CEO Ouellet was required to issue the permit after the Planning Board approval, he continued to make more requests until Plaintiffs gave up for health and court actions later in the fall. It was only in 2012 when the CEO granted the permits did the Plaintiff begin to build and made sure to keep more than 50% of the market value of the structure ($2,000.) before removing it, although Plaintiff understood it to be legal to remove the old camp at any time.

1241. On April 23, 2012, CEO Ouellet emailed DEP Stephenie Maclagan willfully claiming, “[D]oes this mean that if a person has a camp that has fallen in disrepair, no electricity connection from the power company, no propane cylinders installed, and no real landscape

upkeep to the property in the last 5-6 years, that if the applicant wants to remove all structure, that he has lost his grandfathered status of, setback from normal high water line, 20% non-vegetation, and height requirement? Or does it mean that the Planning Board has to review the application for the best practical location, and follow the normal vegetation, setback, and height requirements, as though it was an empty lot. Let me know what you think."

1242. There are two important statements in this email. First, the CEO is making a claim that the camp may no longer be grandfathered because of issues claimed. Second, the CEO is asking "[I]f the applicant wants to remove all structures, that he has lost his grandfathered status of, ... and DEP S. Maclagan responds with, "[S]ince the existing structure is proposed to be replaced, the replacement must comply with the shoreline setback to the greatest practical." Plaintiffs assert this is accomplished by applying §12 C(2), the very same provision for expansion pursuant to §12 C(1)(b) under Expansions that Plaintiffs had to meet in order to receive a permit. Moreover, the town assessor Randy Tarr had also "recommended removal" on the tax map because according to him "[t]he camp was not worth anything."

1243. After Plaintiffs expanded with vested permits and removed the old camp as required by §12 B(2) ---and because nothing in the old camp complied with the provisions of 12 B(2)----of the SZO. The CEO willfully issued the Stop Work Order and notice of violation even though there were no violations and the permits had vested.

1244. On August 9, 2013, DEP MacLagan wrote the CEO and town a letter telling CEO Ouellet "[O]n June 4, 2013 you issued a notice of violation and stop work order. The letter did not indicate the corrective actions required for Mr. Cayer to regain compliance with the ordinance. Please issue a notice of violation as soon as possible. In addition to the nature of the violation stated in the 4 June letter, state what corrective action are necessary §16(I)(2)a,...."

1245. Plaintiffs believe because CEO Ouellet willfully misled DEP Stephenie MacLagan about Plaintiffs permitting process, he willfully did not follow up as suggested by S. MacLagan with a new NOV and corrective action. Because CEO Ouellet did not follow up as suggested by S. MacLagan with a new NOV and corrective action, Plaintiffs Richard and Ann were willfully deprived of proper Notice of violation as outlined in the Madawaska SZO §16(I)(2) a.

1246. Plaintiffs claim these omissions, inter alia, is a violation of Plaintiffs procedural Due process rights, willfully done in bad faith, to deny Plaintiffs the right to correct and defend themselves against the CEO's meritless lawsuit. Plaintiffs invoke 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988.

1247. On or about June 20, 2014, Plaintiffs filed a Special Motion to Dismiss the Amended Land Use Citation and Complaint pursuant to 14 M.R.S § 556 because Plaintiffs believed inter alia, the SWO was a violation of their Due Process rights, the notice of violation was meritless and was initiated 43 hours after Plaintiffs filed a Petition to Secede from the Town, and the Town wanted to punish Plaintiffs for their actions against the Town.

1248. On or about July 20, 2014, Defendant filed opposition to Special Motion to Dismiss with affidavits from CEO Ouellet and Christina Therrien. Plaintiffs received the court schedule for

the anti-SLAPP case to be on the March 26, 2015 docket, 9 months after Plaintiffs filed a Special Motion to Dismiss.

1249. On July 21, 2014, Plaintiffs filed a reply to Opposition to Special Motion to Dismiss.

1250. On December 22, 2014, defendants filed their reply to Supplemental Opposition to Special Motion to dismiss.

1251. Plaintiffs assert there are no provisions in the Special Motion to Dismiss to allow defendant's filing of opposition to the anti-SLAPP statute. The statute is clear, “[T]he court **shall** (emphasis added) grant the special motion, unless the party whom the special motion is made shows that the ...and that the moving party's acts caused actual injury to the responding party.”

1252. Plaintiffs assert that they most certainly met the Law Court two-step analysis that courts must follow to determine whether a Special Motion to Dismiss should be granted. *First*, the permits were vested, *second*, there was no violation, *third*, the SWO was illegal and violated Plaintiffs rights to due process of law, there was no hearing as claimed by the town, *forth,* the town started the complaint 43 hours after Plaintiffs filed a petition to secede. In other words, “this was such a case.” Undisputable evidence that the violation claims were meritless is provided with the Dismissal with Prejudice by the Town.

1253. The Town, through its Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) willfully provided fraud on the Courts when the information provided to the courts claimed Plaintiffs were notified of the public “Hearing”, that the Board held a “Hearing” on September 3, 2013 and “[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities’ Comprehensive Plan is unable to be realized without strict compliance.”

1254. Justice Hunter continues “[T]he record seems clear to this court that on September 3, 2013, the Town made a determination at a public hearing that the Cayers had violated the Town's zoning ordinance and assessed a civil penalty.” Plaintiffs oppose and reject J. Hunter's claim that there was a “Hearing.”

1255. Justice Hunter ignored Plaintiffs' claims that (1) CEO Ouellet issued Plaintiffs three permits that were vested. (2) The Stop Work Order was beyond the 30-day appeal period. (3) There was no violation. (4) There was no public “Hearing” by the Town. (5) Plaintiffs Richard and Ann Cayer were not notified of any Hearing. (6) On September 2, 2013 Plaintiffs sent the Board a letter asking for more time to prepare for the Board meeting, inter alia, bias by Brenda Theriault and Barbera Skinnier. (7) Plaintiffs were not present at the Towns' September 3, 2013, meeting. (8) The Town, through its' Selectboard committed an Ultra Vires act because it does not have jurisdiction to determine a code violation, that is the responsibility of the CEO.

1256. In his decision, Justice Hunter refers to the Law Court decision of, Town of Madawaska vs Richard Cayer, et al., 2014 ME 121, 103 A.3d 547 where the Law Court stated that the anti-SLAPP statute did not apply.....except possibly in extraordinary circumstances. The extraordinary circumstance in this case was simple, the permits were vested; therefore, the

Stop Work order was illegal and a violation of Plaintiffs' Due process rights pursuant to 42 U.S.C. §1983; with Attorney's fees pursuant to U.S.C.§1988. Moreover, the code violation action began 43 hours (*emphasis intended*) after Plaintiffs filed a Petition to secede from the Town of Madawaska. The Dismissal with Prejudice provides dispositive proof that the two code violations were willfully fraudulent and meritless.

1257. It took Justice Hunter Nine (9) months to adjudicate this RV anti-SLAPP case, partly because of the supplemental briefs. Maine and California's anti-SLAPP statutes of both states have similar language except for the Governmental actions. "[T]he special motion may be advanced on the docket and receive priority over other cases when the court determines that the interests of justice so require. Adjudication of the anti-SLAPP case in California must begin within 30 days. In the State of Maine, the average time for an anti-SLAPP to be adjudicated in Superior court is about 10 months, and 20 Months if it is appealed to the Law Court. It is important to remember the anti-SLAPP statute is intended to dismiss meritless lawsuits quickly and efficiently, thus allowing courts to address the backlog of meritorious lawsuits.

1258. Because the Maine Judicial Court often cite California's Supreme Court's Special Motion to Dismiss decisions, it is important to note that California's anti SLAPP law is pursuant to its Rules of Civil procedure. The Maine anti-SLAPP Law is pursuant to Maine Statute.

1259. Moreover, the Special Motion to Dismiss is unambiguous, and the statute is clear, "[A]ll discovery proceedings are stayed upon the filing of the Special Motion under this section, except that the court, on motion and after a hearing and for good cause shown, may order that specified discovery be conducted. The stay of discovery remains in effect until notice of entry of the order ruling on the special motion. [1995, c. 413, §1 (NEW).](3)." Justice Hunter allowed supplemental briefs which prejudiced Plaintiffs, and delayed the proceedings.

1260. Plaintiffs were denied their Constitutional rights pursuant to Title 14 §556, and were not allowed to oppose a motion for discovery proceedings as provided by State Law.

1261. Because of these delays and decision, Plaintiffs endured greater financial loss, unnecessarily prolonged the loss of enjoyment of property, and years more of pain, suffering and irreparable harm to Plaintiffs reputations.

1262. Ten (10) months after the Town, it's CEO, and Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) successfully defended claims for the RV Count I and Count II in both, the Maine Superior Court, and the Maine Supreme Judicial Court against Plaintiffs, the Town of Madawaska changed its position180 degrees from what Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) told the Maine Supreme Judicial Court under oath when the RV matter came for trial during the September 15, 2015 trial term.

1263. When the RV matter came on for jury trial a second time during the September 2016 trial term, the Town, pursuant to M.R.Civ.P. 41, sought to dismiss the two code violations unilaterally with prejudice once again, but could not do so because Plaintiffs had filed a written response and denial to the Land Use Citation and Complaint and Plaintiffs wanted the facts of what the Town, the town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had done to them to come out in public.

1264. After Plaintiffs confirmed and made clear to the Superior Court (*Stewart, J.*) that Plaintiffs did not consent to the Town's Dismissal with Prejudice, Justice Stewart personally informed the Plaintiffs in a second round of discussions that a dismissal with prejudice was an unusually good offer, and that the Plaintiffs should reconsider the offer. Fearing repercussions from the court, Plaintiffs reluctantly accepted the Town's dismissal of the action with prejudice, with the understanding that Plaintiffs Richard and Ann Cayer intended to file a tort lawsuit against the Town and its employees. The Dismissal with Prejudice was noted on the Docket Record on September 7, 2016.

1265. It is important to note that at this court proceeding before Justice Stewart, the Town Dismissed with Prejudice two code violation lawsuits that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in two (2) Special Motion to Dismiss (anti-SLAPP) lawsuits in two (2) previous Superior Courts, decided by Justice Cuddy and Justice Hunter.

1266. It is also important to note that at this court proceeding before Justice Stewart, the Town also Dismissed with Prejudice one code violation lawsuit that the Town, the Town Manager Christina Therrein, CEO Ouellet, Attorneys Richard Currier Esq.(#2245) and Jon Plourde Esq. (#4772) had successfully defended in the Maine Supreme Judicial Court against Plaintiffs Special Motion to Dismiss by claiming, "[M]unicipalities suffer actual injury when their ordinances are not followed by their citizenry, because that municipalities' Comprehensive Plan is unable to be realized without strict compliance."

1267. §16 (I) Enforcement is a Madawaska SZO mandatory procedural, due process of law requirement which must be followed in order to provide all citizens their Constitutionally protected rights. This was not done in Plaintiffs case.

1268. Because of this Maine Supreme Judicial Court decision against Plaintiffs Richard and Ann Cayer's Special Motion to Dismiss, the Cayers will forever be unjustly embarrassed because the Law Court has established, and has already applied in a Law Court decision, that the Cayer anti-SLAPP case was "[N]ot such a case."

1269. The Town's dismissal of the action with prejudice was not made pursuant to any settlement agreement between the parties, and Plaintiffs did not pay or receive any consideration of any kind in connection with the dismissal of the action with prejudice.

1270. Following the Dismissal with Prejudice, the Town Manager Ryan Pelletier told the Saint John Valley Times (SJV Times), "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community." The SJV Times article goes on, "[S]ince then, town and new code enforcement officer, Andrew Dube, have declined to reinstate the original building permit. The Town has declined to approve the building project the Cayers want to complete, according to Dube. He added that he would be uncomfortable reissuing a permit that old and one that another CEO previously approved."

1271. Plaintiffs assert CEO Dube and the Town have entered into another intentional tort of discrimination by denying Plaintiffs their vested permits inconsistent with the many illegal permits granted by CEO Dube without Planning Board determination of the greatest practical extent from the HWM listed below. This determination of the GPE from the HWM is a Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute.

1272. On Tuesday June 26, 2018, the Planning Board held an EMERGENCY MADAWASKA PLANNING Board PUBLIC MEETING. This emergency meeting was to determine the "[G]reatest practical extent and Planning Board (after the fact) permit for principle structure replacement foundation located at 183 Lake Shore Road (Map-35/ Lot-20). This determination by the Planning Board is pursuant to the Madawaska SZO §12C (2) Relocation. The determination by the Planning Board requires a complicated process outlined in the SZO §12C (2) Relocation. The Board never even discussed a determination of the greatest practical extent (GPE) from the high-water mark, (HWM), according to the minutes which read in part, "[D]uring construction the building was raised, and the foundation failed. CEO found no ill intentions. Property owners are from out of state and were not familiar with regulations. CEO states that everything is to code, and this is not considered an expansion." CEO referenced the Shoreland Zoning book Article §12, C (1). (Plaintiffs assert §12 C (1). is for expansions.) §12C (2) Relocation is for determination of the GPE from the HWM. CEO Dube then stated, "There was no need to fine the property owners at this time. Note, this camp is 35 feet from the HWM and there are NEW expansions toward the HWM by approximately five (5) feet without permits on this property and CEO Dube lied about those expansions inter alia.

1273. The CEO ignored all these serious Title 38 SZO violations and allowed further expansions toward the lake HWM, a serious DEP violation, with a foundation without Planning Board determination of the GPE from the HWM or a variance from the BOA.

1274. On Monday May 21, 2018 CEO Dube and the PB held another "Emergency" meeting, willfully granting another "after the fact" permit for an accessory structure in violation of §12 C (3) fraudulently determined to be located 50 feet from the HWM. This new CEO Dube and PB willfully violate Title 38 SZO State statutes indiscriminately. Plaintiffs can will provide countless examples of these willful violations of State Law by CEO Dube and town PB.

1275. Another Madawaska Planning Board determination of the GPE from the HWM for another permit application is recorded in the minutes of February 15, 2017 Planning Board meeting show the determination of the GPE from the HWM to be 80 feet because the owner wanted to build a garage in line with the driveway. This is another SZO violation because the Planning Board clearly understood when they applied the determination for Plaintiffs, first relocate then expand. See Maine Supreme Judicial Court Osprey Family Trust v. Town of Owlshead et al. Docket Kno-15-288, - June 7, 2016. Justice Mead writes, "[T]he Planning Board was required to consider how the original structure's footprint could be relocated before considering the proposed addition." DEP Stephenie Maclagan also made the Planning Board understand exactly how to apply the determination of the GPE from the HWM when Plaintiffs Richard and Ann Cayer met for that determination by the Planning Board. This Planning Board discussion is well documented.

1276. On August 17, 2016, the Planning Board heard four (4) requests requiring the PB to decide the GPE from the HWM. In a few minutes the Planning Board granted (3) permits with little to no discussion regarding the GPE from the HWM, without applying any mandatory requirements pursuant to §12 C(2) or without applying Maclagan's requirements for those decisions as was understood when Plaintiffs applied for the same decision.

1277. Because the Town was allowed to Dismiss with Prejudice without any settlement agreements, the Town's new CEO Andrew Dube now asserts Plaintiffs permits have expired and Plaintiff must begin the permitting process over again, inter alia, including the Planning Board determination for the greatest practical extent from the high-water mark.

1278. Following the Dismissal with Prejudice, Plaintiffs Richard and Ann Cayer met with CEO Dube on September 9, 2016 to request continuation of the building with new permits because the old permits had expired. CEO Dube made statements such as “[t]he permits were old permits issued by the previous CEO Ouellet and he did not know if the permits were legal.” CEO Dube told Plaintiffs he needed something from the court.

1279. In the short time CEO Dube has been the CEO, he has issued 5 permits that Plaintiffs know of that are in violation of DEP Title 38 Article 2-B:et. al. MANDATORY SHORELAND ZONING statute, inter alia, the determination of the GPE from the HWM by the Planning Board. Three of these were for foundations and one was also for violating §12(C)(3) of the SZO with removal of 100% of the structure without the required review of the Planning Board or a BOA variance.

1280. Two of these violations were determined to require “Emergency Planning Board meetings” with very little documented information except that there was no fine, and permits were issued.

1281. Plaintiffs assert these willful illegal actions by the CEO, Planning Board, and the Town, are intentional violations of Maine statutes Title 38. Waters and Navigation. It is important to note the differential treatment by the CEO where serious SZO Title 30 violations without permits are allowed “Emergency” Planning Board meetings granting permits without discussing the GPE, and without fines. This same differential treatment was perpetrated upon Plaintiffs Richard and Ann at the 2006 BOA meeting where Plaintiffs permits were willfully and illegally revoked with a very lengthy meeting followed by 8 variances granted without ever discussing “Undue Hardship”, or Findings of Facts and Conclusions in less time than it took to revoke the 2 PB permits. Ultimately the BOA's actions against Plaintiffs were overturned by the Superior Court.

1282. After the September 7, 2016 Dismissal with Prejudice by Justice Stewart, Plaintiffs met with CEO Dube September 9, 2016 requesting a permit renewal. Plaintiffs waited until September 22, 2016 to provide the CEO enough time to answer his questions with the court decision. Because CEO Dube willfully took no action on Plaintiffs request, Plaintiffs Attorney wrote to CEO Dube on October 13, 2016 confirming the Dismissal with Prejudice but received no response from the CEO. (The Town SZO §16 D Procedure for Administrating Permits states, “[W]ithin 35 days of the date of receiving a written application....SHALL notify the

applicant in writing..")

1283. Plaintiffs filed a motion for a Declaratory Judgment on January 18, 2017.

1284. On March 14, 2018 seven (7) months after Plaintiffs request to renew their permits, Town Attorney Edmond J. Bearor wrote to Plaintiffs Attorney Luke Rossingnol stating, "[I] asked the town to think of options that might be open to Mr. Cayer for the construction of a building on his lot. Please consider this communication to be subject to *Rule 408*. See the attached outline for your consideration." This willful inflammatory communication from the Town CEO Drew Dube was headed, "Richard Cayer Resolution Options." Plaintiffs believe the outrageous "Resolution Options" by the CEO was willfully intended to inflame Plaintiffs because Plaintiffs successfully defended themselves against the Town's meritless code violations lawsuits and threatened to sue the Town and its employees for initiating and continuing the malicious prosecution against Plaintiffs Richard and Ann Cayer. Plaintiff's also believe that the most logical reason, based on the Town's past practice, for the Town to withhold Plaintiff's permit after the dismissal with prejudice was to offer the permits as a bargaining chip for Plaintiffs to dismiss the tort claims against the Town and its employees.

1285. Furthermore, for Attorney Ed Bearor to claim in his March 14, 2018 email that the "Resolution Options" was "subject to *Rule 408* is regarded by Plaintiffs as, extrinsic fraud.

1286. *M.R.E. 408.* is clear and unambiguous. The email from Attorney Ed Bearor was clearly not a, "[F]urnishing, promising, or offering, a valuable consideration in compromising or attempting to compromise the claim." Plaintiffs assert the information by Ed Bearor was intended to inflame Plaintiffs to which Plaintiffs refused to respond.

1287. The CEO's actions are in willful direct contrast to the fraudulent claims by the Town Manager Ryan Pelletier when he told the Saint John Valley Times, "[T]he Court dismissed the code violation case with prejudice in September, at the request of the Town. The "with prejudice" condition means that the town may bring no further legal action against Plaintiffs, the Cayers, for the original alleged code violations. It was a good faith effort to put the past behind and move forward for the betterment of the community."

1288. Town Manager Ryan Pelletier insinuates that the Town was doing Plaintiffs a favor by dismissing the meritless lawsuits the Town brought against Plaintiffs. Nothing could be further from the truth. It is well documented that Plaintiffs were vehemently opposed to the Dismissal with Prejudice until Justice Stewart convinced Plaintiffs it was a good offer. Furthermore, for the town Manager to claim "[I]t was a good faith effort to put the past behind and move forward for the betterment of the community" is an equally willful fraudulent statement considering the actions the town took when Plaintiffs requested that their permits be renewed in order to move forward, as claimed by the town, with their building project.

1289. The Summary Judgment was denied to both parties by Justice Stewart leaving the Declaratory Judgment to be decided. The issue before Justice Stewart was simple. The Stop Work Order caused Plaintiffs to stop working on the camp. The Stop work Order was illegal and violated Plaintiffs Due Process rights for a Hearing before a court of law because the permits were vested. Furthermore, because the case was dismissed with prejudice the claims

by the town were meritless and the Stop Work Order illegal. Moreover, the Town SZO does not have provisions for a SWO, but it does have language in 16 I §(3) for an injunction, and a Due Process of Law Hearing, whenever permits are vested.

1290. Plaintiffs provided Defendants notice of their tort claims against Defendants by a Notice of Claim served on Defendants on or about November 13, 2016 in compliance with the provisions of 14 M.R.S. § 8107 of the Maine Tort Claims Act.

1291. The Town of Madawaska and its Attorneys gave no rational excuse or reason why the Board of Selectpersons have intentionally elected to enforce meritless lawsuits against Plaintiffs without the town's legislative authority granting the appropriation of funds necessary for the enforcement of such actions.

1292. This Ultra Virous act by the Selectpersons violated their oath of office to limit expenditures of funds to the amounts appropriated by the legislative body in a Town meeting.

MOTIVE

1293. In both “malicious prosecution” and “malicious use of process”, the Plaintiffs must establish that: (1) the defendant caused a process to issue. (2) The action terminated in favor of the Plaintiffs: (3) Defendant instituted the action without probable cause and with malice. (4) The Plaintiffs suffered damage. It is understood by Plaintiffs that in many states in order to succeed with a filing of malicious use of process, a Plaintiff must include a showing of motive. Grove v. Purity Stores Ltd., 153 Cal. App. 2D 234, 314 P.2d 543 (1957) ; Carbaugh v. peat, 40 Ill. App. 2D 37, 189 N. W.2d 14 (1963); Dwyer v. McClean, 133 Ind. App. 454, 175 N.E.2d 50 (1961).

1294. Plaintiffs have recorded and maintained volumes of documented files, which are available to substantiate any statements made by Plaintiffs. Following is a very limited history, albeit, quite lengthy description of these actions by the Town against Plaintiffs that started in 1988, after Plaintiffs purchased the Birch Point Campground (BPC). This long history is intended, in part, to show how Plaintiffs have endured years of willful fraud by Roger Collins and his “Association,” in willful and fraudulent coordination with the Town of Madawaska's Boards, CEO, and Town Manager, to deny Plaintiffs due process rights, equal protection rights, right to petition, willful discrimination, malicious use of process, abuse of process, inter alia. These willful and fraudulent acts by the Town employees, and it's Boards preventing Plaintiffs Richard and Ann Cayer from succeeding with their campground business and camp rentals by, inter alia, requiring Plaintiffs to attend countless illegal Planning Board, and Board of Appeals meetings and actions with illegal appeals, and by filing meritless lawsuits against Plaintiffs while willfully ignoring countless similar code violations known to the town, and CEO.

1295. These willfully fraudulent acts were started by Association President Roger Collins, and Vice President, Robert Deschene by forming an ad hoc group, so called “Birch Point Association” whose sole purpose was to close the campground. Roger Collins and his group of abutting landowners had been willfully fighting with the previous owners for three (3) generations. Collins told Plaintiffs, “[B]ick Cayer if you would have minded your own business,

we could have had this (campground) property for nothing." Furthermore, Collins threatened Plaintiffs saying, "[W]e will prevent you from ever succeeding with the campground."

1296. While Plaintiffs Richard and Ann Cayer were in the process of buying the campground, they learned that the previous owners had been fighting with the abutting land owners for (3) generations. Plaintiffs believed the fighting would come to an end because Plaintiffs were friends with many of the abutters and Plaintiffs intended to work with the abutters to stop all fighting. After Plaintiffs bought the campground, Collins requested Plaintiffs to remove loads of gravel from the right of way placed by the previous owners. Plaintiffs paid to remove all excess gravel from the ROW. Because the abutting landowners had very small camp lots, Plaintiffs offered everyone free parking spaces on their campground as needed, to supply the abutters with well water, many did not have wells because the cesspools everyone has are too close, (most are 50 foot lots,) and satellite TV, as a showing of good faith effort to get along. However, after Plaintiffs removed the gravel from the right of way as requested by Roger Collins and Association members, the Association filed complaints with the town requesting inter alia, to close the Campground. The abutters then moved all their fences onto Plaintiffs ROW. For many years from 1988 to 1992, Plaintiffs endured more than (30 mostly illegal Planning Board, Board of Appeals, and Selectmen meetings intended to close the campground. In 1988, Plaintiffs campground license consisted of 15 sites, and in 1989 Roger Collins' Association was successful in having the town reduce the license to 6 sites.

1297. This information is intended to satisfy "Motive" in Plaintiffs malicious prosecution case against the Town and its employees. In 1992, Plaintiffs requested a variance to rebuild the 9 sites lost because of complaints by Roger Collins Association. Justice Joe Watman came to Madawaska to take part in a "workshop" with the Boards to discuss the campground, without any notice by the Town of Madawaska to the Plaintiffs. Justice Joe Watman informed the Board members that Plaintiffs must meet the Undue Hardship standard to regain the use of the 9 sites lost by Collins Association.

1298. On April 9, 1992, the Board of Appeals did grant Plaintiffs a variance for an additional 6 sites; but the Collins Association subsequently convinced the town to amend the variance with many other unattainable conditions that could not be met.

1299. On September 2, 1992, Roger Collins "Association" successfully requested another untimely Board of Appeals hearing to appeal the variance, five (5) months after the appeal period was over. Plaintiffs Richard and Ann Cayer did not appear at this hearing because they believed the meeting to be untimely and refused to legitimize it. Newspaper reporter Bermond Banville covered the proceedings in the Bangor Daily newspaper.

1300. On September 9, 1992, Ginette Gagnon Albert wrote a letter in the local newspaper complaining about how rudely she was treated by a "concerned citizen" at the BOA meeting and was told to "shut up" because she was a "nobody in this Town."

1301. Circa 2006, Plaintiffs provided the Town Board of Selectmen a copy of the September 2, 1992 BOA meeting printed in the St. John Valley Time. Plaintiffs also supplied the Selectmen an editorial article by Ginette Albert. This document provided to the Board by Plaintiffs was devoid of the note added to it by Christina Therrien that said, "[G]ood person to

testify to Mr. Cayer's behavior and Slanderous remarks" with an arrow pointing to the SJV article by Albert. Plaintiffs believe that the Town Manager Christina Therrien assumed the concerned citizen was Richard Cayer, when in fact it was Roger Collins. This false representation of Plaintiff Richard Cayer, held in Therrien's files, was used to willfully defame Plaintiff Richard Cayer. Plaintiffs believe this act by Therrien was libelous. This information inter alia, was used to damage Plaintiff's reputation in his community, different State agencies, and State departments.

1302. After the September 9, 1992 BOA meeting, Roger Collins informed the town Planning Board they would oppose Plaintiffs campground expansion in court. This threat of legal action caused Plaintiffs such serious concerns, Plaintiffs offered to sell their land to all the abutting landowners for less than $9,000 per 50-foot back lot. This would have increased most camp lots by more than 120% of their current lot size.

1303. Although many abutters properties are less than 50 feet wide and 75 feet deep, (less than 4,000 sq. feet total) President Roger Collin and Vice. P. Bob Deschene turned down the offer for the whole Association claiming that they had enough land. Pursuant to present DEP and Town SZO rules, a legal lot must be 200' x 200' or 40,000 sq. feet total. The intent of the DEP, town of Madawaska SZO and its Comprehensive Plan is for the gradual elimination on nonconforming conditions and lots.

1304. In the fall of 1994, Roger Collins made illegal repairs to his cesspool without notifying the Plumbing Inspector Don Deschaine. The Local Plumbing Inspector (L.P.I) Don Deshaine did inspect the Collins property with CEO Ouellet and followed up with a letter. Mr. Deshaine wrote, "[M]r. Collins wants to expand his building towards his neighbor, Bob Deschene. By doing so he will be nearly on his cesspool. Maine Law states that he must have a setback of at least eight (8) feet away from his septic tank and fifteen (15) for his disposal area. Gentlemen, there is no way possible for Mr. Collins to expand his camp at this time as he has proposed. By the time he gets done, his construction will be on his septic system." In his letter the L.P.I. complained about Collins lying to him on different issues such as a toilet and a sink in a shed near the high-water mark with a new cesspool. The result of the inspection by the L.P.I and CEO Ouellet were that Collins had 3 cesspools, 2 built illegally, without permits, within 20 feet of the lake. The L.P.I. listed 2 enforcement issues that landowner "shall do." The CEO Ouellet was responsible to follow up on these serious code violations and he refused to carry out that enforcement action. These violations still exist today.

1305. Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increasing the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1). Plaintiff pointed out to CEO Ouellet that the in-filling/increase in non-conformance was not legal. CEO Ouellet told Plaintiff that was how he interpreted the code and always allowed infilling from that point on, until May 9, 2007 after Plaintiffs successfully defended CARSC-AP-06-003.

1306. On many occasions, Town Manager Christina Therrien and Selectpersons agreed to amend ordinances, and laws to benefit Roger Collins, by changing and amending court decisions, illegally amending State statutes, changing/amending setbacks, ignoring inter alia septic code violations, and intentionally ignoring code violations by Collins and his Association.

Furthermore, the Town has conspired with Collins and his Association members to take many fraudulent enforcement actions against Plaintiffs Richard and Ann Cayer without one successful claim.

1307. On September 2, 1996, Roger Collin wrote a letter to the CEO complaining about "[N]umerous infractions have occurred on the campground". A Planning Board meeting was again set up to address these alleged violations. The Chairperson Gerald Dufour explained "[T]he Planning Board has no power in policing the Campground, it's up to the CEO and the Board of Selectpersons to look into infractions if they have occurred."

1308. In June of 1997, Collins wrote to John Pluto office of the District Attorney complaining about trees Plaintiff Cayer planted to screen their tenants from the ROW which Deschene pulled out and kept. Deschene complained that the hedge was onto the right of way. On June 23, 1997, the District Attorney wrote to Plaintiffs' attorney Alan Harding advising him that "[I] am requesting that the Madawaska police department forward me a report on the situation."

1309. On July 25, 1997, District Attorney John Pluto wrote to Collins. "[T]he State is declining to bring criminal charges against Mr. Cayer at this time. The recent planting of trees does not drastically further reduce the usable width of the right of way."

1310. On July 27, 1998, CEO Ouellet sent Plaintiffs a letter complaining about a travel trailer parked on Map 34, lot 20 for a number of weeks.....if more than one(1) residential dwelling unit is on a single lot....for each additional dwelling unit. CEO Ouellet sent a letter to Plaintiffs complaining about the alleged RV violation as he had done in the past. Plaintiffs understood this to be legal and did respond questioning the CEO's opinion which was never replied to.

1311. On October 9,1998, Roger Collins, Bob Deschene, and Jim Gogan willfully caused great damage to Plaintiffs campground and Right of Way by removing trees that had grown naturally over the years, by bulldozing the right of way and the criminal theft of more than 600 yards of gravel from the right of way, making access to the campground impossible.

1312. On October 15, 1998, Selectman Dan Ahearn and the Board of Selectmen hired attorney Bob Bellefleur to look into whether defendant's Deschene, Collins, and Gogan violated State and Town ordinances by digging in the right of way and removing over 600 yards of gravel from said right of way without the necessary permits because CEO Ouellet willfully refused to bring an enforcement action against Defendant's Collins, Deschene and Gogan.

1313. On October 16, 1998, Plaintiffs filed an injunction and on November 8, 1998 served Defendant's Collins, Deschene and Gogan for inter alia, trespass, theft, and destruction of personal property.

1314. On October 20, 1998 letter to CEO Ouellet from attorney Bellefleur stated, "[I]t appears that there is a zoning code violation which has been committed by Mr. Deschene, Mr. Collin and Mr. Gogan, because they failed to obtain a permit before moving 10 yards plus of dirt. They may not have constructed the roadway in accordance with the zoning code standards". Note: (The illegal work done on the ROW by Deschene, Collin and Gogan, is a Title 38: §439-

B. Shoreland Zoning Violation) “[I] recommend that the three individuals involved obtain a permit for the road construction and that they be informed what they need to do to comply with the zoning regulations for that kind of construction.”

1315. CEO Ouellet did not do any of this enforcement action against defendants in spite of the attorney Bellefleur's legal opinion in Number 1: “[I] recommend that the three individuals involved obtain a permit for the road construction,” and “[I]f they do not complete the roadway to zoning code standards, then you should consider bringing enforcement action against them. You might also want to consider assessing a nominal penalty for their failure to obtain a permit prior to construction.” This legal advice by attorney Bellefleur was solicited by the Selectmen. Number 2: “[A]ny gravel that has been removed from the premises belongs to Mr. & Mrs. Cayer.

1316. The Town and CEO Ouellet ignored the recommendations by attorney Bellefleur. Had the CEO carried out his duty as recommended by attorney Bellefleur in his October 21, 1998 letter, Plaintiffs could have concentrated on the real crime, the destruction of access to the private campground, and the theft of over 600 yards of gravel as pointed out by attorney Bellefleur in number 2 of his letter to the CEO.

1317. Because construction of a road within 250 feet of Long Lake is a Title 38: §439-B. Shoreland Zoning Violation, enforcement is mandatory.

1318. Justice Gorman attended a settlement conference on May 8, 2001 and falsely accused Plaintiffs Richard and Ann Cayer of fighting with defendants over a period of 30 years. Plaintiffs had only owned the campground for 10 years when Collins, Deschene, and Gogan damaged the road (ROW) and stole 600 yards of gravel. Until this time defendants Collins, Gogan and Deschene had often attacked Plaintiffs and his tenants. Plaintiffs intentionally avoided any personal confrontation with any of the defendants. Because Plaintiff was naive, he believed the courts would protect him if he did not violate any law or code.

1319. Following the court decision by Justice Gorman, Plaintiffs Richard and Ann Cayer were required to pay 75% of the cost to replace the gravel stolen by Deschene, Collin, and Gogan. Plaintiffs also had to pay 75% of the construction cost needed to repair damage done to the Right of Way in order for Plaintiffs campers could use it to access their campsites. This damage to the Right of Way by defendants’ actions, Collins, Deschene, and Gogan on October 9, 1998 was done without the necessary permits or silt fence as required by Maine Statute Title 38: §439-B*. Contractors certified in erosion control.* This was a serious DEP violation which the CEO intentionally ignored even after a letter by attorney Bob Bellefleur's recommendation to take enforcement action against Collins, Deschene, and Gogan.

1320. Moreover, the May 8, 2001 court decision by Justice Gorman allowed defendants Deschene, Collins, and Gogan the continued use of the intentional encroachment of defendant’s fences on Plaintiffs properties even after a 1977 decision by Justice Roberts specifically preventing any further encroachment.

1321. On May 25, 2001, Plaintiffs were required to secure a permit application to repair the ROW that involved lengthy, and costly engineered drawings.

1322. The Gorman decision addressed inter alia, repairs to the road. Plaintiffs were held responsible to carry out these repairs caused by Defendant's illegal acts of theft and destruction of personal property that included, requesting and securing permits, hiring a contractor and pay to replace the 600 yards of gravel stolen by defendants, and to repair the damage to the Right of Way done by defendants. Defendants Collins, Deschene, and Gogan refused to help in this ROW repair.

1323. On May 24, 2001, CEO Ouellet sent defendants attorney David Soucy a copy of page 30, §15(Q) Erosion and Sedimentation Control: from the Town SZO. CEO Ouellet asked attorney Soucy this question. "[D]avid: This is from our Shoreland Zoning Ordinance, does this not apply in this case. Let me know - Bob Ouellet 728-6351". CEO Ouellet was working with defendant's attorney, David Soucy, to make Plaintiffs permit requisition as difficult as possible, rather than bring an enforcement action against the individuals responsible for the damage done to the ROW as recommended by town attorney Bob Bellefleur.

1324. On May 25, 2001, Plaintiffs attorney F. Bemis emailed Plaintiffs stating, "[B]ob Ouellet faxed this information to me. He is insisting that a permit is required. I tried to say that you were simply restoring the land and that no permit was used earlier but Bob would not budge." *Note:* CEO Ouellet did not bring a SZO violation against Deschene, Collin, and Gogan as recommended by Town attorney Bellefleur, but insisted that Plaintiffs follow strict DEP and Town permitting rules.

1325. On August 16, 2000, Roger Collins and Bob Deschene wrote to CEO Ouellet requesting inter alia, a certification by the Health Officer and the Code Enforcement officer for the year 2000. On September 13, 2000, the CEO responded to Collin and Deschene about their concerns.

1326. On August 16, 2000, Roger Collins complained in a letter to the CEO about alleged code violations at the Plaintiffs campground inter alia, a camper that remained on the campground beyond the allowed time of 3 months which was answered by the CEO on September 13, 2000. The reason that one camper remained on the campground was that when defendants damaged the ROW, Plaintiffs tenants could no longer access the campground to remove the camper. Furthermore, because both parties agreed to a court ordered injunction not to make any changes to the ROW, tenants could not repair the ROW necessary for the removal of the camper.

1327. On November 2, 2000, Plaintiffs received a Notice of Violation from the CEO instructing Plaintiffs to "[R]emove the (1) camping unit ….no later than "[S]unday, November 19, 2000. Failure to comply with this order may result in court action against you. Title 30-A § 4452 establishes a fine of $100-$2,500 for each violation of the Ordinance." Note; Because Collins Association reconstructed the Right of Way without a permit, Plaintiffs could not safely remove the RV. Collins and Association were never charged as recommended by the town's own attorney Bob Bellefleur.

1328. On November 22, 2000, VP Bob Deschene wrote a letter to the CEO informing him that because he was in Florida for the winter, he wanted to make sure that the CEO enforced the

code and instruct Plaintiffs they must remove the camper before winter.

1329. On November 27, 2000, Plaintiffs applied for a Board of Appeals temporary exception to allow a camper trailer to remain on the campground for one winter because of the damage done to the ROW by defendants Collins, Deschene, and Gogan made it too difficult to remove the camper until the ROW issue was resolved.

1330. On November 28, 2000, Plaintiffs received a letter from the Board of Appeals denying Plaintiffs request to allow the RV to remain on the campground until the ROW could be repaired in order to safely remove the RV without causing damage to it.

1331. On September 20, 2001, Bob Deschene wrote the CEO a letter complaining about two infractions on the Cayer campground. 1. No reseeding was done after landscaping on the land abutting the campground. 2. Three campers on the site, have not moved for a period exceeding 12 weeks since May 15, 2001.

1332. On May 1, 2002, Collins wrote a letter to CEO Ouellet complaining about storage containers, and a trailer on site before the allowed time.

1333. On May 21, 2002, CEO Ouellet issued Plaintiffs a code violation with an attached letter from Dwayne Collins, Roger's son, dated May 1, 2002, this was a complaint instructing Plaintiffs of possible code violations that had to be corrected.

1334. Because Rouleau was constantly complaining about RV's on Plaintiffs camp lot, Plaintiffs pointed out the RV's on Rouleau's illegally sub divided lot, that created an illegal individual private campground next to Plaintiffs house. Initially, the CEO claimed that the nonconforming lot was a lot of record. Plaintiff provided the CEO with deeds clearly showing that the lot in question had been illegally subdivided in 1989. Furthermore, Plaintiffs provided proof that Rouleau also built illegal structures on the property and dug an illegal cesspool 20 feet from Plaintiffs property. This forced the CEO to take an enforcement action against Rouleau. On August 30, 2002, David Rouleau filed a complaint against the CEO Ouellet claiming, “[I] would like to address a complaint of discrimination and harassment against the code officer Bob Ouellet”.

1335. It is important to note although David Rouleau was not an “officer” in the “Association” he was, and continues to be a member of the Association, that has willfully made many unsubstantiated fraudulent claims against Plaintiffs in public meetings, in local newspapers, with local police, with the Town, the CEO, DEP, and with the Board of Environmental Protection (BEP) in Augusta.

1336. Plaintiffs assert that David Rouleau made malicious and willful derogatory statements printed in the newspapers and editorials on April 22, 1998, and September 2, 1998.

1337. In late October, the CEO did not process many permit applications because there is little to no construction going on in the winter months. It is evident from the letter CEO Ouellet intended to drag this enforcement action for a long time.

1338. On October 7, 2003, David Rouleau wrote a lengthy letter to the CEO requesting that the CEO take an enforcement action against Plaintiffs for numerous code violations on Plaintiffs house next door to Rouleau's house.

1339. In October 2003, Plaintiffs received a letter from CEO Ouellet that read, RE: Land Use Complaint that copied (CC) Roger Collin and David Rouleau. “[P]lease find enclosed copies of three Land Use Complaints that have been forwarded to my office for clarification and investigation. Considering my work schedule, I will be reviewing each complaint as time permits. It is important to note there are very little permits being issued in October. After Plaintiffs followed up, Plaintiffs found out that the CEO had responded to Rouleau claiming that there were violations on Plaintiffs house lot.

1340. On October 16, 2003, Collins wrote a 3-page letter to the Chairperson of the Board of Selectpersons complaining about “[S]everal new and old code violations.

1341. On November 10, 2003, Plaintiffs received a letter from Maine DEP with a complaint by Collins, followed up by the CEO concerning railroad ties along the ROW requesting that Plaintiffs move them to a more suitable location. Plaintiff's complied with the request.

1342. On December 9, 2003, Plaintiffs received a letter from the CEO “[c]concerning the complaints by David Rouleau of your property on Lake Shore Road and the complaints by the Birch Point Camp Association of you campground property. A Board of Selectmen's meeting will be scheduled in the January 2004 (sic) to discuss these issues. You will be advised of the time and place of this meeting. If you plan to have legal representation at this meeting, please advise myself or the Town Manager.” The CEO included a letter from the Birch Point Camp Association with a list of 9 complaints. Also included was a letter to David Rouleau with a response to his complaint letter agreeing with Rouleau that there were 3 violations on Plaintiffs properties.

1343. On December 24, 2003, Plaintiffs hired attorney Luke Rossignol to protect Plaintiffs from these meritless charges of code violations.

1344. Plaintiffs provided the CEO Bob Ouellet and Selectmen a letter explaining the permits issued by the past CEO and Town Manager Arthur Faucher, allowing Plaintiffs to expand their house. Because the harassment by CEO Ouellet and the Board of Selectmen continued, which included a surprise visit and illegal trespass by CEO Ouellet and Chairman Mike Violette at Plaintiffs home, Plaintiff asked the Town Manager and past CEO, Arthur Faucher, to explain that Plaintiffs worked with the necessary permits issued by Faucher.

1345. After 8 months of unfounded investigations and charges, on June 10, 2004, the Town Manager, Arthur Faucher, wrote a Memo to CEO Ouellet and the Board of Selectmen. In his memo, he explained how he justified the permits and supported Plaintiffs explanation of the charges. This letter also scolded recipients of the letter by saying, *“[T]his situation is ridiculous and certain people have gone to ridiculous means to harm the character of Mr. & Mrs. Cayer and intentionally affect the Maine Constitutional rights of enforcement of Madawaska's Code Enforcement Officer by political means.”* Town manager and past CEO continued, *“[T]he Cayers are undeserving of being accused of anything otherwise of what was permitted and*

done. Certain people are again trying to make a situation vulnerable and applying their baneful ways on the Cayers. The time has come to stop wasting your time, the taxpayer's money and the moral values of enforcement. I rest my case."

1346. A few weeks later, Town Manager Arthur Faucher who had worked as Town Manager for 16 years was fired without a Hearing. Plaintiffs explained to the Board of Selectmen that pursuant to Maine Law, the Board must make public the reasons for firing the Town Manager, Arthur Faucher. The Board refused to answer Plaintiffs request and never filed the mandatory document required by law.

1347. On July 13, 2004, the Selectmen held a hearing on the charges by Rouleau and Collins Ass. After a very lengthy meeting on Rouleau's claims, the Board found no violations by Plaintiffs.

1348. Although Maine Law has repealed, in part, State statutes for conspiracy and fraud, in common law jurisdictions, as a civil wrong, fraud is a tort and can be a crime if willfully committed with malice. Plaintiffs assert these actions by Collin's /Association, and the Town, have willfully caused Plaintiffs suffering and injury as a result of the existence of this conspiracy. Plaintiffs assert the clear evidence of discrimination against Plaintiffs support the theory of conspiracy and fraud by the Town and may be used in determining the amount of damages in Plaintiffs tort against the Town and the respective liabilities of civil co-defenders for the payment of damages.

1349. At a 2002 BOA Hearing, Plaintiffs were in a discussion with 3 Board members. They were claiming that the code is too strict and people cannot build, so "we will give variances". Plaintiff told the BOA members the proper way was to amend the code if they felt it was too strict.

1350. On November 8, 2004, the same Madawaska Board of Appeals willfully and fraudulently granted Roger Collin a variance without willfully addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion. Plaintiff R. Cayer spoke at the BOA Collins hearing and told the Board that they were required to address the Undue Hardship provision in order to issue a variance, that Collins request violated the 30% volume expansion rule, and the setback rule, to which the CEO simply said, "I don't know about that because I have not looked into the 30% volume".

1351. Although the CEO was present and was well aware of the willful and fraudulent BOA's actions, the CEO willfully and fraudulently refused to take legal action or even speak up at the BOA hearing for Roger Collins concerning these serious DEP and Maine statutes violations.

1352. It is important to note, notwithstanding the willful procedural and substantive SZO violations by the BOA, the CEO granted Collins a permit the very next day on November 9, 2004. The willful actions by the BOA and CEO ignoring procedures and finding of facts at these hearings and meetings compared to the difficulty Plaintiffs had to receive their permits after Planning Board approval speakers' volumes. This is especially important because the CEO simply said at the BOA hearing, "I don't know about that because I have not looked into the 30% volume".

1353. Because the Town and its CEO allowed this willful fraud by the BOA at the November 8, 2004 hearing granting Collins a variance without discussing undue hardship, in violation of Maine Statutes, Plaintiff R. Cayer successfully appealed, Docket No. *CARSC-AP-04-011*, the action by the BOA in Superior Court on October 25, 2005. (*J. Hunter).* Reasons cited by J. Hunter were, failure to apply the Undue Hardship provision and failure to "[m]ake its findings of facts and conclusions of law in accordance with the principles of law as indicated herein."

1354. Despite the Court's Order, the Board of Appeals did not conduct a hearing *de novo* on the Collin's permit application according to the principles of law set forth in the Superior Court's Decision and Order. Rather, on July 11, 2006, the Board of Selectmen conducted a Public Meeting and willfully and fraudulently voted to allow the illegal structure to remain pursuant to a Consent Agreement and a small fine.

1355. On August 10, 2006, Plaintiff R. Cayer filed another 80B appeal Docket No. *AP-06-005* that was again sustained in Superior Court (*J. Hunter)* and ordered the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and remanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application .....or in the alternative, to remand the case back to the Town for appropriate enforcement action as provided for in the Superior Court's October 25, 2005 Decision and order in CARSC-AP-04-011.

1356. Because Collins did expand his camp in 1995, in-filling/increase in non-conformance, over his septic system, greatly increased the total allowed (lifetime) expansion pursuant to the 1989 SZO §12C (1), this 1995 expansion increase was added to the total calculation for determining how much more footprint and volume Collins could expand.

1357. The CEO was aware that Collins had expanded after1989 because he issued the1995 permits allowing Collins to expand close to, if not all of the 30% volume allowable lifetime expansion as provided pursuant to the 1989 SZO, and DEP rules. The willful fraud on the courts claim by the CEO and the Town, allowed Collins to- add- this pre 1995 expansion which increased the allowable 30% volume substantially, rather than -subtract- the 30% expansion permitted in 1994 to the total allowable expansion.

1358. For this reason, Plaintiffs knew throughout these appeal proceedings for the Collins camp expansion that the CEO and the Selectboard were willfully aware that Collins had expanded significantly beyond the 1989 SZO §12C (1) allowable lifetime 30% expansion provision. The town willfully and fraudulently prevented Plaintiffs to allow these facts to be discussed in public meetings, and willfully prevented Plaintiffs to know what actions the town was taking with the Collins case. The town willfully and fraudulently issued a Consent Agreement ignoring Justice Hunters order to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collins permit application."

1359. The enforcement action by the town and CEO willfully ignored important material facts, such as, the increase of more than 30% volume increase, removal of shed ordered by the court, 3 illegal cesspools, and the encroachment into the front yard setback from Plaintiffs property to which no variance or permit was granted. These willful violations remain a

nuisance of the Town SZO and State Law (Title 38) to this day all in violation of Justice Hunters August 10, 2006, decision.

1360. By a Consent Order and Judgement, dated December 17, 2007, the Town willfully settled the case with Collins in District Court by filing and claiming fraud on the court statements that the Town clearly understood to be untrue. The Town willfully entered into another fraudulent Consent Agreement with Collins which allowed the illegal structure to remain on the Collins premises without legal permits or variances despite the facts that: (a) the first Superior Court decision in CARSC-AP-04-011 found that the Board erred in its determination of its 30% expansion and in conducting its proceedings on the expansion issue by willfully refusing to allow Plaintiff Cayer, the opportunity to present evidence describing the development history related to the Collins property. And by, (b) allowing Collins to build beyond the 30% volume allowed pursuant to the town SZO (1989), a Town and State DEP Shoreland Zoning Ordinance violation, and (c), the Town willfully and Freudianly amended the 50 foot setback, and willfully applied, with fraud on the court, the amendment for the 50 foot setback from Plaintiffs campground and ROW, by willfully ignoring Title 1.§ 302 making the amendments void as applied in this case.

1361. *Title 1.§ 302; "[F]or the purposes of this section and regardless of any other action taken by the reviewing authority, an application for a license or permit required by law at the time of its filing shall be considered to be a pending proceeding when the reviewing authority has conducted at least one substantive review of the application and not before. For the purposes of this section, a substantive review of an application for a license or permit required by law at the time of application shall consist of a review of that application to determine whether it complies with the review criteria and other applicable requirements of law. [1987, c. 766, §1 (AMD).] "* Therefore, the willful, fraudulent actions by the Town to amend its SZO, willfully allowing the Collins encroachment into Plaintiffs ROW and campground without a variance, was a willful violation of Plaintiffs rights, and willful fraud on the Courts by the Town of Madawaska. Pursuant to Title 1.§ 302, Collins failed to comply with 50 foot setback which was a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

1362. From 2005 to 2009, the Town Manager, CEO, Planning Board, and the Selectpersons willfully amended inter alia, the SZO front yard, and side yard setback distances to accommodate Roger Collins code violations with many emergency Planning Board meetings and hearings to help Collins circumvent the towns ordinances. Although the courts ignored the fact that the amendments to the ROW setbacks were legally null and void in the Collin matter pursuant to Title 1. § 302, the courts repeated the amendments as legal. The District court decision by J. Daigle ignored the fact that the 2 foot encroachment still required a variance, and the willful act by the Board of Selectmen granting another Consent Agreement without a variance was still in willful violation of Justice Hunters decision, and a willful contempt of Justice Hunter's decision, Docket No. *AP-06-005* ordering the Town of Madawaska to restore the July 11, 2006 status quo by returning the $1,500 fine to Collins; and to "[r]emanded the case back to the Zoning Board of Appeals for a hearing *de novo* on Collin's permit application."

1363. The Town willfully prevented Plaintiff R. Cayer from knowing how the Board of Selectpeople were handling the Collin case, with illegal secret meetings, illegal Executive Sessions, Ex-parte communication, including illegal Code Amendments for setbacks.

1364. On October 16, 2007, a few weeks before Plaintiffs left for the winter, Plaintiffs asked the CEO what was happening with the town filing for the Collins case in District Court and if the town had complied with J. Hunter's decision to apply section H of the SZO. The CEO told Plaintiffs he did not know anything about that, and that he just did what he was told, that he was just an employee.

1365. On April 14, 2005, Dwayne Collin wrote a letter to the CEO claiming Plaintiffs had constructed a storage shed without a permit and enclosed a picture of the shed.

1366. On May 24, 2005, CEO Ouellet issued a NOTICE OF LAND USE VIOLATION to Plaintiffs Richard and Ann Cayer claiming “[I] have verified this complaint and I do not find a Land Use Application or permit for this structure. You are in violation of the Shoreland Zoning Ordinance. You will be notified of the Selectmen meeting, when this violation will be discussed.”

1367. Plaintiffs did appear at the June 2005 Selectmen meeting and after the Board claimed a building code violation against Plaintiffs based on the Dwayne Collin letter and pictures, Plaintiffs showed the Board that no structure had been built. The picture Plaintiffs provided showed the alleged building to be a simple K Mart swing that belonged to a tenant, with a tarp protecting it from the winter snow.

1368. On Wednesday, July 27, 2005, David Rouleau filed a complaint at the Police Department against Plaintiff alleging Plaintiff engaged in conduct constituting Criminal Mischief, and asked the Madawaska Police Department to prosecute Plaintiff for the alleged offense, (b) Police offense report states that Defendant reported that the Relatives told him they saw the Plaintiff wade into the lake in front of the camp and turn off a ball valve that controls the water flowing to the pump.

1369. On August 23, 2005 the office of District Attorney issued a criminal mischief summons to be heard on December 7, 2005 at the Caribou Superior Court and the court will establish a criminal jury trial schedule for January 19, 2006.

1370. On November 23, 2005 the St. John Valley Times as reported by Beurmand Banville, for the first time in many years, and not since then, (*emphasis added)* printed the Madawaska District Court cases of September 14, to November 17, that clearly stated, Richard A. Cayer 60, St. David, criminal mischief, jury trial. This was also repeated in the Bangor Daily Newspapers as reported by Beurmand Banville.

1371. After Rouleau's tenants filed their version of the facts, it was clear that David Rouleau's statements to the police, that the tenants saw Plaintiff Richard Cayer close the valve” was a willful fraudulent claim by Rouleau in his police report. The DA office dismissed the case. This willful slanderous act by Rouleau willfully harmed Plaintiff's reputation.

1372. Because Roger Collins and his Association had a history of causing physical damage to the campground including a claim by the previous owners of pouring cement into the sewer lines, Plaintiffs dug up all sewer lines and did find the cement in the sewer lines as claimed by the previous owners. Plaintiffs tenants at the campground also complained about harassment and trespassing onto Plaintiffs campground before and after Plaintiffs bought the campground. For this reason, Plaintiffs warned the Association members verbally and in mail form not to harass their tenants and not to trespass on Plaintiffs properties.

1373. It is also well documented that before Plaintiffs bought the campground, Collins and his Association were responsible for removing large rocks on the campground ROW, intended to encroach onto the previous campground properties. This willful encroachment continues today with Rouleau's removal of legal property line monuments placed by registered surveyors, and placement of fences willfully onto Plaintiffs ROW. This encroachment history by all abutters continues to be a serious problem for plaintiffs. Because of these problems with the abutting landowners, Plaintiffs had their property surveyed. Since none of the abutters had their lots surveyed and they willfully continued to encroach onto Plaintiffs properties, Plaintiff Richard Cayer offered to pay for any surveyor of their choice, and agreed to abide by their legal interpretation of the property lines. Not one Association member agreed to those terms and continue with ongoing willful encroachment.

1374. Because the pictures taken by Collins clearly showed him trespassing on Plaintiffs campground, Plaintiffs filed a trespass by Roger Collins and his son. Legal action was taken by the D.A. and found Collins and his son guilty of trespassing to which Collins paid a $200 fine.

1375. Plaintiffs assert these claims of violations are selective enforcement against Plaintiffs, and are in sharp contrast as to how the code is applied for most other citizens of Madawaska. For this reason, in the Fall of 2006 Plaintiffs wrote a letter to DEP Richard Baker requesting that he come to Madawaska and present the Boards a training session on how to carry out their duties fairly and consistently.

1376. On October 19, 2006, DEP Richard Baker did provide the Boards a short class on how they should perform their job on the different Boards. Unfortunately, few Board members attended, and those who did, showed little interest and left early.

1377. Because the CEO and Boards did not improve the administration of the individual Boards or offices, Plaintiffs wrote DEP Richard Baker again on November 14, 2006 requesting "[y]our office, through the office of the Attorney General, to take action against the Town of Madawaska and CEO, Bob Ouellet according to Title 38: Chapter 3: Sub chapter 1:Article 2-B,§ 443-A for failing to properly administer the duties of his position as Code Enforcement Officer."

1378. On February 5, 2007, Richard Baker replied "[d]ue to your concerns, I traveled to Madawaska on October 19, 2006 and conducted a workshop on shoreland zoning administration for the town officials. At that workshop, which was attended by you and Mrs. Cayer, I stressed the need for the town to follow the provisions contained in the ordinance, and to be consistent in their application of the ordinance requirements."

1379. Plaintiffs believe and assert, the willful illegal actions by the BOA on June 5, 2006 inter alia, revoking Plaintiffs vested permits, was done intentionally to punish Plaintiffs for successfully appealing their November 8, 2004 Board of Appeals decision granting Roger Collin a variance, without addressing the Undue Hardship doctrine, or the 30% increase, and without filing findings of facts and conclusion.

1380. On June 2, 2008 Nancy Macirowski, Assistant Attorney General wrote a letter to Richard Baker concerning the Collins case. "[I]t appears that there were two substantive issues in the Collins matter. The first, the shoreland zoning issue, centers on whether Collins increased the volume of the building within the shoreline...by more than 30% … The stipulated facts in the Consent order and Judgment state that the shed on the camp property was removed to bring the volume within the statutory requirement." Fact 1. The claim by the town that the 30% expansion volume was met is willfully false. The CEO made these fraudulent statements to the BOA willfully, inter alia, by omission when he did not speak up at the 2004 BOA hearing for Collin but issued the permit the next day. The BOA refused to allow Plaintiff Cayer an opportunity to provide evidence to prove this fact by stating Plaintiff Cayer could not discuss the past even though it was necessary to go back to 1989 by court order. (2) CEO Ouellet falsely claimed the 30% measurements were his figures, when in fact they were Collins' calculations and way over the 30% limit. (3) The "shed" that AG assistant Nancy Macirowski said had been removed was false. The shed never was removed, and is still at the same location. (4) Plaintiffs were denied any information concerning the Consent Agreement and the Chairman of the Selectmen and the Town Manager intentionally lied about the Consent Agreement. (5) In the Summer of 2007, the Town Manager Therrien, amended the SZO front yard setback to 15 feet in order to help Collins. However, this was not enough because Collin was still 3 feet beyond the allowed setback and never requested or received a variance by the BOA as ordered by Justice Hunter.

1381. Because there was still a problem with the setback, Therrien made a second rushed attempt to bring the setback to 10 feet which, she believed incorrectly, would have negated the encroachment. It is important to note the Collins permit was requested before the setback was changed and the amendment did not provide a revisionary clause. Pursuant to **Title 1. §302. *Construction and effect of repealing and amending Acts,*** the setback amendments did not apply to Collins, and the town attorneys knew that, or should have known. Certainly, the Courts should have known and did ignore that fact. In the alternative, Collins was still 3 feet beyond the setback limit and did not receive a variance according to Justice Hunter's decision, and still remains a willful violation by the Town, violating Plaintiffs rights to equal protection of law and due process of law.

1382. Plaintiffs filed a Contempt of Court because they understood the Collins camp was still in violation of Maine's Title 38 §12. C. of the SZO which was denied by the Superior Court. Plaintiffs appealed the decision with the Maine Supreme Judicial Court which was denied in 2009 with the decision by Justice Gorman in February of 2010. The Town filed the RV violation on June 5, 2010 five (5) months (*emphasis added)* after the Gorman decision was issued. The RV violation was dismissed with prejudice by the Town in September of 2016.

1383. What is important to understand is the differential treatment that Collin received such as the aggressive attempts to amend the ordinances for Collin and the decisions of the BOA, PB,

CEO, and the Selectmen, when they are dealing with Plaintiffs Richard and Ann Cayer. That differential treatment includes, applying undue hardship for the Plaintiffs and not for Collins or anyone else, allowing in-filling until Plaintiffs request it, time limits for exercising vested permits, payment of $1.00 to re-issue permits, extend time limit on permits, BOA hearing untimely appeals forcing Plaintiffs to appeal in Superior Court, denying Plaintiffs a "Reconsideration vote" as provided in the town SZO, by the BOA, amending court decisions making court decisions void, and many more discriminatory actions.

1384. Because Therrien's attempt to amend the setback to 10' for Collins was rushed, it did not meet the statutory provisions for posting requirements pursuant to State statute. Plaintiffs pointed this out at the Town meeting where Therrien stood before the town and intentionally lied to the citizens that Plaintiff Cayer was wrong and that the posting did meet the necessary requirement. Attorney Bob Bellefleur was the moderator and told Plaintiff Cayer he could file an appeal in court if he disagreed. Plaintiffs did file an appeal Pro se in Superior Court, requesting that the code amendment rushed through at the Special Town Meeting to reduce the ROW setback to the 10-foot mark so Collins would not be in violation, should be overturned. Shortly after Plaintiffs filed an appeal pro se, the Town Manager Therrien wrote Plaintiffs a November 8, 2007 letter admitting the error and blaming the Planning Board for the error. For this reason, the Madawaska Selectmen intentionally, and illegally ignored the town ordinances, and allowed Collins to further encroach into the Plaintiffs ROW setback without a variance because the setback remained at 15 feet. The Town lied to the Courts claiming there were no more violations.

1385. On February 24, 2006, Plaintiffs filed a request for 2 land use permits because Plaintiffs wanted the permits in hand by early May because the building season is so short. CEO Ouellet complained many times that we should wait for the snow to melt. On March 13, 2006, the Planning Board held a meeting and granted Plaintiffs the existing location for the greatest practical extent from the high-water mark for the camp expansion and foundation. This was Planning Board member Gary Dufour's first meeting. He asked, "[W]ould this be a foundation under the whole building?" Richard Cayer replied, "Yes." (This is from the town's PB minutes.)

1386. This is an important fact because after the Superior Court decision by Justice Hunter, the town requested an amendment to the Superior Court decision: "to allow a foundation, only, under the "existing structure" and not under the new structure." Plaintiff believed this was simply a retaliation effort by the Town Manager because she lost both appeals of the BOA. Plaintiffs did not want to spend any more money on this ridiculous amendment and allowed the town to prevent a foundation under the new structure. Furthermore, the Town Manager Therrien, the town attorney, and the CEO for the first time, denied Plaintiffs the right to in-fill, even though the CEO clearly said at both, the PB, and the BOA hearing on June 5, 2006 that in-filling was allowed.

1387. It is important to note at the March 13, 2006 Planning Board meeting, CEO Ouellet explained in-filling, or aka as increase in non-conformance, that Plaintiffs could in-fill because it had always been allowed.

1388. On April 27, 2006, the PB held a second meeting to discuss the boat landing permit application which was also permitted with the conditional requirement that the DEP grants a

permit.

1389. These decisions were appealed beyond the 30-day appeal period. Furthermore, the "[N]otice to Abutting Landowners" mailed to Plaintiffs clearly said in regards to the Plaintiffs appeal, "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing: " Because Plaintiffs understood the appeal was untimely, and the notice simply said "[P]lease be advised that the Madawaska Board of Appeals will be reviewing and discussing:" Plaintiffs did not believe there would be a vote taken and were only prepared to "discuss" the permits, and the timeliness of the appeal.

1390. The violations to Plaintiffs rights at this Hearing were too numerous to include in this format, so Plaintiffs will include a few key points. (1) There were 14 appeals at this June 5, 2006 hearing. All were "to review and decide" except Plaintiffs appeals that was, "to review and discuss." For this reason, Plaintiffs were not expecting a vote to reverse the Planning Board decisions. After the Hearing on his permits, Plaintiff had to leave for work and did not expect more public discussion or a vote to be taken.

1391. Plaintiffs told the Board of Appeals members that the boatlanding, and camp expansion appeals were untimely.

1392. After Plaintiff was told by the BOA Chairman that it was the end of his hearing, Plaintiff Cayer left for work. The Board ended the public hearing. The BOA heard and granted nine (9) Shoreland zoning variances without any mention of the words Undue Hardship or filing findings of facts and conclusions in less time then they spent on Plaintiffs permit issues. The BOA again discussed Plaintiffs Planning Board permits with the citizens in the audience in violation of Plaintiffs due process rights and illegally voted to remand the permits back to the Planning Board.

1393. It was at this June 5, 2006 BOA hearing where attorney Bob Bellefleur representing the Morins' appeal of Plaintiffs Planning Board permits said, "[T]he Cayer's request would need to go to the Board of Appeals for a variance and it will be difficult to get because undue hardship needs to be proven by the Cayer's. Bellefleur explained the 4 elements that need to be proven for undue hardship. **Attorney Bellefleur also said that "[t]he BOA has been giving out variances like candy in the past and that is illegal."** This was said by attorney Bellefleur after the October 25, 2005(*J. Hunter)* decision eight months after J. Hunter remanded the Collin BOA decision. After the BOA heard the Plaintiffs appeal, they then authorized 9 variances for undue hardship without mentioning the words undue hardship. At another BOA meeting a few years later, another BOA member said, "[W]e don't have to follow the law, we use common sense." And, BOA member said while holding up the Shoreland Zoning Ordinance, "[D]o you mean to say we have to do everything in this book, how will we ever get anything done?"

1394. The BOA did not fulfill the State requirements pursuant to M.R.S.A. Title 38 §438-A Municipal authority; state oversight, 6-A, requirement Variances. "*[A] copy of a request for a variance under an ordinance approved or imposed by the commissioner or Board under this article must be forwarded by the municipality to the commissioner at least 20 days prior to action by the municipality."* The BOA also failed to complete a finding of facts and conclusion.

1395. The BOA Chairman Marc Morneault refused to allow a reconsideration vote by the BOA members on Plaintiffs two (2) Reconsideration request.

1396. Within two (2) days, Plaintiffs sent the Chairperson Morneault, a letter requesting a reconsideration vote. Because the Chairperson told Plaintiffs that although the BOA did not vote to reconsider the decision, he took it upon himself to deny the reconsideration request.

1397. Although the BOA can refuse a reconsideration request, there must be a vote of the majority of the Board members to decide if a reconsideration is allowed. Plaintiffs assert that because the BOA did not discuss or vote on the reconsideration request, the decision by the Chairperson to deny Plaintiffs a reconsideration vote was a violation of Plaintiffs Due Process rights. This reconsideration vote could have prevented the Superior Court appeal that Plaintiffs were successful in Superior Court, *J. Hunter*.

1398. Plaintiffs' attorney Luke Rossingnol also wrote to chairperson Morneault on June, 23, 2006 requesting a Reconsideration vote by the BOA which was not answered.

1399. Plaintiffs successfully appealed the two (2) BOA decisions in Superior Court with a decision, to, "[A]ccordingly, this court concludes that the June 5, 2006 determinations of the ZBO to remand both the Plaintiffs permit application and foundation/deck permit application to the Board are not supported by law because both Board Determinations were final and beyond the authority of the ZBA to address in any way." The Town took actions to amend the camp permit decision by justice Hunter, and limited the foundation to "[T]he existing structure only." The town also prevented Plaintiffs from in-filling the L shape of the camp, that the CEO told both Boards was allowed and legal.

1400. Plaintiffs assert that because in-filling was a legal past practice defended by the CEO since his hiring in 1994, clearly demonstrated the intentional discrimination by the Town against Plaintiffs Richard and Ann Cayer.

1401. At a 2009 town meeting amending the SZO, Plaintiff Richard Cayer asked the CEO if the state mandated SZO on the agenda included any other language or amendments requested by the town. The CEO made clear that to his knowledge the town did not include language beyond what the state required. Shortly after the new SZO was approved, it was made clear the Town did include new language that supported the requirement that in-filling was now only possible with a variance from the BOA.

1402. Although Plaintiffs were denied in-filling in 2008, it was only in 2009 that the town adopted the new SZO with hidden language added by Christina Therrien to prevent in-filling. Once again Therrien amended the code to prevent Plaintiffs from benefiting from a successful appeal of the BOA, and court decision by Justice Hunter. This is all well documented. Even though in-filling was amended in 2009, Plaintiffs should have been allowed pursuant to Title 1 §302 because it was legal at both Board meetings. Sometime cerca 2016, after Therrien was no longer the Town Manager, Plaintiff Richard Cayer made the Madawaska Planning Board aware of this illegal act by Therrien, and reversed that amendment allowing in-filling once again.

1403. On November 12, 2008, attorney R. Currier wrote to RHR SMITH & COMPANY, CERTIFIED ACCOUNTANTS, P.A.. Currier begins, “[M]r Cayer is a highly litigious, disgruntled citizen residing at Long Lake in Madawaska Maine. He has previously filed suit(s) against the Town....” In his Summary attorney Currier claims “[M]r Cayer is provocative and aggressive. His correspondence to the Town Selectmen is close to being slanderous.” Plaintiffs had never met attorney Currier at this point and believe his description was based on Town Manager's biased information and false description of Plaintiff.”

1404. CEO Ouellet refused to provide Plaintiffs their permit to expand the camp after the court decision because Plaintiffs needed to put a foundation under the new expansion as well as the rest of the camp and needed to in-fill the deck as allowed by the court decision. In order to get the permit, Plaintiffs had to agree not to in-fill.

1405. Because of these intentional delays by the CEO, Plaintiffs received the permit in September which was too late to begin building. Plaintiffs went to Florida for the winter and sometime in April they received a letter from the CEO informing the Plaintiffs that because they had not begun building in the 6 (winter) months, the permit had expired and Plaintiffs had to start the permitting process over again because the permits were not vested yet. Plaintiffs assert this is willful fraud because Plaintiffs did not have one year to vest the permits as permitted in the SZO.

1406. After 4 years of Planning Board, BOA, meetings, appeals, and favorable Superior Court decisions, Plaintiffs were not able to build anything with their permits, because Plaintiffs had not begun to build in the 6-month period, (winter months) and Plaintiffs gave up.

1407. Because of these willful bad faith and fraudulent actions by the Town Manager C. Therrien, on or about September of 2009, Plaintiffs filed a documented administrative complaint that was heard in open session with a court stenographer. The Selectmen were represented by Richard Currier, and Therrien was represented by attorney Richard Dubois. The end result was that Plaintiffs Richard Cayer proved with clear and convincing evidence that the Madawaska Town Manager Christina Therrien was a lier and many of her lies were clearly intended to harm Plaintiffs Richard and Ann Cayer. Attorney Richard Currier then told the Board of Selectmen that although Christina Therrein had lied, Plaintiffs did not prove that it was done with malice. With this information the Board of Selectmen took no action against Therrien.

1408. The town tried to amend the boatlanding permit as adjudicated by Justice Hunter, “to be used only by Plaintiffs.” Plaintiffs did not allow Therrien to amend the “Permanent Boat Landing,” and told Therrien that he would allow others to use it because she had prevented the Town from building a public boat landing. Following the granting of the boatlanding permit, Plaintiffs filed a very complicated and expensive permit application with the Dept. of Environmental Protection. The permit was denied and Plaintiffs filed an appeal with the Board of Environmental Protection (BEP) in Augusta. At that Hearing, the Town Manager Christina Therrien was present and testified opposing Plaintiffs permit even after the Court instructed the Town to grant Plaintiffs the permit. David Rouleau was also present and testified against the boatlanding. The BEP voted against Plaintiffs and denied the permit inter alia because the

Town opposed it. Augusta is a 6-hour drive one way from Madawaska.

1409. This hateful and spiteful Ultra Virus act by Town Manager Christina Therrien, fraudulently testifying before the BEP to prevent Plaintiffs their permit application for a boatlanding, was not approved by the Town of Madawaska, or the Selectmen, was done at the Towns expense, and as a representative of the Town of Madawaska. Plaintiffs assert that this action by Therrien was an Ultra Virus Act willfully and fraudulently done to willfully cause Plaintiffs pain and suffering, because Therrien knew how important this boatlanding was to Richard and Ann Cayer. After that BEP hearing, Plaintiff's wife, Ann, could not stop crying.

1410. Plaintiffs worked very hard over a period of 35 years to build a much-needed public boat landing at Long Lake and were denied mostly because of Christina Therrien. Therrien then, without town approval, built a boatlanding at the St. John river that is not needed or useful, is dangerous, because of high current, and within 100 feet from shore of the border with Canada. Because of this fact many boaters have been warned by Homeland Security that they will be arrested and charged if they step out of their boats 100 feet from shore.

1411. Therrien is also responsible for building a campground at the same location, in secret, without town approval, without State permits, in violation of State laws, DEP shoreland rules and laws, and without proper sewage disposal. This campground was so secret even the Chairman of the Planning Board did not know it existed until Plaintiff told him 2 years after it was built. In the Spring of 2018, the river overflowed the campground by at least 4 feet causing the 2 illegal holding tanks to be submerged.

1412. On the same day Plaintiffs met with the Board of Environment Protection (BEP) in Augusta, Plaintiffs met with Governor John Baldacci where the Governor assured Plaintiffs that he would personally look into the boatlanding matter to help Plaintiffs build a public boat landing.

1413. Plaintiffs met with Governor Baldacci in his office in Augusta, in Madawaska, and in Portland to discuss the Town public boat landing. Governor Baldacci called Plaintiffs twice at his home to tell him to enjoy the summer and he, Gov. Baldacci would take care of the public boat landing.

1414. Governor Baldacci followed up on his pledge and on August 14, 2008, a public meeting was held in Saint Agatha to discuss the boatlanding on Plaintiffs property. Present were Christina Therrein, IF&W Commissioner Roland Danny Martin, St. Agatha Town Manager Ryan Pelletier, County Administrator Doug Beaulieu, Soil and Water Commissioner George Powell, Biologist Dave Baisley, and other state officials. Because this was posted as a public meeting, Plaintiffs Richard and Ann Cayer were also present for the meeting to discuss their boatlanding proposal. <u>When Plaintiffs Richard and Ann Cayer tried to enter the meeting room, they were physically prevented from attending the public meeting by these same officials.</u> The only people present at the meeting were those public officials.

1415. At this August 14, 2008 public meeting, Christina Therrien reportedly said, “The Madawaska Board of Selectmen do not support a public boatlanding on Plaintiffs lot.” This was an intentional lie because just days before the Board had made a public statement that

because the Governor wants to build this boat landing, the Board of Selectmen would approve, “the best location with enough water depth”, including the Plaintiffs lot. Although IF&W biologist David Baisley said at that public meeting in St. Agatha “The Cayer lot is the only lot with enough water depth that IF&W will support is this site.” the proposal was denied because of the lie that Christina Therrien said at that August 14, 2008 public meeting. The Town still does not have a public boat landing at Long Lake to this day.

1416. It is important to note on December 5, 2009, the Maine Supreme Judicial Court denied Plaintiffs Contempt of Court in Fort Kent Maine Docket No.ARO-09-45 , and on June 9, 2010, approximately 6 months after the Contempt of Court decision, and 9 months after the administrative appeal by Plaintiffs, the Town willfully filed the meritless RV violations against Plaintiffs.

1417. For over 40 years, boaters and fishermen tried to find a suitable location for a public boat landing but did not find any lot on the Madawaska side of Long Lake that was suitable because of depth issues. In 1997, Plaintiff Richard Cayer offered his lot to be used for a public boat landing. Plaintiff Cayer contacted the Maine Inland Fisheries and Wildlife in Augusta and after careful investigation by IF&W, it was declared Plaintiffs lot was the only location that IF&W would support for a public boat landing, and at no cost to the Town.

1418. In 1998, the town held a Planning Board meeting with IF&W grant writer Bob Williams and biologist Dave Baisley in hopes of convincing the Board to allow IF&W to build a public boat landing. The Planning Board was convinced by Roger Collins' Association to look for other places that IF&W could use for the public boat landing. This was a tactic used multiple times by the Collins Association that did work. The Planning Board agreed to search for any other potential locations, and agreed to accept findings IF&W would agree to. After extensive search, IF&W once again told the Selectmen the Cayer site was the only lot that had the necessary depth for a public boat landing. Plaintiffs heard IF&W say, “[W]e don't have to jump through hoops like this, there are plenty of other towns that want our money to build public boat landings.” IF&W Bob Williams gave up.

1419. In 2002 IF&W Bob Williams contacted Plaintiff Richard Cayer and they tried once again to build the public boat landing on Plaintiffs land with worst results because two Selectmen created an ultra-virus act when they approved another site in secret without the Boards approval or discussion. After IF&W paid $2,500 for an appraisal, Plaintiffs provided the State pictures showing the location considered by IF&W was too shallow. IF&W biologist Dave Baisley confirmed Plaintiffs claim that the location in question did not meet the necessary depth required for a public boat landing. At this point Bob Williams gave up once again and wrote a letter claiming that Plaintiffs lot was also no longer suitable because he was angry with Plaintiff for embarrassing him. The Town still does not have a boat landing on Long Lake.

1420. After two separate attempts in a long 6-year battle with the Town, IF&W gave up and declared the Plaintiffs lot also not suitable. The group responsible for this decision by IF&W was Roger Collins Association and the Town of Madawaska led by Christina Therrien.

1421. Circa 2015 two (2) new members were sworn in as Selectmen. One of these Selectman was voted in as Chairman, although he had never taken any interest in any town business. The second new member made a motion to nominate himself to be Vice Chair and

was also voted in. He also had no record of attending any town meetings. Their first action was to not reappoint the CEO Ouellet. Plaintiff Richard Cayer warned the Board not to do this without providing the CEO Ouellet a Hearing because he could, and probably would sue the town. But more importantly, although the CEO had violated Plaintiffs due process rights many times, Plaintiffs truly believed that the CEO was entitled to a Hearing because he was entitled to due process of law. Plaintiff wrote a 3-page letter providing the Board with enough evidence to justify the action of non-reappointment, legally. The Board ignored Plaintiffs advice and did fire CEO Ouellet without a hearing. A short time later CEO Ouellet did file a lawsuit against the Town and was awarded $56,202.09 in settlement funds. This settlement was done at a public town meeting and once again, because this was all done in secret, the only person present at this secret Town Meeting was Plaintiff Richard Cayer. At the Hearing for the CEO lawsuit, Plaintiff Richard Cayer attempted to ask questions and make statements but was denied by the moderator Beurmand Banville past reporter for the Bangor Daily News.

1422. At the very same Board meeting that the CEO was fired, the Town Manager resigned although she had recently signed a new contract and was awarded approximately $45,000 in severance pay.

Richard and Ann Cayer
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