IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of: Sarah J. Cowman, Respondent	Case No. 21805 **STIPULATION**

BACKGROUND

The Professional Standards Commission received an allegation of unethical conduct concerning Sarah J. Cowman. Following an investigation, the Executive Committee of the Professional Standards Commission reviewed the information before it and determined that probable cause exists for initiating an administrative action against Sarah J. Cowman's certificate. The Executive Committee has recommended the following Stipulation.

STIPULATION

1. This is an agreement (Stipulation) between Sarah J. Cowman (Ms. Cowman) and the Executive Committee (the Executive Committee) of the Professional Standards Commission (the Commission).

2. If Ms. Cowman wishes to agree to this Stipulation, she must sign and return this Stipulation and any attachments to the Commission by 5:00 p.m. (mountain time) on **May 30, 2018**, unless she has been granted an extension.

3. After Ms. Cowman and the Executive Committee agree to and sign this Stipulation, the Stipulation must be approved by the Commission, and the Commission must enter the attached consent order, before this Stipulation resolves the matter.

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4. A signed copy of this Stipulation may be submitted via mail or fax to:

Professional Standards Commission
650 West State Street, 2nd Floor
P .O. Box 83720
Boise, ID 83720-0027
Fax: (208) 334-2228 (Attn: Professional Standards Commission)

A. STIPULATED FACTS AND LAW

5. The Commission regulates teacher certification in Idaho.

6. Ms. Cowman holds the following certificate and endorsement issued under the authority of the Idaho State Board of Education:

a. Standard Elementary certificate with All Subjects (K-8) endorsement – effective August 31, 2014 – valid until August 31, 2019.

7. On October 18, 2017, Ms. Cowman pleaded guilty to Count III: Delivery of a Controlled Substance, Felony, I.C. § 33-2732(a) in the matter of *State v. Sarah Jean Cowman*, Case No. CR-FE-2016-0853, in the District Court of the Fourth Judicial District of the State of Idaho, in and for the County of Ada ("Criminal Matter"). A copy of the Guilty Plea is attached as Exhibit A.

8. Based upon Ms. Cowman's guilty plea as described in paragraph 7, on December 22, 2017, an Order Withholding Judgment and Order of Probation and Commitment ("Order") was entered in the Criminal Matter. A copy of the Order is attached as Exhibit B. The Order adjudged and decreed Ms. Cowman as guilty of the crime of Count III: Delivery of a Controlled Substance, Felony, I.C. § 33-2732(a).

9. The Executive Committee determined that probable cause exists for initiating an administrative action against Ms. Cowman for violating the following laws and rule governing teacher certification:

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a. Idaho Code § 33-1208(1)(g) ("Conviction, finding of guilt, withheld judgment, or suspended sentence in this state or any other state for the delivery, manufacture or production of controlled substances or simulated controlled substances as those terms are defined in section 37-2701, Idaho Code.").

b. Ms. Cowman's conduct or course of conduct willfully violated a code of ethics principle, adopted by the Idaho State Board of Education. Idaho Code § 33-1208(1)(j). Specifically, Ms. Cowman violated Code of Ethics Principle III (Idaho Admin. Code r. 08.02.02.076.04) ("A professional educator refrains from the abuse of alcohol or drugs during the course of professional practice.").

10. Ms. Cowman admits that she violated the laws and rule cited in paragraph 9 and acknowledges that there is sufficient evidence to support a finding of a violation of the laws and rule cited in paragraph 9.

B. STIPULATED DISCIPLINE

11. If this Stipulation is approved by the Commission, the following discipline will be imposed by the Commission on Ms. Cowman's certificate:

a. The Commission will revoke Ms. Cowman's certificate.

12. Any costs associated with Ms. Cowman's compliance with the terms of this Stipulation are her responsibility.

13. During the pendency of this Stipulation, Ms. Cowman will comply with all laws and rules governing teacher certification in Idaho.

C. NON-COMPLIANCE WITH THIS STIPULATION

14. If the Commission or the State Department of Education, or its employees or agents, have reason to believe that Ms. Cowman has not complied with the terms of this Stipulation, the Chief Certification Officer may file a Notice of Non-Compliance with the Commission. This Notice of Non-Compliance will be personally served or be served by certified mail on Ms. Cowman at her last known address (or on her attorney). After granting Ms. Cowman an opportunity to respond, the Commission may order that she complete the discipline in the original stipulated discipline,

may order further discipline in addition to Ms. Cowman completing the original stipulated discipline, or may impose other discipline as it sees fit, including suspending or revoking Ms. Cowman's certificate.

D. PRESENTATION OF THIS STIPULATION

15. Once Ms. Cowman signs this Stipulation and timely returns it to the Commission, and the Executive Committee signs this Stipulation, the Deputy Attorney General assigned to the Commission will present this Stipulation to the Commission at the Commission's next business meeting.

16. The Commission may accept, reject, or modify the Stipulation.

17. If the Commission modifies this Stipulation, it must receive Ms. Cowman's approval on any modification before the Stipulation is effective.

E. Waiver of Rights

18. If this Stipulation is approved by the Commission, Ms. Cowman knowingly, intelligently, and voluntarily waives the following rights:

a. the right to a hearing;
b. the right to confront and cross-examine witnesses;
c. the right to present evidence or to call witnesses, or to testify at a hearing;
d. the right to reconsideration of the Commission's orders;
e. the right to judicial review of the Commission's orders; and
f. other rights accorded by the Idaho Administrative Procedure Act, and the law and rules governing teacher certification in the State of Idaho.

19. If this Stipulation is approved by the Commission, the Commission may impose discipline upon Ms. Cowman's certificate without further process.

20. By signing this Stipulation, Ms. Cowman agrees to waive any requirement for a hearing under Idaho Code § 33-1209(3) to be conducted within 90 days of a request for a hearing. This waiver applies to any hearing request made before the Commission ultimately rejects this

Stipulation (if it does) or before Ms. Cowman ultimately rejects a modified stipulation (if Ms. Cowman does). If the Commission ultimately rejects this Stipulation or if Ms. Cowman ultimately rejects a modified stipulation, and Ms. Cowman has requested a hearing, the 90-day hearing timeframe will begin from the ultimate rejection.

F. GENERAL ACKNOWLEDGMENTS

21. This Stipulation contains the entire agreement between the parties, and Ms. Cowman is not relying on any other agreement or representation, whether verbal or written.

22. This Stipulation, if approved by the Commission, or modified and approved, resolves a contested case. If approved, the Stipulation, consent order, and any attachment are public records. And if approved, the Commission may make available through its or the State Department of Education's website a copy of the Stipulation, consent order, and any attachment, and may report any discipline to the national clearinghouse for teacher certification.

23. Ms. Cowman agrees that she has read this Stipulation, has had the opportunity to discuss it with legal counsel, if she so chose, and understands that by signing below, she will be agreeing to the terms of this Stipulation.

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SIGNATURES

Respondent

The respondent, Sarah J. Cowman, agrees to this Stipulation.

DATED this 22 day of May, 2018.

Sarah J. Cowman
Respondent

Executive Committee

The Executive Committee recommends that the Commission enter an Order based upon this Stipulation.

DATED this 25 day of June, 2018.

IDAHO PROFESSIONAL STANDARDS COMMISSION
EXECUTIVE COMMITTEE

Charlotte McKinney
_____, Member

IDAHO PROFESSIONAL STANDARDS COMMISSION

In the matter of the certificate of:	Case No. 21805
Sarah J. Cowman,	**CONSENT ORDER**
Respondent	

The Professional Standards Commission orders that the Stipulation, entered between Sarah J. Cowman and the Executive Committee, is adopted as the informal disposition of this case, as permitted under Idaho Code § 67-5241. It will be effective on the 26 day of June, 2018. The discipline listed in the Stipulation is imposed on Sarah J. Cowman's certificate under Idaho Code §§ 33-1208 and 33-1209. This is a final agency order, and Sarah J. Cowman has waived the right of judicial review.

IDAHO PROFESSIONAL STANDARDS COMMISSION

Elisa Saffle

Elisa Saffle, Member

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 8th day of Aug, 2018, I caused to be served a true and correct copy of the foregoing by the following method to:

Sarah J. Cowman 11215 W. Petunia Dr. Boise, ID 83709	☒ U.S. Mail ☐ Hand Delivery ☒ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: ☐ Email:
Attorney for the *Chief Certification Officer* Robert A. Berry Deputy Attorney General P.O. Box 83720 Boise, ID 83720-0010	☐ U.S. Mail ☐ Hand Delivery ☐ Certified Mail, Return Receipt Requested ☐ Overnight Mail ☐ Facsimile: (208) 854-8073 ☒ Email: robert.berry@ag.idaho.gov leslie.gottsch@ag.idaho.gov

Annette Schwab

Annette Schwab
Program Specialist
Idaho State Department of Education

NO.
A.M. FILED P.M.
OCT 18 2017
CHRISTOPHER D. RICH, Clerk
By RIC NELSON
DEPUTY

GUILTY PLEA ADVISORY

Defendant's Name: Sarah Jean Cowman

Case Number: CR-FE-16-853

Date: 10/18/17

Pleading Guilty to: Charge(s)	Minimum & Maximum Prison / Fine
Delivery Controlled Substance	0-life $ 0-$25,000

TO BE COMPLETED BY THE DEFENDANT

I, Sarah Cowman, the above named defendant, desire to plead guilty as set forth above, to the charge(s) in this case. I am 31 years of age. My school education consists of Bachelor's degree in Education. I am not under the influence of alcohol or illegal drugs or prescribed drugs that would influence my decision making ability. SC (initial). I have discussed this matter with my attorney. SC (initial). My attorney has answered all my questions and has explained everything to my satisfaction. SC (initial).

I do/(do not) (circle one) have complaints about my attorney's work for me in this case. SC (initial). If you have complaints or concerns about your attorney's work for you in this case, what are they? Please explain:

Is there anything you have asked your attorney to do that your attorney has not done? Yes / (No)

If your answer is yes, please explain:

No one has made any promises or threats to get me to plead guilty in this action. SC (initial). I understand that if I am on probation or parole, this guilty plea may be used against me as the basis for a probation or parole violation. SC (initial).

I understand that the judge is not bound by the plea agreement and can impose the maximum penalty in this case. SC (initial).

I understand that I am waiving any defenses that I have to this charge by pleading guilty. SC (initial)

In addition, by pleading guilty, I am **waiving** these important Constitutional rights:

☑ To require the prosecution to prove the case beyond a reasonable doubt SC (initial)

☑ To have a jury trial where I am presumed innocent at the start of the trial SC (initial)

☑ To remain silent SC (initial)

☑ To question my accusers and witnesses against me SC (initial)

☑ To testify on my own behalf if I want to do so SC (initial)

☑ To subpoena my own witnesses, which includes requiring the State to pay for the costs of bringing my witnesses into court if I cannot afford it SC (initial)

This is my plea bargain, which the judge is not required to follow:
Please see attached

I have / have not (circle one) waived my right to appeal as part of my plea bargain. SC (initial).

I have answered all of the above questions truthfully.

Dated this 18th day of October 2017

Sarah Cowman

DEFENDANT

I have discussed this form in detail with my client, answered all the questions my client posed to me, provided all discovery to my client, discussed all possible defenses to the charges and believe my client's decision to enter a guilty plea or pleas is both knowingly and voluntarily made.

DEFENDANT'S ATTORNEY

ADA COUNTY PROSECUTING ATTORNEY
JAN M. BENNETTS

Criminal Division
200 W. Front Street, Rm 3191
Boise, Idaho 83702

Phone (208) 287-7700
Fax (208) 287-7709

Civil Division
200 W. Front Street, Rm 3191
Boise, Idaho 83702

Phone (208) 287-7700
Fax (208) 287-7719

Juvenile Division
6300 Denton Street
Boise, Idaho 83704

Phone (208) 577-4900
Fax (208) 577-4909

October 11, 2017

Mr. Randall Barnum
Attorney at Law
Barnum, Howell & Gunn, PLLC
380 S. 4th Street, Ste. 104
Boise, Idaho 83702

Via electronic mail: randall@bhglaw.net

Re: ***State v. Sarah Cowman, CRFE16-853***

Dear Mr. Barnum,

I am writing in order to memorialize in writing the pre-trial settlement offer that we previously communicated about in the above-entitled matter. The Defendant will enter a guilty plea to Count III. Delivery of Controlled Substance as charged in the Indictment. At the Sentencing Hearing, the State will move to dismiss the remaining counts. The State reserves the right to argue all conduct in aggravation at sentencing, including the dismissed counts. Further, the Defendant agrees to pay restitution pursuant to I.C. 37-2732(k) for cost of investigation and prosecution for the entire investigation, including the dismissed counts joint and several with Co-Defendant Khenyarath in the amount of $6337.19, as ordered by Judge Baskin in the Khenyarath matter (CRFE2016-852), on September 20, 2017. The State will recommend a Withheld Judgment, assuming the Defendant is still eligible under the controlled substance act, at the time of sentencing. The State will further recommend a five (5) year term of probation. All statutorily permitted terms of probation are open to argument including the imposition of a fine. The State anticipates seeking more than the 100 hours of community service required by statute to be performed as a condition of probation rather than seeking the imposition of Ada County Jail.

Unless the plea is rejected or revoked, the Defendant gives up any and all motions, defenses, or objections to the Court's entry of judgment and conviction that results from the Defendant's acceptance of this plea agreement.

In addition, by accepting this agreement, the Defendant acknowledges and agrees to the following additional conditions outline below. The State's offer is conditioned upon the following:

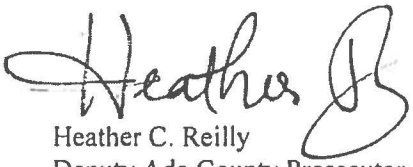
__X__ Defendant's prior criminal record being limited as indicated in NCIC and Ada County record including no criminal history; and,
__X__ Defendant obtains all required evaluations ordered by the Court after plea and prior to sentencing, including a waiver of any claimed privilege for the PSI and evaluation process; and,
__X__ Defendant's timely appearance for all further court proceedings and court-ordered evaluations and/or investigations in preparation for sentencing in this case; and,
__X__ Defendant not acquiring a new criminal charge or charges or engaging in any criminal conduct between the date of this offer and sentencing, even if the charge or charges are not yet conviction(s) or have not been filed; and,
__X__ Defendant's continued compliance with all pre-trial release conditions and remaining sober/drug free pending sentencing.

If the Defendant does not meet any one or more of the above articulated conditions, the State is not bound to the above settlement which also means the State may pursue all charged counts and seek the maximum penalty allowed by Idaho law and any sentences imposed may be imposed consecutively as to all of the counts.

Please do not hesitate to contact me with any questions or concerns.

Sincerely,

JAN M. BENNETTS
Ada County Prosecuting Attorney



Heather C. Reilly
Deputy Ada County Prosecutor

NO. _____ FILED
A.M. _____ P.M. 4:32

DEC 22 2017

CHRISTOPHER D. RICH, Clerk
By KIERSTEN HOUST
DEPUTY

IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT OF

THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA

THE STATE OF IDAHO, Plaintiff, vs. SARAH JEAN COWMAN, DOB: 03/21/1986 SSN: XXX-XX-8231 Defendant.	Case No. CR-FE-2016-0853 ORDER WITHHOLDING JUDGMENT AND ORDER OF PROBATION AND COMMITMENT

On December 19, 2017, Heather Reilly, Deputy Prosecuting Attorney for the County of Ada, State of Idaho, and the defendant, Sarah Jean Cowman, with her attorney, Randall Barnum, appeared before this Court for sentencing. The defendant was duly informed of the Indictment filed against her for the crime of COUNT III: DELIVERY OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(a); and having pled guilty to such crime on October 18, 2017.

The defendant, and defendant's counsel, were then asked if they had any legal cause or reason to offer why judgment and sentence should not be pronounced against the defendant, and if the defendant, or defendant's counsel, wished to offer any evidence or to make a statement on behalf of the defendant, or to present any information to the Court in mitigation of punishment; and the Court, having accepted such statements, and having found

RMA

CR-FE-2016-853
ORDR
Order
505632

no legal cause or reason why judgment and sentence should not be pronounced against the defendant at this time; does render its Withheld Judgment as follows:

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the defendant is guilty of the crime of COUNT III: DELIVERY OF A CONTROLLED SUBSTANCE, FELONY, I.C. § 37-2732(a), and that judgment be withheld for a period of five (5) years, and that the defendant be placed on probation pursuant to I.C. § 19-2601(3) subject to the following conditions:

STANDARD GENERAL CONDITIONS

That the probation is granted to and accepted by Defendant, subject to all its terms and conditions and with the understanding that the Court may at any time, in case of the violation of the terms of probation, cause Defendant to be returned to the Court for the imposition of sentence as prescribed by law or any other punishment as the Court may see fit to hand down.

That Defendant, if placed on probation to a destination outside the state of Idaho, or leaves the confines of the state of Idaho with or without permission of the Director of Probation and Parole does hereby waive extradition to the state of Idaho and also agrees that the said Defendant will not contest any effort by any state to return Defendant to the state of Idaho.

Defendant agrees that in the event of a probation violation hearing, the State may introduce into evidence reliable relevant hearsay. If Defendant was transferred to another judicial district or outside the state, Defendant agrees that any documents purportedly received from the agency supervising Defendant shall be admissible into evidence at a probation violation hearing without the state having to show that such evidence is credible and reliable, and Defendant waives any right to confront the author of such documents.

Defendant shall enter into and comply with an agreement of supervision with the board of correction. Defendant was provided a copy of that agreement at sentencing. Failure to comply with the conditions of that agreement is a violation of Defendant's probation. Defendant shall comply with that agreement effective the date of sentencing.

SPECIAL CONDITIONS OF PROBATION

1. Defendant shall not violate any law or ordinance of the United States or any city, state or county therein, wherein a fine or bond forfeiture of more than $250.00 or a jail term could be imposed as a penalty.

2. Defendant shall enroll in and meaningfully participate in any and all programs of rehabilitation recommended by the probation officer, including but not limited to: mental health counseling, and any/all substance abuse treatment, including inpatient, if requested, and an aftercare program. In addition, Defendant is to take all medication prescribed at the rate it is prescribed and shall waive privilege with all medical and mental health care providers as to the probation officer. If applicable, Defendant shall successfully complete all treatment as recommended in the mental health and substance abuse assessments pursuant to I.C. § 19-2524.

3. During the entire term of probation, said Defendant shall maintain steady employment, be actively seeking employment, or be enrolled as a full-time student.

4. Defendant shall not purchase, carry or have possession of any firearm(s) or other weapons.

5. Defendant agrees to waive Fourth Amendment rights applying to search and seizure as provided by the Fourth Amendment of the Constitution, and to submit to a search by the probation officer or law enforcement officer of Defendant's person, residence, vehicle or other property (including electronic devices) upon request of such probation officer or law enforcement officer.

6. Defendant shall not purchase, possess or consume any alcoholic beverages while on probation.

7. Defendant shall not purchase, possess or consume any drug or narcotic unless specifically prescribed by a medical doctor.

8. Defendant shall not frequent establishments where alcohol is the main source of income.

9. Defendant shall not associate with individuals specified by the probation officer.

10. Defendant agrees to tests of Defendant's blood, breath or urine or other chemical tests for the detection of alcohol and/or drugs at the request of the probation officer, to be administered at Defendant's own expense. In addition, Defendant is to submit to any field sobriety evaluations requested by a law enforcement officer and shall submit to any test of blood, breath or urine offered by a law enforcement officer for D.U.I. detection.

11. Upon request of the probation officer, Defendant agrees to submit to polygraph examinations administered by qualified examiners and limited in scope to those matters which are calculated to determine whether Defendant is complying with the lawful conditions of probation.

12. Defendant is to serve sixty (60) days in the Ada County Jail, with credit for two (2) days served, leaving a balance of fifty-eight (58) days to serve. Defendant shall have all options to serve jail time available with the exception of an electronic monitoring device. Jail service is to be arranged through the probation officer and must be completed within ten (10) months from the date of sentencing.

13. Probationer shall serve an additional thirty (30) days in the Ada County Jail at the discretion of her probation officer, without prior approval of the Court. The probation officer shall have all options available.

14. Defendant shall submit a monthly financial/budget report to the probation officer and provide verification of expenses/income when requested.

15. Defendant shall perform two hundred fifty (250) hours of community service and pay the sixty (60) cent workman's compensation fee for each hour of service. Community service is to be completed within four (4) years.

16. Defendant must prepare a presentation to share in front of a minimum ten (10) high schools. A copy of said presentation must be provided to the Judge and the hours used to complete the presentation may be counted as credit towards the Defendant's community service.

Pursuant to I.C. § 18-309, the defendant shall be given credit for the time already served upon the charge specified herein of two (2) days in the event the underlying sentence should be imposed.

IT IS FURTHER ADJUDGED that the defendant be, and hereby is, assessed and ordered to pay a fine in the amount of $1,000.00, with the Court suspending $600.00, payable through the Clerk of the District Court.

IT IS FURTHER ORDERED that the defendant shall fully comply with the DNA Database Act.

Pursuant to I.C. § 31-3201A, the Defendant shall pay court costs in the amount of $17.50; County Administrative Surcharge Fee in the amount of $10.00 pursuant to I.C. § 31-4602; P.O.S.T. Academy fees in the amount of $15.00 pursuant to I.C. § 31-3201B; ISTARS technology fee in the amount of $10.00 pursuant to I.C. § 31-3201(5); $75.00 to the Victims

Compensation Fund pursuant to I.C. § 72-1025; $3.00 for the Peace Officer Temporary Disability Fund pursuant to I.C. § 72-1105; $15.00 victim notification fee pursuant to I.C. § 31-3204; $30.00 domestic violence fee pursuant to I.C. § 32-1410; $10.00 for the drug hotline fee pursuant to I.C. § 37-2735A; $100.00 emergency surcharge fee pursuant to I.C. § 31-3201H; and community service fee ($.60 per hour) as required by I.C. §31-3201C, to be paid through the Clerk of the District Court.

Pursuant to I.C. § 19-5304, the defendant shall pay the agreed upon restitution in the amount of $6,160.44, bearing interest at the statutory rate of 5.625% per annum until paid in full. The defendant shall pay restitution as soon as practicable through the Clerk of the District Court.

Defendant is to pay supervision of probation and parole costs in an amount not to exceed the maximum allowable by I.C. § 20-225.

IT IS FURTHER ORDERED that the Clerk deliver a copy of this Order Withholding Judgment and Order of Probation and Commitment to the Sheriff, which shall serve as the commitment of the defendant.

The defendant's agreement to the terms of probation is to be hereto attached and by reference made a part hereof.

This probation shall expire at 11:59 p.m. on December 18, 2022, unless otherwise ordered by the Court.

NOTICE OF RIGHT TO APPEAL

You, Sarah Jean Cowman, are hereby notified that you have the right to appeal this order to the Idaho Supreme Court. Any notice of appeal must be filed within forty-two (42) days from the entry of this judgment.

You are further notified that you have the right to be represented by an attorney in any appeal, that if you cannot afford to retain an attorney, one may be appointed at public expense. Further, if you are a needy person, the costs of the appeal may be paid for by the State of Idaho. If you have questions about your appeal rights, you should consult your present lawyer.

IT IS SO ORDERED.

Dated this 22nd day of December 2017.

NANCY A. BASKIN
District Judge

This is to certify that I have read or had read to me and fully understand and accept all the conditions, regulations and restrictions under which I am being granted probation. I will abide by and conform to them strictly and fully understand that my failure to do so may result in the revocation of my probation.

Sarah Coroman 1/3/18

Probationer Date of Acceptance

Probation Officer

CERTIFICATE OF MAILING

I hereby certify that on the 22nd day of December 2017, I mailed (emailed) a true and correct copy of the within instrument to:

ADA COUNTY PROSECUTOR'S OFFICE
VIA EMAIL

RANDALL S. BARNUM
BARNUM HOWELL & GUNN PLLC
380 S 4TH ST, STE 104
BOISE, ID 83701-2616
EMAIL: randall@bhglaw.net

ADA COUNTY JAIL
VIA EMAIL

PROBATION AND PAROLE
VIA EMAIL

CENTRAL RECORDS
DEPARTMENT OF CORRECTION
ATTN: CCD PROBATION SENTENCING TEAM
VIA EMAIL

CHRISTOPHER D. RICH
Clerk of the District Court

By: _____
Deputy Clerk