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January 6, 2012

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RECEIVED

Arizona Corporation Commission

DOCKETED

Arizona Corporation Commission
1200 W. Washington St.
Phoenix, AZ 85007

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AZ CORP COMMISSION
DOCKET CONTROL

DOCKETED BY

Re: Request to have John Dougherty Removed as intervener

Montezuma Rimrock Water Company LLC and Patricia Olsen have been under the continual harassment of Mr. John Dougherty and Ivo Buddeke for over two years. They have used the governmental agencies to harass and threaten myself and my company. It is beyond belief that the Arizona Corporation Commission has engaged and allowed such tactics to continue and assist their vendetta against both myself and MRWC. ADEQ, WIFA, and Yavapai County have not allowed such harassment to continue through their organizations. Mr. Dougherty and Mr. Buddeke have filed complaints with all the governmental organizations in hopes that they would prohibit MRWC from providing safe drinking water to its customers and using these same agencies to assist them in prohibiting MRWC from operation. Dougherty and Buddeke have jeopardized the health, safety and welfare of this entire community. From the commencement of their harassment, both have allegedly made many false claims against me and MRWC. Because of their interference the installation of the arsenic treatment facility has been delayed two years.

These two men are violating my constitutional right of "pursuit of happiness" which includes my right to own and operate my own business. In court and under oath, Mr. Dougherty made the statement in Attachment A, "I want it to be shut down".

It is known within the community that Mr. Dougherty has problems with his well. Attachment B is a Declaration of Heather Macauley providing information regarding Mr. Dougherty's private well. Mr. Dougherty's ex-wife, Liz Allen, also stated in a public meeting that their well was having problems and they would eventually need water from MRWC (Attachment A).

On March 11, 2011, while under direction of Yavapai County to install an irrigation system for the trees at well site #4, MRWC was installing a service connection for the irrigation system. Attachment C provides a statement by Mr. Dougherty to his lawyer, Howard Shanker, which provides false information in hopes of engaging Yavapai County to assist with their continuing harassment. He falsely states, "where the 4-inch line has been connected to the 10-inch distribution line." The 4-inch line is in fact a 2-inch line. He then falsely claims that MRWC's distribution line is a "12-inch and a 10-inch" line (Attachment C). The 12-inch line Mr. Dougherty is referring to is actually a 6-inch line. Even though I personally informed him that we are not connecting the well to the water line, he uses these sizes to falsely inform the County in order to gain action from this governmental agency. Mr. Dougherty also falsely states that "None of the needed approvals from ADEQ, WIFA, or the Arizona Corporation Commission have been obtained". MRWC received Approvals to Construct from ADEQ (Attachment D). Because MRWC is not pursuing funding from WIFA, neither an approval nor an EIS is needed. And the Arizona Corporation Commission already provided approval on its construction project in Decision No. 71317.

Mr. Dougherty also conveniently leaves out the fact that it was at this same time in which he called me a "stupid Mexican woman". Attachment E includes a picture taken by Mr. Dougherty of myself. It was after this picture was taken that Mr. Dougherty put his camera down and made the statement "you're a stupid Mexican woman". Mr. Dougherty and Mr. Buddeke have been combining their efforts to harass me and my company. Attachment F also includes a photo of the two together at well #4 on March 11, 2011.

In its efforts to comply with ADEQ, MRWC began construction of its pipeline to connect both well #1 & #4. Mr. Buddeke came out with his shot gun (Attachment G). While aiming his shot gun at me Mr. Buddeke screamed, "I'm going to shoot you, I'm going to shoot you, I'm going to shoot you," along with abusive language.

An Injunction of Harassment was filed against Mr. Dougherty and he appealed. During the hearing, Mr. Dougherty read an email from me. Attachment H is a transcription of a portion of the hearing. During the hearing Mr. Dougherty never denies making the comment "stupid Mexican woman" but rather flaunts and seems proud of it. Mr. Dougherty once again appealed the Injunction of Harassment and his appeal was denied. The Injunction of Harassment still remains in effect. Mr. Dougherty also claims he was not present on April 18, 2011 while Mr. Buddeke was brandishing his weapon. However, several witnesses that were present saw Mr. Dougherty.

On December 4, 2011, Mr. Dougherty violated the Injunction of Harassment. Mr. Dougherty had sent me a Demand for Cease and Immediate Retraction for libelous and slanderous statements (attachment I). I provided the email Mr. Dougherty sent me to the police and an arrest was issued (Attachment J). This is yet another form of harassment from Dougherty.

In the police statement Dougherty falsely states he had no choice but to contact me as he states, "his attorneys have been trying to get a hold of her but she was unreachable." (Attachment K). At no time have I or my attorney, Doug Fitzpatrick, been contacted by Howard Shanker or any other attorney representing Mr. Dougherty (Attachment K). Mr. Dougherty was aware that due to the Injunction of Harassment, he is not to contact me and informed my lawyer of his understanding of this (Attachment L).

On December 13, 2011, Rose Mary Barnes and I attended a hearing regarding John Dougherty's violation of the Injunction of Harassment on December 4, 2011. We attended the hearing in Cottonwood based on a phone call from YCSO deputy informing us where and when it was taking place. Ms. Barnes and I sat around the corner from Mr. Dougherty. While waiting for the hearing to begin Mr. Dougherty stood up and loudly said, "Must be a slow day." Both of us ignored him and again he said loudly, "Must be a slow day". We continued to ignore him. Then he loudly said to the workers behind the glass that he wanted to file harassment charges against Ms Barnes and I because we were there to harass him. He then spun around and loudly said as he pointed his finger at us, "I'm talking to you!". We continued to ignore him. Again he loudly said, "Yeah, I'm talking to you." Again he pointed his finger at us. Ms. Barnes asked him "who has the Order of Protection on them. You or me?" At that time the doors opened for the hearing to start. The Sheriff's Office was called and this violation was also reported. Officer Wenkle was the responding Officer.

It is clear Mr. Dougherty is in need of water due to his private well problems. However, his harassment of me due to my race constitutes a hate crime. Allowing Mr. Dougherty to continue as an intervener assists him in the continual harassment by which Mr. Dougherty and Mr. Buddeke have engaged and violated my civil rights. Just because I am a small-business owner doesn't give anyone the right to publicly or privately harass me because of my race. Mr. Dougherty and Mr. Buddeke are not customers of my water company and therefore, should not have carte blanche to interfere with my life or livelihood. I hereby, formally request that the Arizona Corporation Commission remove Mr. Dougherty as an intervener in all matters regarding Montezuma Rimrock Water Company LLC.



Patricia D. Olsen

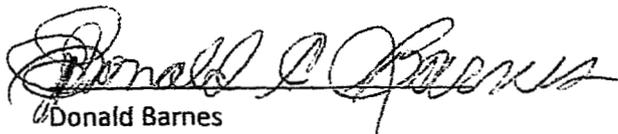
Attachment A

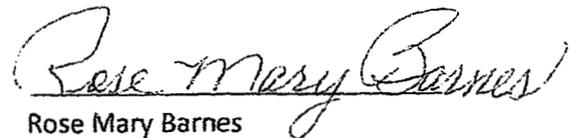
May 9, 2011

Arizona Corporation Commission
Utilities Division
1200 W. Washington St.
Phoenix, AZ 85007

We, Donald and Rose Mary Barnes, certify as follows:

1. On January 30, 2010, during our Montezuma Estates Property Owners monthly meeting, Ivo Buddeke, John Dougherty and his wife, Liz Allen were in attendance along with approximately 12 neighbors. Throughout the first hour of the meeting Buddeke, Dougherty and Allen repeatedly yelled and interrupted Patsy Olsen, who was giving a presentation to the neighbors regarding MRWC. Buddeke and Dougherty repeatedly called Patsy a liar and Dougherty became so enraged that the entire room clapped when he announced he was leaving. After the meeting adjourned I walked up to Buddeke, who at the time was a close friend of ours, and asked him what was going on and why he himself, Dougherty and Allen were behaving so rudely and confrontational. He replied, "Five years ago we (MEPOA) had a chance to sell the water company to Arizona Water Company but we voted against it. Now we have the chance to make things right and let AWC take it over." Liz Allen stated to the remaining neighbors at the meeting that she and Dougherty were having problems with their well and might have to hook up with the water company at some point in time.
2. On March 5, 2010, we were in attendance during a hearing with Judge Lundy presiding, regarding Olsen v Dougherty. This hearing was to obtain a restraining order against Dougherty. The request was denied. Dougherty stated to Judge Lundy, "I make no bones about attacking their company. I want it to be shut down." A recorded copy of the hearing was obtained.


Donald Barnes


Rose Mary Barnes

Subject: John Dougherty, Liz Allen (Dougherty) & Ivo Buddeke
From: DON AND ROSE MARY BARNES (donandrosemary_barnes43@msn.com)
To: patsy@montezumawater.com;
Date: Monday, March 1, 2010 7:37 PM

On January 30, 2010, we attended our monthly Montezuma Estates Property Owners Association meeting located at our President/Secretary's residence. When we arrived there were approximately 18 people in attendance and Patsy Olsen was the featured speaker for this meeting so she could discuss the new well #4 coming online and her itinerary for completion of MRWC's upgrades. Shortly after her presentation began the Doughertys (mostly Mr. Dougherty) and Mr. Buddeke started behaving very rudely by shouting out while she spoke and calling Ms. Olsen a liar. Mr. Dougherty had a handful of papers and kept slamming them on the table in front of him and acting very badly. He kept acting very unprofessionally, mean-spirited & completely disrespectful towards Ms. Olsen. This obnoxious behavior continued for more than an hour with yelling and constant interruptions from Mr. Dougherty & Mr. Buddeke. Finally Mr. Dougherty announced very frustratedly that he was leaving and the whole room erupted in loud applause. As he was leaving the meeting Mr. Dougherty paused at the door where Mr. Olsen was standing and words were exchanged. Mr. Dougherty lunged toward Mr. Olsen and invited Mr. Olsen outside. Words were exchanged and finally Mr. Dougherty left the meeting. Ms. Olsen & Mr. Buddeke remained at the meeting for another two hours and continued to harrass and yell at Ms. Olsen. They just weren't as loud and abusive as Mr. Dougherty was. For history sake the Doughertys are new to the neighborhood and Mr. Buddeke is a long time resident and friend. Ms. Olsen commented at the end of the meeting that some days they are out of water and had to rent Porta Pottys for their wedding in November. She also commented that eventually they would probably have to hook up to MRWC. After the meeting I (Ms. Barnes) asked Mr. Buddeke what was going on because we couldn't understand the purpose of their attack. Mr. Buddeke replied that "Now is our (MEPOA) chance to go with Arizona Water Company. We voted against AWC five years ago and here's our chance to do it right."

On February 17, 2010, we attended the monthly P & Z meeting for MRWC. Mr. Dougherty & Mr. Buddeke attended this meeting along with approximately 15 supporters/customers for Ms. Olsen. When Mr. Dougherty spoke to the Board he appeared agitated and frustrated. He had more papers with him and seems angry that the Board had not taken care of the paperwork well enough. After Ms. Olsen was awarded her permanent permit by P & Z everyone started filing outside the building. Mr. Dougherty & Mr. Buddeke were in front of me (Ms. Barnes) heading out the front door. Mr. Olsen & Ms. Segelke were outside the front door talking when Mr. Dougherty & Mr. Buddeke went outside and Mr. Dougherty turned and leaned toward Mr. Olsen and talked to him. Mr. Dougherty had a smirk on his face and he walked away. When I (Ms. Barnes) got outside Mr. Dougherty kept mouthing off to Mr. Olsen. When I asked Mr. Olsen what Mr. Dougherty had said to him he replied that "this isn't over."

We feel this group of Doughertys & Buddeke is out to destroy Ms. Olsen and her company for personal reasons. Why else would they continue to file nuisance complaints and writing newspaper articles against her. This type of harrassment should be against the law and not tolerated by anyone especially a governmental agency.

An important footnote is that the Doughertys and Buddekes are well owners - they have no interest in the water company whatsoever. They could care less about us the MRWC customers who receive excellent service every day and we have never run out of water in four years.

Thank you for your time.

Don and Rose Mary Barnes
4580 Tiemann Lane
Rimrock 86335

Attachment B

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when he dug the well, he did not dig deep enough. Other deeper wells in the vicinity would drain the water from his well.

6. I declare under penalty of perjury that the contents of this declaration are true and correct.

Dated 11/30/2010

Heather Macauley
Heather Macauley

Attachment C

Subject: FW: MRWC connecting Well No. 4 to its distribution system
From: Doug Fitzpatrick (fitzlaw@sedona.net)
To: patsy@montezumawater.com;
Date: Monday, March 14, 2011 10:33 AM

Patsy --

Give me a call about this please. ---Doug 284 2190

-----Original Message-----

From: Howard Shanker [mailto:howard@shankerlaw.net]
Sent: Monday, March 14, 2011 10:11 AM
To: jack.fields@co.yavapai.az.us; Doug Fitzpatrick
Subject: FW: MRWC connecting Well No. 4 to its distribution system

Jack -- John Dougherty has forwarded the attached statement and photographs to me. Please let me know as soon as possible whether the County has issue a "Certificate of Compliance" and/or has otherwise approved the work that MRWC appears to have undertaken -- so that I can determine the nature of the recourse we need to pursue. Thank you.

Howard M. Shanker

The Shanker Law Firm, PLC

Email: howard@shankerlaw.net

www.shankerlaw.net

Tempe Office:

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700 E. Baseline Road, Bldg. B
Tempe, Arizona 85283-1570
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Flagstaff, Arizona 86002

* Environmental/Natural Resources * Indian Law * Accident/Injury * Complex Civil Litigation * Adoption *

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From: John Dougherty [mailto:jd.investigativemedia@gmail.com]
Sent: Friday, March 11, 2011 3:13 PM
To: Howard Shanker
Cc: Fred Shute
Subject: MRWC connecting Well No. 4 to its distribution system

Howard:

I've attached a short statement on what I observed today at MRWC Well No. 4 along with four photographs.

--

John Dougherty
InvestigativeMedia.com
602-710-9433

March 11, 2011
Statement to Howard Shanker

RE: MRWC connecting Well No. 4 to its water distribution system.

I arrived at my property at 5225 N. Bentley Drive, Rimrock, AZ 86335 at approximately 11 a.m. on March 11.

I immediately noticed a front-end loader at MRWC Well No. 4 and a large dirt pile next to the road.

I walked down the public road to the well site.

Remaining on the public road, I looked into a deep hole where I saw an approximate 4-inch black water pipe coming from the parcel where Well No. 4 is located.

The black pipe was connected to a brass shutoff valve that was connected to MRWC's white approximate 12-inch water distribution pipe.

Minutes after I arrived on the site, Ms. Patsy Olsen, owner of MRWC, drove up and asked, "Do you have a problem?"

"No," I said. "I just want to know what's going on. It looks like you are connecting the well to the water line."

"I'm not connecting the well to the water line," she said.

I remained on public right-of-way near the well site and took a series of photographs that showed employees from Rask Construction installing a riser that was placed over the water valve and back filling the site.

I had no other contact with Ms. Olsen. Two of her supporters arrived on the site and badgered me as to why was opposing the well. I told them to read the law suit. They said they didn't care whether MRWC was violating permits or laws. The man said he was going to sue me for obstructing his access to water.

Don Rask, owner of Rask Construction, arrived on the site and took photos of me standing near the parcel.

I left after the company completed backfilling the site.

Key Issues:

1. MRWC does not have approvals from ADEQ to operate this well.

2. MRWC cannot obtain a permit to operate the well until it has an arsenic treatment plant installed.
3. The arsenic treatment plant has not been installed.
4. MRWC is seeking funding from the Water Infrastructure Financing Authority to pay for construction of the arsenic treatment plant.
5. WIFA has suspended funding until an Environmental Assessment is completed.
6. The Environmental Assessment has not been completed.
7. The use permit issued by Yavapai County Board of Supervisors on March 15, 2010 gave the company one year to obtain all necessary permits to operate a well on this parcel
8. None of needed approvals from ADEQ, WIFA or the Arizona Corporation Commission have been obtained.
9. Our lawsuit alleges the well site violates the Yavapai County Water Code because no site on the parcel is more than 50 feet from all adjoining property boundaries.

Attached Photos:

1. Water connection showing 4-inch pipe coming from well site to 10-inch water main.
2. Patsy Olsen in front of the Well No. 4 parcel and next to hole where the 4-inch line has been connected to the 10-inch distribution line.
3. Rask Construction employees backfilling site with riser that will allow access to the shutoff valve.
4. View of well site, fence around the well and dirt pile outside the fence on the public right-of-way.

John



Attachment D



**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
 CERTIFICATE OF APPROVAL TO CONSTRUCT
 WATER FACILITIES**

ADEQ File No: 20100036	LTF No: 51985
System Name: Montezuma Rimrock Water Co	System Number: 13-071
Project Owner: Patricia Olsen	
Address: P O Box 10, Rimrock, AZ 86335	
Project Location: Cottonwood	County: Yavapai
Description: INSTALLATION OF NEW WATER SUPPLY LINE FROM TIEMAN WELL TO ARSENIC TREATMENT AND STORAGE TANK. INSTALLATION OF ARSENIC TREATMENT SYSTEM FOR NEW WATER SOURCE AND INSTALLATION OF 30,000 GALLON WATER STORAGE TANK.	

Approval to construct the above-described facilities as represented in the approved documents on file with the Arizona Department of Environmental Quality is hereby given subject to provisions 1 through 5 continued on page 2 through 2

1. This project must be constructed in accordance with all applicable laws, including Title 49, Chapter 2, Article 9 of the Arizona Revised Statutes and Title 18, Chapter 5, Article 5 of the Arizona Administrative Code.
2. Upon completion of construction, the engineer shall fill out the Engineer's Certificate of Completion and forward it to the Central Regional Office located in Phoenix. If all requirements have been completed, that unit will issue a Certificate of Approval of Construction. R18-5-507(B), Ariz. Admin. Code. At the project owner's request, the Department may conduct the final inspection required pursuant to R18-5-507(B); such a request must be made in writing in accordance with the time requirements of R18-5-507(C), Ariz. Admin. Code.
3. This certificate will be void if construction has not started within one year after the Certificate of Approval to Construct is issued, there is a halt in construction of more than one year, or construction is not completed within three years of the approval date. Upon receipt of a written request for an extension of time, the Department may grant an extension of time; an extension of time must be in writing. R18-5-505(E), Ariz. Admin. Code.
4. Operation of a newly constructed facility shall not begin until a Certificate of Approval of Construction has been issued by the Department. R18-5-507(A), Ariz. Admin. Code.

Reviewed by: DB11

By: Janak K. Desai Date: 6/11/2010
 Janak K. Desai, P.E. Unit Manager
 Engineering Review Section
 Water Quality Division

cc: File No: 20100036
 Regional Office: Central
 Owner: Patricia Olsen
 County Health Department: Yavapai
 Engineer: Environmental Hydrosystems
 Planning and Zoning/Az Corp. Commission
 Engineering Review Database - Etr021

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**ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY
 CERTIFICATE OF APPROVAL TO CONSTRUCT
 DRINKING WATER WELL FACILITIES**

ADEQ File No: 20090278	LTF No: 50749
System Name: Montezuma Rimrock Water	System Number: 13-071
Project Owner: Montezuma Rimrock Water Co. Llc	
Address: Po Box 10, Rimrock , AZ 86335	
Project Location: Cottonwood	County : Yavapai
Description: CONSTRUCT AND EQUIP THE TIEMANN WELL (ADWR# 55-213141) AT RIMROCK, AZ. THE WELL WATER EXCEEDS THE MCL FOR ARSENIC AND DUE TO THIS; THE WATER DOES'TØ PASS THE DRINKING WATER STANDARDS AND MUST BE TREATED PRIOR DISTRIBUTION.	

Approval to construct the above-described facilities as represented in the approved documents on file with the Arizona Department of Environmental Quality is hereby given subject to provisions 1 through 6 continued on page 2 through 2

1. This project must be constructed in accordance with all applicable laws, including Title 49, Chapter 2, Article 9 of the Arizona Revised Statutes and Title 18, Chapter 5, Article 5 of the Arizona Administrative Code.
2. Upon completion of construction, the engineer shall fill out the Engineer's Certificate of Completion and forward it to the Northern Regional Office located in Flagstaff. If all requirements have been completed, that unit will issue a Certificate of Approval of Construction. R18-5-507(B), Ariz. Admin.Code. At the project owner's request, the Department may conduct the final inspection required pursuant to R18-5-507(B); such a request must be made in writing in accordance with the time requirements of R18-5-507(C), Ariz. Admin. Code.
3. This certificate will be void if construction has not started within one year after the Certificate of Approval to Construct is issued, there is a halt in construction of more than one year, or construction is not completed within three years of the approval date. Upon receipt of a written request for an extension of time, the Department may grant an extension of time; an extension of time must be in writing. R18-5-505(E), Ariz. Admin. Code.
4. Operation of a newly constructed facility shall not begin until a Certificate of Approval of Construction has been issued by the Department. R18-5-507(A), Ariz. Admin. Code.

Reviewed by : FKK

By: Janak K. Desai 10/28/2009
 Janak K. Desai, P.E. Unit Manager Date

Engineering Review Section
 Water Quality Division

cc: File No: 20090278
 Regional Office: Northern
 Owner: Montezuma Rimrock Water Co. Llc
 County Health Department: Yavapai
 Engineer: Env. Hydrosystems, Ltd.
 Engineering and Zoning/Az.Gov. Commission
 Engineering Review Database - Cruz

Attachment E



Attachment F



Attachment G





Attachment H

7/29/11

Patricia Olsen Vs. John Dougherty; Ms. Olsen was granted the Injunction of Harrassment in this case.

Case No.: CV-201103222

Below is a portion Transcribed from CD recorded at Order of Protection hearing held in Cottonwood Justice Court:

Dougherty: I have two pieces of evidence I'd like to present to the Court. Both are written statements by the Plaintiff. One is an email she sent to Corporation Commission in which she states that ...

Judge: What does this have to do with the witness? (Ivo is still on the stand)

Dougherty: It has everything to do with to do with the witness's and Mr. Rask's testimony. This Plaintiff will submit false written statements that cast me in a negative light when there's absolutely no evidence to support it and it goes directly to the heart of this case, your Honor, because she stated here that I was there on 4/20 and stated I would 'put her under' and I wasn't there. She states the incident that occurred that morning on a document filed with the Corporation Commission that I was present in the morning at the time of Mr. Buddeke's detention and that I ran away. She'll make these written statements to the fact that it did occur. And I think it impeaches the Plaintiff to show that her written statements are not truthful.

Judge: On your notes I don't see anything about you not being there on the 18th.

Dougherty: I said I was not there.

Judge: You said you were not there on the 20th.

Dougherty: I was never down at Mr. Buddeke's that morning ever. Mr. Ayers came to testify that he interviewed me after Mr. Buddeke was detained. These are written statements by the Plaintiff that allege otherwise. Mr. Rask doesn't recall me being there. Mr. Buddeke was in his yard for 3 hours and never said he saw me. I was never there. It's important these documents get on the record. It shows a propensity of the Plaintiff to file false documents.

Judge: I don't know what this has to do with the evidence.

Dougherty: She says in emails I was there. This witness (Ivo) is identified in both emails. May I present them?

Judge: Do you want to read them into the record?

Dougherty: Oh, I would be happy to. This is an email to Bryan and Marlon at ACC on 4/18 at 7 pm with the subject arrest.

Mr. Buddeke and John Dougherty were creating a scene at my construction site this morning. Mr. Dougherty previously called me a stupid Mexican woman and today he was flipping me off. His partner (Ivo) came out pulling a rifle at the crew. I was also present at the site. 9-1-1 was called and when they arrived he resisted arrest and was handcuffed and taken to jail. Attached is a picture of the incident.

Dougherty and Ivo have gone too far and somebody could have been killed today. While Ivo was being arrested Mr. Dougherty ran away.

There is no evidence by my or her witnesses that I was even there. A second statement filed by Ms. Olsen on 5/10 was docketed at the ACC. This is the cover page. Again here is what she states that, their (Dougherty & Ivo) malicious intent to dissolve MRWC was further evidence. When Buddeke brandished his weapon at the construction crew contracted to install pipe connecting #4 to #1. Buddeke's behavior led to his arrest and Dougherty, present at the incident, ran away when the deputies arrived. These are two written statements she has filed with the State agency alleging that I was there and ran away. During this incident I was never there. This will show you as I said before that she states I was there on 4/20. This is an outrageous charge. I wasn't there. May I present the evidence (2 videos)? No further question for Mr. Buddeke.

Attachment I

Subject: Demand for the Cease and Immediate Retraction of libelous and slanderous statements
From: John Dougherty (jd.investigativemedia@gmail.com)
To: patsy@montezumawater.com;
Cc: fitzlaw@sedona.net;
Date: Friday, December 2, 2011 12:55 PM

Ms. Olsen, I mailed you a copy of the attached demand letter on November 25, 2011. I sent a copy of the letter to your attorney, Doug Fitzpatrick, on the same date.

Upon reviewing MRWC records today, it is clear you do not open any letters from me concerning Corporation Commission matters.

Therefore, it appears you may not have opened my Nov. 25, 2011 letter containing the attached document.

Please read the attached letter and immediately provide a response to my demands for complete retraction of your false statements meant to defame my character.

Thank you,

John Dougherty
InvestigativeMedia.com
602-710-4089

November 25, 2011

Mr. Douglas C. Fitzpatrick
Law Office of Douglas C. Fitzpatrick
49 Bell Rock Plaza
Sedona, AZ 86351
fitzlaw@sedona.net

CERTIFIED MAIL and EMAIL

***Demand for the Immediate Cease and Retraction of Slanderous and Libelous
Statements by Patricia Olsen, president of Montezuma Rimrock Water Company, LLC***

Dear Mr. Fitzpatrick,

On November 23, 2011, KJZZ journalist Ms. Devin Browne contacted me and stated that your client, Ms. Patricia Olsen, stated in an interview that the reason I was opposing Ms. Olsen's company was because I had stated that I didn't want to do business with a "stupid Mexican woman."

Ms. Olsen's statements to Ms. Browne constitute a reckless disregard for the truth and are a false and malicious attempt to defame my character and damage my livelihood as a journalist by asserting that my opposition to Ms. Olsen's company is rooted in sexism and racism.

I have never made such a statement to Ms. Olsen, or to anyone else. Ms. Olsen knows I have never made such a statement to her. Ms. Olsen has no credible witness to support her false and malicious claim that I ever made such a statement to anyone.

This is not the first time Ms. Olsen has resorted to defamation to deflect attention from her gross mismanagement of Montezuma Rimrock Water Company, LLC.

On or about April 18, 2011, Ms. Olsen told Camp Verde Bugle reporter Mr. Steve Ayers that I had called her a "stupid Mexican woman."

On or about July 18, 2011, Mr. Ayers testified during a hearing in Verde Valley Justice Court (CV201103222) that Ms. Olsen told him that I had called her a "stupid Mexican woman".

Ms. Olsen's statement to two reporters on separate occasions that I stated she was a "stupid Mexican woman" ***are slanderous acts of defamation.***

On April 18, 2011, Ms. Olsen sent an email to Arizona Corporation Commission employees Brian Bozzo and Marlin Scott (attached), stating that I had "previously called (her) a 'stupid mexican (sic) woman.'"

Ms. Olsen's written statement that I called her a "stupid mexican woman" is a false and ***libelous act of defamation.***

In the same email, Ms. Olsen also stated:

"Mr. Dougherty and his partner have gone too far. Somebody could have been killed today. While Dougherty's partner Mr. Buddeke was being arrested, Mr. Dougherty ran away."

Ms. Olsen knows I was not present during Mr. Buddeke's arrest, nor was I present on or near his property during the events leading up to the arrest. Ms. Olsen has no credible witness to state that I was present during the events leading up to the arrest. Ms. Olsen knows that I never "ran away" while Mr. Buddeke was being arrested.

Ms. Olsen's inflammatory statement falsely portrays an impression that I was engaged in a conspiracy with Mr. Buddeke in an event in which she claims "somebody could have been killed."

Ms. Olsen's statements that I was associated in any way with the events leading up to and during the arrest of Mr. Buddeke during an alleged life-threatening event are ***libelous acts of defamation.***

My reputation as an award winning journalist who has been published in *The Washington Post*, the *New York Times* and many other national, regional and state publications is seriously damaged by Ms. Olsen's reckless disregard of the truth and repeated malicious attacks on my character meant to defame by reputation.

Ms. Olsen's false and defamatory statements must cease and her previous defamatory statements must be immediately retracted.

I hereby demand that Ms. Olsen immediately provide a written statement to Mr. Steve Ayers and Ms. Devin Browne that unequivocally retracts her slanderous statements that I have ever called her a "stupid Mexican woman."

Further, I hereby demand that copies of Ms. Olsen's written retraction to the reporters be simultaneously provided to me.

Further, I hereby demand that Ms. Olsen immediately provide a written statement to Mr. Earnest Johnson, Executive Director of the Arizona Corporation Commission, stating that she unequivocally retracts her libelous April 18, 2011 email that falsely accused me of calling her a "stupid mexican woman".

Further, I demand that in the same statement to Mr. Johnson that Ms. Olsen unequivocally retract her libelous written statement that I was present during the arrest of Mr. Buddeke and that I “ran away” when he was arrested.

Further, I demand that in the same statement to Mr. Johnson that Ms. Olsen unequivocally state that I was not involved in any way with the events involving the confrontation with Mr. Buddeke in which she claims “somebody could have been killed.”

Further, I hereby demand that a copy of the written statement to Mr. Johnson be simultaneously provided to me.

Time is of the essence as the events involving Ms. Olsen’s company are attracting widespread media attention.

Unless I receive an immediate response from you stating that all my demands to mitigate Ms. Olsen’s defamatory acts will be immediately and fully met, I will pursue all legal recourse available to me including filing a libel suit and seeking an injunction against harassment.

Please contact me immediately to confirm receipt of this letter.

Sincerely,

John E. Dougherty
PO Box 501
Rimrock, AZ 86335

Cc:

Steve Suskin, Esq.
1201 E. Jefferson St.
Suite 100
Phoenix, AZ 85034

Ms. Patricia Olsen
Montezuma Rimrock Water Company
PO Box 10
Rimrock, AZ 86335

Mr. Ernest Johnson
Executive Director
Arizona Corporation Commission
1200 W. Washington Street
Phoenix, AZ 85007

Mr. Steve Ayers
Reporter
Camp Verde Bugle
PO Box 1979
Camp Verde, AZ 86322

Ms. Devin Browne
Reporter
KJZZ
2323 W. 14th Street
Tempe, Arizona 85281

Attachment J

PRESS HARD - YOU ARE MAKING 5 COPIES

1553744

State of AZ vs. John Dougherty Case # J-1302-CR-201107714

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Please keep this form for future reference regarding your case.

1 <<FORM USE>>
[] Initial Contact [] By Phone/Mail DATE: 12-04-11
[] Victim-Initiated Change(s) [] In Person

2 <<CASE IDENTIFYING INFORMATION>>
REPORTING AGENCY: YAVAPAI CO. SO Phone #: 928-567-7710
Reporting Officer(s): Det. GODINA, C. # E46 Complaint/Report/Citation #: 11-024055
Location: 4615 E. GOLDMINE RD RIMROCK Report/Citation Date/Time: 12-02-11 1255
Offense/Type of Crime: INTERFERING W/ JUDICIAL PROCEEDING
[] Felony [x] Misdemeanor [] Domestic Violence Issue

3 <<ARREST / DETENTION STATUS>>
[] SUSPECT NOT IN CUSTODY [x] SUSPECT CITED AND RELEASED / REFERRED [] SUSPECT IN CUSTODY - ADULT [] SUSPECT IN CUSTODY - JUVENILE
SUSPECT #1: JOHN DOUGHERTY III DOB: 07-28-56 SUSPECT #1: SUSPECT #1:
SUSPECT #2: SUSPECT #2: SUSPECT #2: SUSPECT #2:
COURT: VVJC DATE: 12-13-11 TIME: 0900
CUSTODIAL AGENCY:
If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>
A. Who was the crime or offense committed against?
Name: PATRICIA OLSEN Birth Date: 09-02-61
B. Are you the victim or lawful representative? (CHECK BOX THAT APPLIES)
[x] The crime was committed against me. I am the Victim.
[] One of the following applies to me. I am the victim's Lawful Representative. (CHECK ONE)
[] The victim has designated me as his/her lawful representative [] The victim is incapacitated or deceased and I am an immediate family member
[] The victim is a legal entity (corporation, partnership or business). [] The victim is minor child and I am a parent, an immediate family member or legal guardian
[] The victim is a vulnerable adult & I am the legal guardian.
Name: PATRICIA OLSEN DOB: Relationship to victim
C. How can you be contacted?
Name: PATRICIA OLSEN
Mailing Address: PO BOX 10 RIMROCK, AZ. 86335 Apt:
Home Address (if different): 4615 E. GOLDMINE RD. Apt:
City: RIMROCK State: AZ Zip Code: 86335
Telephone: (Home) 928-592-9211 (Cell)
(Work) Email: patsy@montezumawater.com

D. [x] I REQUEST my rights in this case. OR [] I WAIVE (DECLINE) my rights in this case.
I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.
[] REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)
Victim or Lawful Representative Signature / Date: 12-04-11
[x] Proxy Det. Godina, C. # E46

Attachment K

Print

Subject: RE: Dougherty's lawyer
From: Doug Fitzpatrick (fitzlaw@sedona.net)
To: patsy@montezumawater.com;
Date: Thursday, December 29, 2011 8:32 AM

Patsy –

There have been no attempts by Howard Shanker to reach you through my office and that is the only way he could ethically contact you: through me.

Can you swing by to see me today? ~Doug

-----Original Message-----

From: Patricia Olsen [mailto:patsy@montezumawater.com]
Sent: Wednesday, December 28, 2011 10:02 PM
To: fitzlaw@sedona.net
Subject: Dougherty's lawyer

Doug,

I was reading the police statement regarding Dougherty's violation of the injunction. This is what he told the police officer:

"He told me he had to email her because he had no other choice. He told me he knew he wasn't supposed to contact her but what else could he do. John said Patricia has been slandering his character and he had to make sure she knew he was going to take civil action against her. I told John the Injunction against Harassment/No contact order he was served back in July of this year clearly stated he was not to email or contact her. John said his attorney's have been trying to get a hold of her but she was unreachable."

Have his attorneys been contacting you? They haven't tried to contact me.

Patricia Olsen, President

Montezuma Rimrock Water Co. LLC

P.O. Box 10, Rimrock, AZ 86335

928-592-9211

www.MontezumaWater.com

Attachment L

Subject: Fw: State of Arizona v. John Dougherty
From: Patricia Olsen (patsy@montezumawater.com)
To: george.rodriguez@co.yavapai.az.us;
Date: Sunday, December 11, 2011 8:15 AM

Dear Mr. Rodriguez,
My lawyer, Doug Fitzpatrick, requested that I forward the below email to you.
Thank you,

*Patricia Olsen, President
Montezuma Rimrock Water Co. LLC
P.O. Box 10, Rimrock, AZ 86335
928-592-9211
www.MontezumaWater.com*

----- Forwarded Message -----

From: Doug Fitzpatrick <fitzlaw@sedona.net>
To: patsy@montezumawater.com
Sent: Monday, December 5, 2011 4:40 PM
Subject: State of Arizona v. John Dougherty

To Whom it May Concern –

Mr. Dougherty was in my office on the morning of Friday, December 2, reviewing records in connection with one of several Arizona Corporation Commission proceedings in which he is participating as an Intervener. Among the records were several unopened envelopes containing communications from Mr. Dougherty to Patricia Olsen. He was taken back that Ms. Olsen had not bothered to open the envelopes which contained his communications and expressed that concern to me. I asked Mr. Dougherty, "Have you not also sent such communications to 'Patsy' via e-mail?" He answered that he had not e-mailed Ms. Olsen because he was concerned about the injunction that was in place. Clearly, Mr. Dougherty understood that e-mail communications from him to Patricia Olsen would constitute a violation of the injunction against harassment and that was the reason he had not e-mailed his communications to her. At no time did I suggest that Mr. Dougherty e-mail anything to Ms. Olsen. ~Doug Fitzpatrick 928 284 2190