

District Court, El Paso County, Colorado Court Address: 270 S. Tejon St. Colorado Springs, CO 80903 <hr/> Robert Wayne Johnson, Plaintiff v. Vanessa Ralphita Dolbow, Defendant	▲ COURT USE ONLY ▲
Attorney or Party Without Attorney Robert Wayne Johnson 307 S. 26 th St. Colorado Springs, CO 80904 Phone Number: 719-640-2155	Case Number: 11CV229 Division: 13 Courtroom
AFFIDAVIT TO SUPPORT MOTION FOR CHANGE OF VENUE	

I, ROBERT WAYNE JOHNSON, Plaintiff, and movant for change of venue pursuant to C.R.C.P. Rule 98(g), deposes and says, using the ordered arrangement of the Motion and with exhibits as appropriate:

I. INTRODUCTION

1. I understand and agree to the stated purpose of Colorado’s Child Support Enforcement Program, which is “to collect support, to reimburse, in part or whole, Title IV-A [public assistance] grants paid to families, help remove IV-A recipients from the IV-A program by assuring continuing support payments, and assist persons who do not receive IV-A or IV-E foster care to remain financially independent.” I agree that such purpose should be achieved by “locating absent parents, establishing the paternity of children born out of wedlock, establishing child support obligations and health insurance, reviewing the order for a possible adjustment, and enforcing and collecting support.”

2. I understand that 90% of Temporary Assistance to Needy Family’s (“TANF’s”) adult recipients are women and that women by tradition are granted sole custody of their children.

3. I understand that TANF is the result of welfare-to-work legislation that requires public assistance recipients to work or to be actively seeking work.

4. I understand that TANF benefits have a temporary life and ceiling.

5. I understand that welfare reform has substantially decreased TANF expenditures, while the population identified as the working poor has increased.

6. I understand El Paso’s current child support enforcement caseload of 18,566 is comprised primarily of females with custodial-parent status.

7. I understand the top-down posturing of government and its pecuniary and societal interests in all matters related to child support enforcement.

8. My controversy with El Paso County's former independent contractor for child support enforcement, Policy Studies Inc. ("PSI"), arose from Defendant Vanessa Ralphita Dolbow's application for service on an undisclosed date in September 2008.

9. I was denied access to Defendant's application by PSI employees in whole and in part at all times requested.

10. I obtained copies of El Paso County's base contract and annual renewals with PSI through the El Paso County Attorneys Office via Colorado Open Records Act requests; the contract number is 06-004. Exhibit **A-1** is page 1, 2, and 9 of the base contract; Exhibit **A-2** is page 4 of the 2010 renewal.

11. I received an explanation for the entry of "N/A" on the State's signature line of the 2010 renewal contract (Exhibit A-2) by letter dated September 24, 2010 from the El Paso County Attorneys Office. The State decided to eliminate the requirement that it approve the County's contract with child support enforcement service providers going forward, stating "[E]ffective March 2, 2010, we eliminated Volume 6.110, Agreement for Services...[w]e do not need or wish to be a cosigner to your contract with the entity operating your CSE program...." Exhibit **A-3**.

12. I had no knowledge of Colorado's Child Support Enforcement Program as governed by 9 Colorado Code of Regulation, Rule Manual Volume 6 at the time of Defendant's application for the services of El Paso County's child support enforcement delegate.

13. I have read the Statement of Basis and Purpose for the revisions to the CSE Program found in Volume 6 pertaining to Paragraph 11 above. It reads: "Deletion of Sections 6.110 through 6.110.72 and revisions to Sections 6.102.21, 6.201.2, 6.601.32, 6.702.1, 6.902.17, 6.905.2, 6.906.1, 6.906.22, 6.906.4, 6.906.6, 6.907.1-6.907.2, and 6.908.3-6.908.6 were final adoption following publication at the 1/8/2010 State Board meeting, with an effective date of 3/2/2010 (Rule-making# 09-9-11-1). Statement of Basis and Purpose and specific statutory authority for these revisions were incorporated by reference into the rule. These materials are available for review by the public during normal working hours at the Colorado Department of Human Services, Division of Boards and Commissions, State Board Administration."

14. I hand-delivered an ethics complaint packet indirectly to Fourth District Chief Judge Kirk Samelson with a proposed case resolution letter on March 29, 2010. Exhibit **A-4**.

15. I hand-delivered a copy of the ethics complaint packet to *The Gazette* newspaper the same date. Exhibit **A-5**.

16. I hand-delivered a letter of complaint against Chief Judge Samelson indirectly to Fourth Judicial District Judge Thomas Kane on April 5, 2010. Exhibit **A-6**.

17. I filed an oral complaint against the magistrates and attorneys involved in my case to the Colorado Supreme Court Office of Attorney Regulation Counsel and then followed it with a written complaint on April 15, 2011. Exhibit **A-7** is the cover letter to the 25-page complaint.

18. I mailed Colorado Attorney General John Suthers and then acting Governor Bill Ritter a personalized complaint on April 19, 2011 using the Office of Attorney Regulation content and inadvertently left the OAR's assigned case numbers disclosed. Exhibit **A-8** is the first page of the Attorney General's letter.

19. I filed a complaint with the Office of the Attorney General's Collection Agency Board and the Colorado Department of Human Services as a result of the May 2010 revision of the State's child support enforcement application form that removed the condition applicants sign an affidavit attesting to the truth of the alleged unpaid child support. I do not know if the

form change is the result of the State Board meeting referenced in Paragraph 13 above. Neither the Collection Agency Board nor the CDHS responded to the complaint. Exhibit **A-9**.

20. I have read and understand Section 2.4 of Professional Services Contract 06-004 that requires El Paso County to approve PSI's subcontractors. (See Exhibit A-1 page 2.)

21. I have listened to the November 23, 2010 audio recording of El Paso County's public presentation to the Board of County Commissioners of the recommendation to award the child support enforcement contract to Young Williams via El Paso County's official website.

22. I am aware the public hearing of the award was first placed on the Board of County Commissioners' meeting agenda for November 9, 2010, then postponed to the November 16 meeting, wherein County Attorney Bill Louis' comment provided the segway to the executive session set for November 18 and, ultimately, to the postponement of the hearing of the award to November 23. Exhibit **A-10**.

23. I learned Belveal & Eigel made a special entry of appearance in Defendant's and Plaintiff's divorce action, 96DR1112, on September 29, 2008 when PSI obtained the Defendant's signature on the Affidavit of Custody and Direct Support. Exhibit **A-11**.

24. I received four orders entered by Magistrate Candea-Ramsey in the mail on the same date. Three of the orders denying my motions were personally signed by her; the order modifying child support was stamped. Exhibit **A-12**.

25. The personally-signed order denying a hearing of my objection to the stamped "proposed" order stated - and referring to Rule 7(a) of the Colorado Rules for Magistrates - "THEREFORE based on the foregoing reasons, the Court Grants the Motion and the Order shall be signed by the Court."

26. I obtained a copy of Mr. Lyle's State Judicial Department contract via a Colorado Open Records Act request. Exhibit **A-13** is the then acting Fourth Judicial District's Administrator's cover letter and the first page of the contract showing the start and end date.

27. I received a letter from the then acting Fourth Judicial District Administrator dated May 12, 2010 commenting on Mr. Lyle's resignation. Exhibit **A-14**.

28. I mailed a large spiral-bound collection of documents to then acting Board of Commissioner Chairman Dennis Hisey on June 25, 2010 by certified mail and provided notice of the mailing the same date to each sitting member of the Board with the introduction and master index of the document enclosed. No Board member responded.

29. I mailed the spiral-bound addendum to the document to then acting Chairman Dennis Hisey on July 17, 2010 by certified mail and provided notice of the mailing the same date to each sitting member of the Board and enclosed selected pages from the addendum for their review. No Board member responded.

30. I mailed the acknowledgement and working draft of a document titled "Privatization of Human Services in Colorado, The Policy Studies Partnership – A Citizen's Review" to then acting Chairman Dennis Hisey and each member of the Board of Commissioners on August 9, 2010 as well as more than 150 other government-related/child support enforcement-related persons across the United States. No board member or government-related/child support enforcement-related person responded.

31. I personally addressed the Board of Commissioners on October 7, 2010 to complain about their failure to respond. Exhibit **A-15**.

32. I listened as Chairman Dennis Hisey interrupted the scheduled agenda on October 7, 2010 near the close of the meeting and asked me to return to the podium for the purpose of allowing Commissioner Clark to make additional comments. Commissioner Clark said, "I just

wanted to, uh, mention that I did a little bit of research on your, your issue and it's, uh, it's become available to me -- that from what we understand -- or from what's gone through our County Attorney's Office -- that the Court ordered you to pay the child support through a divorce case and child support. And only through our contractor, PSI, which collects for us, that's the only relationship the County would have with that. Um, we don't have jurisdiction over the court system. All we do is provide the building for them and so it really is not something that we would be directly responsible for. That being said, we will certainly look into the process that PSI went through to collect the child support. But as it relates to the court ordered child support that you have to pay, that has to be dealt with through the court system. And I don't know if Mr. Louis wanted to make any additional comments. Just so you know that this board doesn't have oversight over the judges that have these cases, uh, that would be something that would have to be handled by the courts." County Attorney Louis immediately said, "I concur whole-heartedly with everything Commissioner Clark said. We can't control the courts. All we can do is review the process that our independent contractor, uh, follows." Then Commissioner Clark and I tried to talk at the same time. Without interruption Commissioner Clark said, "I just wanted you to know that we, that I had followed up on it." I said, "October 12. I'm here for you to consider who, who the contractor is, that's all. I know you can't do anything about the judicial system." Commissioner Clark concluded saying, "Thank you. I just wanted to let you know we didn't forget you, and we will, just, look into the process that was used with PSI okay."

33. I presented the finished 145-page document to Commissioner Clark at the open meeting held January 4, 2011 after making my public comment. Exhibit **16** is my prepared statement. Exhibit **17** is a copy of the Official Minutes.

34. I listened as Chairman Hisey deferred to Commissioner Clark who said, "Mr. Johnson, um, I wanted to try and ask you or ask you, um, your issue with PSI had to do with the fact that you were paying more child support than you ... I interrupted saying, "No, it's well documented. No ma'am." Commissioner Clark continued ... "believed you should and, and that is a decision of the courts on how much you actually pay as a, as part of your obligation to your children, and we don't have oversight over the court system. I interjected again, "I think you should read the story. It's well documented." Commissioner Clark continued, "And I will ask our Department of Human Services Director to come up and I don't know if Toni Herman, um, from Department of Human Services. You worked on the contract we, we extensively questioned both, uh, Young Williams and, uh, PSI at the hearing where we discussed the contract. It's a cost savings to El Paso County. But there were no, from what I understand, there were no issues with regard to, uh, PSI and their customer service policies in place, currently. So there probably wouldn't have been anything done to correct what wasn't necessarily broken. So can you and Rick please address Mr. Williams, uh, Mr. Johnson's, uh, questions and, uh, concerns?" Toni Herman then discussed the RFP process and appropriateness of the award to Young Williams and then addressed the handling of my case stating, "In this case, Mr. Johnson's case was reviewed both judicially, uh, by PSI. It was looked at by the County Attorneys Office, uh, at no time was anything found to be inappropriate in the way this case was handled. It is also my understanding that the noncustodial parent has now signed an affidavit releasing him of any of the arrearages that he did still owe." Mr. Bengtsson then briefly "for the benefit of those listening" commented on the inappropriateness of the Citizen Review Panel and then commented on my issues stating, "We, you know the Department of Human Services, the office of County Attorney, PSI, we were all very involved. It was very collaborative and you know I think we took a very objective and professional view of this. And, uh, I think PSI, you know the years I've

been involved with them, has been very responsive and when we've had any complaint, which we have had very few, at least that come to me, they've always been immediate responsive and we've met with clients, I've met with clients at the courthouse, other people with their staff, so they've always been very responsive." County Attorney Louis then gave a slightly different take on Mr. Bengtsson's comments about the Citizen Review Panel before Commissioner Clark closed out the Commissioners' comments stating, "And it sounds like to me, uh, that, that, um, Mr. Johnson, as you pointed out Toni, has been released from that obligation. So as a result of bringing this matter before the Board and trying to work it out with PSI and potentially the judicial system, all of that. That there's really not an issue now. The only issue is whether there should have been policy changes based on, on, um, this particular case. Um, what I would ask Rick is if you could just have potentially the Citizen Review Panel, if, if that's appropriate Mr. Louis, to just take a look at it, um, see if there's anything we missed as we go forward with our new contractor Young Williams in the next, this year. I think it's important if we, and I know customer service has always been a priority of this Board, as we've, you know occasionally do receive comments and concerns from citizens who are part of that system, um, to see if there's, there's any changes that we need to make in the system from a policy perspective. Um, so that that might, might be helpful and so just have them kind of review the case and see if there's anything more we could have done or the contractor as we move forward into this new year."

35. I vigorously opposed the Clerk & Recorders' "Unofficial Meeting Results" that were posted to the Board of Commissioner's home page prior to their approval as minutes (Exhibit 17). The Unofficial Meeting Results reported: "Robert Wayne Johnson stated he was present to follow-up on his comments made October 7, 2010 regarding the award of the child support enforcement contract to Young Williams in spite of his complaints against them. Commissioner Clark stated that Mr. Johnson's complaint was due to his dissatisfaction over a child support order and asked DHS to speak to Mr. Johnson's matter and the contract award. Rick Bengtsson and Tony [SIC] Herman of DHS stated that the standard RFP process was used and evaluated for award of the contract. They further stated that Mr. Johnson's case had been reviewed judicially and by the County Attorney with no findings of inappropriate handling."

36. I personally attempted to file a police report with the Colorado Springs Police Department on March 9, 2011 and presented a prepared written statement to the police officer assisting me. Exhibit **A-18**.

37. I understand that filing a false police report, anywhere at anytime, is a criminal offense punishable by law.

38. I followed the instructions of the Colorado Springs Police and delivered my written statement to the El Paso County District Attorneys Office where it was accepted and copied by a fraud unit investigator.

39. I received a letter from the El Paso County District Attorneys office dated March 9, 2011 in an envelope postmarked March 17, 2011. Exhibit **A-19**.

40. I mailed El Paso County District Attorney Dan May a letter of response dated March 22, 2011. Exhibit **A-20**.

41. I personally attempted to file a police report on April 29, 2011 with the Denver Police Department serving the area where the Denver perjury offense occurred. Exhibit **A-21**.

42. I followed the instructions of the Denver Police and delivered my written statement to the Colorado Department of Human Services immediately thereafter.

43. I received a letter from the Denver County District Attorneys office dated May 6, 2011 that appears to have been written by an investigator and not an attorney. Exhibit **A-22**.

44. I mailed Denver County District Attorney Mitchell Morrissey a letter of response dated May 12, 2011. Exhibit **A-23**.

45. I mailed a letter of complaint June 20, 2011 to Board Chairman Amy Lathen against DHS Director Richard Bengtsson for failing to follow Commissioner Clark's directive on January 4, 2011 to present the handling of my case to the Citizen Review Panel. Exhibit **A-24**.

46. I mailed and emailed copies of the police statements and the related letters to selected government officials, including among others, El Paso County District Court judicial officers, County Attorney Bill Louis, County Administrator Jeff Greene, the El Paso county commissioners, El Paso County's procurement and contracts manager, and El Paso County's former DHS contract manager. Of that group, only the Fourth Judicial District Administrator Mary Perry responded; Ms. Perry is the former clerk of court that received complaints from me concerning the mishandling of certain paper and electronic records in my case. Exhibit **A-25**.

47. I mailed a letter to the DHS Advisory Commission, another volunteer county-organized DHS citizen group, on June 1, 2011 for the purpose of presenting "the other side" of child support enforcement. None of the members responded. Exhibit **A-26**.

48. I mailed a letter with questions attached on June 9, 2011 to the members of the Board of County Commissioners in response to the Young Williams' first quarter results presentation. None of the commissioners responded. Exhibit **A-27**.

49. I posted comments to KRDO Channel 13's website beginning June 13, 2011 using the questions delivered to the Board of County Commissioners as content. Exhibit **A-28**.

II. STATEMENT OF FACTS

1.

50. I understand Article III of the Colorado Constitution which declares: "The powers of the government of this state are divided into three distinct departments,--the legislative, executive and judicial; and no person or collection of persons charged with the exercise of powers properly belonging to one of these departments shall exercise any power properly belonging to either of the others, except as in this constitution expressly directed or permitted."

51. I understand Article IV, Section 1(a) of the Colorado Constitution which declares: "The executive department shall include the governor, lieutenant governor, secretary of state, state treasurer, and attorney general...."

52. I understand Article VI of the Colorado Constitution establishes the Judicial Department of the State, and Section 1(a) vests the judicial power of the state in a supreme court, district courts, a probate court in the city and county of Denver...."

53. I understand Section 1 of Article XIV of the Colorado Constitution which declares: "The several counties of the territory of Colorado as they now exist, are hereby declared to be counties of the state." I understand Section 6 establishes county commissioners for the purpose of transacting county business and provides for their election and term of office. I understand Section 8 establishes county officers which includes one county attorney "who may be elected or appointed, as shall be provided by law."

54. I understand Section 13 of Article VI of the Colorado Constitution – District Attorneys - election - term - salary - qualifications. I understand the annotation which states, "While a district attorney is an officer of the court as any other attorney, a district attorney is not

a judicial officer nor a part of the judicial branch of the government. A district attorney belongs to the executive branch. *People v. District Court*, 186 Colo. 335, 527 P.2d 50 (1974).”

55. I understand Section 20-1-101(1), C.R.S. which declares: “Every district attorney, before entering upon the duties of his office, shall take and subscribe an oath to support the constitution of the United States and the organic law of the state and that he will faithfully discharge the duties of his office.”

56. I understand Section 24-31-101, C.R.S. which declares: “The attorney general of the state shall be the legal counsel and advisor of each department, division, board, bureau, and agency of the state government other than the legislative branch.”

57. I understand Section 24-1-113, C.R.S. which created the department of law to be headed by the attorney general and goes on to declare: “The collection agency board...and its powers, duties, and functions are transferred to by a type 2 transfer to the department of law as a section of the division of legal affairs....”

58. I understand Section 30-11-101, C.R.S. which lists the powers of counties. The annotation analysis states: “A county is not an independent governmental entity existing by reason of any inherent sovereign authority of its residents, rather, it is a political subdivision of the state, existing only for the convenient administration of the state government, created to carry out the will of the state. *Stermer v. Bd. of Comm'rs*, 5 Colo. App. 379, 38 P. 839 (1895); *Colburn v. Bd. of Comm'rs*, 15 Colo. App. 90, 61 P. 241 (1900); *Bd. of County Comm'rs v. Love*, 172 Colo. 121, 470 P.2d 861 (1970).” “A county in Colorado is nothing more than an agency of the state in the general administration of the state policy, and its powers are solely governmental. *Stermer v. Bd. of Comm'rs*, 5 Colo. App. 379, 38 P. 839 (1895); *Colburn v. Bd. of Comm'rs*, 15 Colo. App. 90, 61 P. 241 (1900).”

59. I gave written notice to Attorney General John Suthers of my intent to file suit on May 27, 2011. Exhibit **A-29**.

60. I gave written notice to then acting Executive Director Karen Beye of my intent to file suit on May 27, 2011. Exhibit **A-30**.

2.

61. I am entitled to the protections afforded to all U.S citizens through the Fourteenth Amendment of the Constitution of the United States which prevents any state from abridging my citizenship rights, in that, “[n]o state shall deprive any person of life, liberty, or property without due process of law; nor to deny to any person within its jurisdiction the equal protection of the laws.”

62. I am entitled to the protections afforded to the people of Colorado through the Bill of Rights as enumerated in Article II of the Constitution of the State of Colorado. I hold Section 3 to be true, in that, “[a]ll persons have certain natural, essential, and unalienable rights, among which may be reckoned the right of enjoying and defending their lives and liberties; of acquiring, possessing and protecting property; and of seeking and obtaining their safety and happiness.” I hold that justice should be equal as guaranteed by Section 6, whereby it is held that “[c]ourts of justice shall be open to every person, and a speedy remedy afforded for every injury to person, property or character; and right and justice should be administered without sale, denial or delay.” I further hold that I am entitled to the guarantee of Section 25 which provides that “[n]o person shall be deprived of life, liberty, or property without due process of law.”

63. I support the purpose of C.R.C.P. 16.2 which is “to provide a uniform procedure for resolution of all issues in domestic relations cases that reduces the negative impact of adversarial litigation wherever possible. To that end, this Rule contemplates management and facilitation of the case by the court, with the disclosure requirements, discovery and hearings tailored to the needs of the case.” I understand that the Rule exempts the Child Support Enforcement Unit from the provisions of the Rule “unless the CSEU enters an appearance in an ongoing case.”

64. I am aware 16.2(e)(1) states: “Parties to domestic relations cases owe each other and the court a duty of full and honest disclosure of all facts that materially affect their rights and interests and those of the children involved in the case. The court requires that, in the discharge of this duty, a party must affirmatively disclose all information that is material to the resolution of the case without awaiting inquiry from the other party.”

65. I complied with the Delay Prevention Order issued November 24, 2009 by then acting Fourth District Magistrate John Paul Lyle via the sworn financial statement filed with my motion to modify child support September 21, 2009. As a result of this disclosure to the Court, the State Division of Child Support Enforcement through action by the El Paso County Child Support Enforcement Unit made its largest seizure to date. Exhibit **A-31**.

66. I did not receive the mandatory discovery from the Defendant or from the El Paso Child Support Enforcement Unit or its legal representative, Belveal, Eigel, Rumans, & Fredrickson, LLC, or the State’s special prosecutor for child support enforcement, Christina K. Eigel. The affidavit accepted by the Court was not a sworn financial statement as required by Form 35.1 and was of no real value for discovery purposes. Exhibit **A-32**.

67. I was entitled to discover information about Defendant’s assets, which were substantially increased by the inheritance(s) from her mother’s estate that affected the computation of her personal income as well as our combined income for child support calculation purposes.

68. I was prohibited from securing testimonial evidence necessary to establish the purpose and effect of the perjured Affidavit of Custody and Direct Support that brought about the special entry of appearance of Belveal, Eigel, Rumans, & Fredrickson LLC and was used to seize financial assets and money owed to me before and after the case was taken to court. The testimony sought was material to the child support enforcement case which was identified by case number on every filing in the case. (See the original transcript, “Dist. Rec.”, filed with the Court on April 9, 2010 in 96DR1112.)

69. I maintain “the door had been opened” to the case management line of questioning that was objected to and prohibited by the Court by the discovery issues I raised in my testimony during direct examination by Ms. Eigel [Dist. Rec. at 5, ¶ 13-15; at 7, ¶ 12-16; at 7, ¶ 21-25 – 8, ¶ 1; at 8, ¶ 7-11] who crossed over from her State prosecutor’s role on one occasion to defend the actions of the Child Support Enforcement Unit who was her employer [Dist. Rec. at 9, ¶ 1-11].

70. I hold that child support enforcement has an engrained bias toward women that easily supplants the objectivity of persons involved in it, be they employees of DHS or a private child support enforcement contractor, family law attorneys, magistrates or judges, or government officials. I hold that what happened in the hearing of January 13, 2011 was more than bias; it was a preconceived plan orchestrated for an improper purpose that successfully committed “fraud upon the court”, a criminal offense.

71. I hold that what I wrote to Colorado legislators and the federal Office of Child Support Enforcement is still true: “In Colorado, the laws passed by legislators provide a fair and tested means of ensuring that children receive the support of both parents equitably with clear written

guidelines as to how that is determined and accomplished. I do not believe legislators intended anything less when the laws are applied in practice, whether or not adherence to them would reduce access to federal dollars. I remain hopeful that the extraordinary events in my case are an exception not the rule. But I believe Policy Studies, Inc. should be held accountable for its bad practices and that no contractor should have unlimited authority to do as it will and profit in any way from abusing the powers entrusted to it.”

3.

72. I have read Rule 1 of the Colorado Rules for Magistrates which declares: “These rules are designed to govern the selection, assignment and conduct of magistrates in civil and criminal proceedings in the Colorado court system. Although magistrates may perform functions which judges also perform, a magistrate at all times is subject to the direction and supervision of the chief judge or presiding judge.

73. I have read C.R.M. 4(c) which declares: “All magistrates shall be appointed, evaluated, retained, discharged, and disciplined, if necessary, by the chief or presiding judge of the district, with the concurrence of the chief justice.”

74. I have read C.R.M. 4(g) which declares: “All magistrates in the performance of their duties shall conduct themselves in accord with the provisions of the Colorado Code of Judicial Conduct. Any complaint alleging that a magistrate, who is an attorney, has violated the provisions of the Colorado Code of Judicial Conduct may be filed with the Office of Attorney Regulation Counsel for proceedings pursuant to C.R.C.P. 251.1, et. seq. Such proceedings shall be conducted to determine whether any violation of the Code of Judicial Conduct has occurred and what discipline, if any, is appropriate. These proceedings shall in no way affect the supervision of the Chief Judge over magistrates as provided in C.R.M. 1.”

75. I have read C.R.M. 7(a)(4) which declares: “A final order or judgment is not reviewable until it is written, dated, and signed by the magistrate. A Minute Order which is signed by a magistrate will constitute a final written order or judgment.”

4.

76. I have read the definition of “reviewing judge” in C.R.M. 3, which is “[a] judge designated by a chief judge or a presiding judge to review the orders or judgments of magistrates in proceedings to which the Rules for Magistrates apply.

77. I have read C.R.M. 7(a)(2) which declares: “The chief judge shall designate one or more district judges to review orders or judgments of district court magistrates entered when consent is not necessary.”

78. I filed timely petitions of three of Magistrate Candea-Ramsey’s final orders, having read C.R.M. 7(a)(5): “A party may obtain review of a magistrate's final order or judgment by filing a petition to review such final order or judgment with the reviewing judge no later than fifteen days subsequent to the final order or judgment if the parties are present when the magistrate's order is entered, or fifteen days from the date the final order or judgment is mailed or otherwise transmitted to the parties. If the final order or judgment is mailed or otherwise transmitted, three days shall be added pursuant to the provisions of C.R.C.P. 6(e).”

79. I understood the response to the petitions were “within ten days after being served with a petition for review” per C.R.M. 7(a)(7), if a party wants to file a memorandum brief in opposition.

80. I have read C.R.M. 7(a)(8) which declares: “The reviewing judge shall consider the petition for review on the basis of the petition and briefs filed, together with such review of the record as is necessary. The reviewing judge also may conduct further proceedings, take additional evidence, or order a trial de novo in the district court.”

81. I could not file the transcript with the petition to review the stamped order because it was not in my possession. But at the time the first petition was filed, two more were planned to be filed within the same week and the last one to be filed was to be filed with the transcript.

82. I understood C.R.M. 7(a)(9) which declares: “Findings of fact made by the magistrate may not be altered unless clearly erroneous. The failure of the petitioner to file a transcript of the proceedings before the magistrate is not grounds to deny a petition for review but, under those circumstances, the reviewing judge shall presume that the record would support the magistrate's order.” Several findings of fact were clearly erroneous.

83. I have read C.R.M.(10) which declares: “The reviewing judge shall adopt, reject, or modify the initial order or judgment of the magistrate by written order, which order shall be the order or judgment of the district court.”

84. I have read C.R.M. (5)(a) which declares: “An order or judgment of a magistrate in any judicial proceeding shall be effective upon the date of the order or judgment and shall remain in effect pending review by a reviewing judge unless stayed by the magistrate or by the reviewing judge. Except for correction of clerical errors pursuant to C.R.C.P. 60(a), a magistrate has no authority to consider a petition for rehearing.”

85. I received a letter from the State Child Support Enforcement Division dated August 17, 2010 that addressed the issue of the decision to stamp the order. Exhibit **A-33**.

86. I mailed a letter in response to the August 17 letter. Exhibit **A-34**.

87. I received copies of Judge Grohs’ e-filed orders, including the order adopting Magistrate Candea-Ramsey’s order denying my new motion to modify child support. The order states in its relevant part, “The magistrates Order of January 13, 2010 was reduced to writing and signed by a magistrate on March 26, 2010.” I hold that under normal circumstances there is no need to say a magistrate’s order is signed. Exhibit **A-35**.

88. I reviewed the e-filed order with Judge Grohs’ electronic signature adopting Magistrate Candea-Ramsey’s order modifying child support as ordered from the hearing. It states Judge Grohs reviewed the pleadings and the transcript and there were no errors of fact and “[t]he Order entered by the magistrate nunc pro tunc to 1-13-2010 is consistent with the magistrate’s findings at the hearing.” Exhibit **A-36**.

89. I reviewed the e-filed order with Judge Grohs’ electronic signature adopting Magistrate Candea-Ramsey’s order denying my motion to change venue. It states in part, “The issues raised by Respondent in his Petition for Review and his motion complain about the findings made by a magistrate at the 1-13-10 hearing. Those issues were considered by this Court and ruled in a separate order on today’s date. The magistrate’s ruling on the motion for a change of venue is not erroneous.” I hold that on the basis of all of the motions, pleadings, and petitions filed in the case and the transcript and my affidavit, the decision to deny change of venue was an error of law and a clear abuse of discretion. Exhibit **A-37**.

90. I hold that the differences in date format and grammatical correctness between the three e-filed orders bearing Judge Grohs’ electronic signature require explanation.

5.

91. I signed a sworn statement on July 13, 2010 attesting to the difficulties I experienced with the Clerk's Office. It is page 92 of the addendum received by the El Paso Board of Commissioner and mailed to Fourth District Court officers and other government officials. See also Exhibit 25.

92. I discussed the signing of the order with El Paso Child Support Enforcement Fiscal Specialist Melissa Balquin on October 22, 2010 and again on October 23 by letter. Exhibit **A-38**.

93. I visited the courthouse on November 29, 2010 to verify that the Affidavit to Forgive Arrears prepared by the El Paso Child Support Enforcement Unit and signed by Defendant on November 24, 2010 was in the case file. It was not. Exhibit **A-39**.

94. I discovered instead a copy of the order modifying child support in the case file on November 29, 2010 with a yellow post-it note attached to this signature page: Exhibit **A-40**. No one required that I be mailed a copy.

I swear/affirm under oath that the facts provided herein are true to the best of my knowledge and belief.

Submitted this ____ of August, 2011 by _____.

Subscribed and affirmed, or sworn to before me in the County of _____, State of _____, this _____ day of _____, 20 _____.

My Commission Expires: _____

Notary Public

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the foregoing AFFIDAVIT TO SUPPORT MOTION FOR CHANGE OF VENUE and Exhibit List with Exhibits was placed in the United States mail, postage prepaid, on August ____, 2011 and addressed to:

Vanessa R. Dolbow
1836 Brookdale Drive
Colorado Springs, CO 80918-3476

Robert Wayne Johnson
Plaintiff, Pro Se