

1 Robert C. Myers
2 Montana Resource and
3 Asset Protection, PC
4 PO Box 921
5 Hamilton, MT 59840
6 Phone: 406-369-8015
7 info@montanarap.com

8
9 **MONTANA TWENTY-FIRST JUDICIAL DISTRICT**

10 **RAVALLI COUNTY**

11 **VALERIE STAMEY,**

Department No.

12
13 **Plaintiff,**

Cause No.

14
15 **vs.**

COMPLAINT

16 **JAMES WOY AND ANDERSON**

17 **ZURMUEHLEN PC,**

18
19 **Defendants.**

20
21
22 The Plaintiff, Valerie Stamey, hereby complains and demands of the Defendants
23 as follows:
24
25

- 1 I. The Defendants committed the tort of liable against the Plaintiff
- 2 II. The Defendants committed the tort of Libel Per Se or Libel Per Quod in
- 3 the alternative.
- 4
- 5 III. The Defendants on February 14, 2014 published in Ravalli County
- 6 Montana to Bill Fulbright and Howard Recht a false unprivileged
- 7 statement in writing that: "it is apparent the duties of the Ravalli
- 8 County Treasurer were not properly executed."
- 9
- 10 IV. It is well known that the Plaintiff is the Ravalli County Treasurer.
- 11
- 12 V. This false published unprivileged statement exposed the Plaintiff to
- 13 hatred, contempt, ridicule, obloquy, caused the Plaintiff to be shunned
- 14 and avoided, and has a tendency to injure the Plaintiff in her
- 15 occupation.
- 16
- 17 VI. The Defendants willfully failed to ascertain the truth or falsehood of
- 18 their statement establishing malice for purposes of New York Times v.
- 19 Sullivan United States Constitutional requirements.
- 20
- 21 VII. Venue is proper in Ravalli County as the county in which the tort of
- 22 publishing the libel was committed.
- 23
- 24 VIII. The Defendant, Jim Woy, is a resident of Butte-Silverbow County,
- 25 Montana.

- 1 IX. The Defendant, Anderson Zurmuehlen PC, has offices in several cities in
2 Montana, but its principal office is located in Lewis and Clark County,
3 Montana.
4
- 5 X. The Plaintiff is a resident of Ravalli County Montana.
- 6 XI. Plaintiff is currently the Ravalli County Treasurer who has illegally been
7 placed on administrative leave.
8
- 9 XII. Article II Section 7 of the Montana Constitution of 1972 requires that a
10 jury under direction of the court shall determine the law and the facts
11 in all suits and prosecutions for libel.
12
- 13 XIII. Actual damages for injury to occupation, mental anguish, public
14 contempt, ridicule, and hatred affecting the Plaintiff's ability to live in
15 the community.
16
- 17 XIV. The actual damages caused by the Defendants are present, ongoing,
18 and certain to result in future damages to be determined at trial.
19
- 20 XV. Consequential damages of loss of future income, future employment
21 opportunities, and interference with the ability to seek elective office.
22
- 23 XVI. Punitive damages to be determined at trial for the Defendant's reckless
24 disregard for the truth or falsity of the Defendants' publication.
- 25 XVII. Punitive damages not to exceed the lesser of three percent of each

1 Defendant's newt worth or ten million dollars.

2 XVIII. The Defendants failed to contact the Plaintiff in any manner at any time
3 regarding any fact on which they based their statement.
4

5 XIX. The Defendants could not reach their statement as being factual
6 without first talking to or communicating with the Plaintiff in a
7 substantive manner concerning evidence they had found.
8

9 XX. The Defendants as certified public accountants have an independent
10 legal duty punishable as a misdemeanor to not issue a false statement
11 of standing, or condition of any firm or individual business.
12

13 XXI. This false statement was transmitted either by mail, by electronic
14 means, or by both and could be a violation of Federal law and
15 actionable under a federal statutory remedy.
16

17 XXII. The Plaintiff did not fail to execute her duties as Treasurer in regard to
18 the depositing of county receipts.
19

20 XXIII. On Wednesday, January 23, 2014 at approximately 1 p.m. the Plaintiff
21 placed two locked deposit bags in the Treasurer's vault. The deposit
22 bags contained checks and other cash for deposit. The amount was in
23 excess of \$800,000 dollars.
24

25 XXIV. The Plaintiff informed Dan Whitesitt and Dan Schuller that the money

1 was to be sent with the following days deposit to First Interstate Bank.
2 First Interstate Bank sends a person to pick up the deposits of
3
4 Treasurer's Office. Dan and Dan agreed to take care of it on January 24,
5 2014 the day the Plaintiff was illegally suspended from her duties.

6 XXV. The coordination of the depositing of money with the bank was
7
8 controlled by Bonnie Dugan and previously by Jo Anne Johnson.

9 XXVI. The money that was securely locked in the Treasurer's literal office with
10 only the Plaintiff and Human Resource Director, Robert Jenni having
11
12 keys was being worked on when the Ravalli County Commissioners
13 illegally suspended the Plaintiff from her duties.

14 XXVII. The Ravalli County Commissioners had the locks changed prohibiting
15
16 the Plaintiff from executing her duty to creating A101 deposits,
17
18 reconciling the deposit, and preparing the monies for deposit to the
19 bank.

20 XXVIII. It is a literal impossibility for her to fail to properly exercise her duties
21
22 when the Plaintiff was physically prevented from continuing her work.

23 XXIX. All other deposits, reconciliation, and depositing to the bank were done
24
25 by Bonnie Dugan and others at her instruction and previously by Joanne
Johnson.

1 XXX. Bonnie Dugan and others had taken two reconciled checks belonging to
2 a company named Nez Perce Roads that had been processed by
3 Michelle Pope and clandestinely replaced them in Michelle Pope's cash
4 drawer hidden underneath other papers.
5

6 XXXI. Bonnie Dugan or another under her instruction then went into the
7 accounting software and edited out Michelle's name from having
8 entered the checks into the software as being receipted. An act
9 punishable as a felony under montana law.
10

11 XXXII. Bonnie Dugan and others were caught that particular time, but there
12 was nothing from stopping them from having done this in other
13 instances.
14

15 XXXIII. On the day that Plaintiff was illegally suspended from office, Dan
16 Whitesitt brought her a check that had not been deposited from two
17 weeks earlier. The check was laid with printed reports in the vault. The
18 printed reports showed that someone had gone into the accounting
19 software on January 7, 2014 and cancelled a deposit of the check that
20 that the Plaintiff had made on the January 6, 2014. This was not
21 authorized or done by the Plaintiff.
22
23
24

25 XXXIV. There were three reports printed on two different printers under the

1 login identification of Angie Olsen Stanton.

2 XXXV. It is felony offense to tamper with public records in this manner.

3
4 XXXVI. The Plaintiff did not fail in her duties regarding any millage changes.

5 XXXVII. The application of the mills to the assessments was independently
6 verified by the Montana Department of Revenue, The software
7 company Black Mountain, Karlysse Murphy, and the Plaintiff using a
8 sheet of mills for districts in Ravalli County produced by the Montana
9 Department of Revenue.
10

11
12 XXXVIII. A five percent sampling run of the tax bills was run and verified as
13 correct by the Plaintiff, Jo Anne Johnson, and Mary Borden.

14 XXXIX. The five percent sampling run mills were directly compared against the
15 Department of Revenue master list by the Plaintiff in her verification.
16

17 XL. The Open Lands Bond is applied county wide and would have been on
18 all tax bills.

19
20 XLI. The Plaintiff did ask to be contacted prior to the final printing of the tax
21 bills following the five percent run but was not contacted by Jo Anne
22 Johnson and Mary Borden. Joanne Johnson and Mary Borden could
23 have adjusted the mill rate at that point.
24

25 XLII. The other possibility is that the mill rate was not correct on the

1 Department of Revenue master list. However, the Department of
2 Revenue list was available for all Ravalli County districts to look at for
3 error long before this procedure took place.
4

5 XLIII. The Plaintiff did not fail in her duties concerning the established and
6 existing disarray of the Ravalli County Treasurer's Office.
7

8 XLIV. A concerted effort to prevent the Plaintiff from executing her duties
9 had begun before she entered office. The office was under a constant
10 barrage of interference. There were never any established written
11 protocols, which Commissioner knew and noted on February 22, 2011.
12

13 XLV. The Defendants cannot reach a factual basis for their statement
14 without also recognizing the critical structural flaws and elimination of
15 checks and balances in Ravalli County financial administration.
16

17 XLVI. Through a series of memorandums of understanding almost all checks
18 and balances required by Montana Law have been centralized under
19 the control of County CFO, Karlysse Murphy.
20

21 XLVII. The duties of County Clerk and Recorder regarding finances have been
22 handed over to Karlysse Murphy including a failure to independently
23 file the receipts of county deposits in the Office of the Clerk and
24 Recorder.
25

1 XLVIII. The duties of the County Auditor to quarterly examine the books and
2 accounts of the Treasurer and the Clerk and Record has been handed
3 over to Karlysse Murphy.
4

5 XLIX. Karlysse Murphy has administrative control over the accounting
6 software of the Treasurer's Office.
7

8 L. Karlysse Murphy and Jana Exner have used this administrative control
9 in conjunction with others to interfere with the Plaintiff's ability to
10 perform her duties.
11

12 LI. Any entry into the county financial software can be subsequently
13 changed at will with no procedure or mechanism to prevent a
14 subsequent shorting or changing of the amount or other information
15 contained in the record of a transaction. This has been demonstrated.
16

17 LII. Any person with access to the software can alter any existing record
18 without leaving a verifiable trail of the changes. This has been
19 demonstrated on numerous occasions.
20

21 LIII. Printed hardcopy receipts of deposits into the Ravalli County
22 Treasurer's Office between 2009 and the arrival of the Plaintiff into her
23 position as Ravalli County Treasurer in late September 2013 do not
24 exist. Nor were copies of those receipts filed in the Office of the Clerk
25

1 and Recorder as required by law.

2 LIV. Neither Bill Fulbright as County Auditor nor Karlysse Murphy acting by
3 memoranda of understanding ever inspected the books and accounts
4 of Treasurer's Office on a quarterly basis as required by Montana Law
5 while the Plaintiff was in the Treasurer's Office.
6

7
8 LV. Had Bill Fulbright or Karlysse Murphy acting on his behalf actually
9 inspected the books and records of the Treasurer's Office they should
10 have discovered the missing receipts.
11

12 LVI. If a copy of the receipts had been filed in the Clerk and Recorders Office
13 then why didn't Karlysse Murphy inform the Plaintiff of their existence?
14

15 LVII. Public comments made by Ravalli County Sheriff Chris Hoffman imply
16 that there are no independent records of these receipts are available
17 outside of those kept by the individual county departments.
18

19 LVIII. Given the ability to manipulate the accounting software at will and the
20 lack of printed hardcopies of receipts shows that the annual financial
21 statements of the county required by law and audits required by law
22 couldn't have been properly implemented.
23

24 LIX. Karlysse Murphy has admitted that she audits with her prior employer,
25 Ron Foltz, and that Ron Foltz does not come and actually examine the

1 records in person. Furthermore, he request that she just send him
2 requested documents.

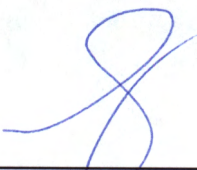
3
4 LX. The Department of Administration also does not check the audits of
5 local government entities unless the auditor makes notice of an issue or
6 concern.

7
8 LXI. There are essentially no control mechanism or checks and balance in
9 place in Ravalli County to ensure that finances of Ravalli County are
10 secure from fraud, embezzlement, or other mischief.

11
12 LXII. Montana Law requires that any expenditure of county money be draw
13 on warrants issued to the county treasurer which must be signed by the
14 Clerk and Recorder and the Chairman of the Board of County
15 Commissioners. No warrant was ever presented to the Plaintiff for
16 payment.
17

18 The Plaintiff prays the court award her damages in amounts to be determined at
19 or before trial as presented in paragraphs XIII through XVII, and any other relief as
20 the court so finds.
21

22 Dated this February 18, 2014

23
24 
25 _____
Robert C. Myers
Attorney for the Plaintiff