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May 19, 2016

Via Hand-Delivery

Board of Directors
Hickman Mills C-1 School District
LaDonna Biggs, Board Secretary
9000 Old Santa Fe Road
Kansas City, Missouri 64138

RE: Evelyn Hildebrand

Dear School Board Members and Ms. Biggs:

I am co-counsel for Evelyn Hildebrand for all matters relative to her candidacy and election to the Hickman Mills C-1 Board of Education and I write to you on her behalf.

This correspondence serves as notice for you to CEASE and DESIST any and all business sessions, business meetings, transactions, voting and any other statutory duties UNTIL EVELYN HILDEBRAND, a winner of the April 5, 2016 school board election, is seated and administered the oath of office for the position of School Board Director.

Ms. Hildebrand was duly certified as a candidate, placed on the April 5, 2016 ballot, elected by the voters of the Hickman Mills C-1 School District, and is a winner according to the certified election results reported by the Kansas City Board of Election Commissioners and the Jackson County Board of Election Commissioners.

Ms. Hildebrand has NEVER been disqualified as a candidate "by a court of competent jurisdiction, the Missouri ethics commission, an election authority, or any other body authorized by law to make such a determination". §115.013(7) RSMo.

Accordingly, LaDonna Biggs, Board Secretary, was statutorily required to record the certified results of the election and by order of the Board and issue a certificate of election to the person entitled thereto. §162.371 RSMo. Based on the April 5, 2016 election results, one of those persons was Evelyn Hildebrand. The School Board has no discretion to disregard those results and lacks the authority to determine the

qualifications of candidates elected to serve on the board. In this state the Missouri House of Representatives and the Missouri State Senate are the only governmental bodies with the authority to determine the qualifications of its members.

On April 28, 2016, the Hickman Mills School Board, in violation of Missouri law, refused to accept the results of the April 5, 2016 election. Instead, you voted to disqualify Ms. Hildebrand and to swear in Byron Townsend, who finished first and Shawn Kirkwood, who finished last. According to the motion made by Bonnaye Mims, the basis of your action was the assertion that "the Department of Revenue determined that Ms. Hildebrand should be disqualified for failure to pay her taxes." The Department of Revenue never made any such determination. Moreover, neither the Department of Revenue nor the Hickman Mills School Board has the authority to disqualify candidates. At no time did the Board have the authority to override Missouri law and issue certificates of election to anyone other than Byron Townsend and Evelyn Hildebrand.¹ The Board violated the duties imposed upon it by the State of Missouri and the trust conveyed to it by the voters of the Hickman Mills C-1 School District.

The Board's actions are "willful neglect" and your refusal to comply with your statutory duties is criminal conduct. Pursuant to §162.091 RSMo that behavior is a misdemeanor punishable by a fine of not more than \$500.00 or imprisonment in the County jail not to exceed one year. A Citizen's Complaint will be filed with the Jackson County Prosecuting Attorney.

Further, Shawn Kirkwood's participation in any and all discussions, votes, decisions regarding Ms. Hildebrand is a clear conflict of interest and an ethical violation. He has no lawful authority to serve on the Board. Instead of providing Ms. Hildebrand with due process of law this Board usurped its authority and illegally awarded her position to Mr. Kirkwood. Ms. Hildebrand is the duly elected and certified winner and thereby ENTITLED to the position of Director on the Hickman Mills C-1 School District Board of Education.

We request that:

1. The Board of Directors Cease and Desist any and all meetings, business decisions, and any other transactions, and any other statutory duties;
2. Shawn Kirkwood Cease and Desist participation in any school board business, meetings, activities or statutory duties;
3. LaDonna Biggs, Board Secretary, record the certified results of the April 5, 2016 election and upon order of the Board issue a certificate of election to Evelyn Hildebrand;

¹ Even if the Board had authority to disqualify Ms. Hildebrand it could not do so without according her due process of law. This Board has not provided her with due process.

4. Newly elected member Evelyn Hildebrand be qualified by taking the Oath of Office pursuant to §162.301 RSMo.

If this Board does not Cease and Desist, and if your illegal conduct and behavior persists, we will take the appropriate legal action against the Board Secretary (individually and in her office capacity), the Board collectively and certain members individually, for willful neglect and misconduct for refusal to perform duties imposed by law. Because your actions are baseless and malicious we will seek damages against the Board and Mr. Kirkwood, Ms. Mims, Mr. Osman and Mr. Palmer individually.

Very truly yours,



Barbara Anne Washington

CC: Evelyn Hildebrand
Christopher Gahagan