

Attorney wants suit dismissed

By The News-Record staff

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Pine Haven's attorney has filed a motion in District Court to dismiss a lawsuit that called for a recall election of town Mayor Robert Sieveke.

Attorney Patrick Carpenter said an attempt to force a recall of Sieveke is "utterly without merit."

Since Pine Haven is a mayor/council form of government, and the law only allows those people who have adopted a "commission" form of government to recall their elected officials, he said in the motion, which was filed Monday.

Carpenter could not be reached before deadline Tuesday for further comment.

The recall issue arose in December when 101 Pine Haven residents signed a petition calling for the recall of Sieveke, alleging "incompetence" and other issues, all of which have been refuted by the mayor and the Pine Haven Town Council.

Jeremy Michaels, attorney for Citizens Committee for Responsible Government, the group behind the had not seen Carpenter's motion to dismiss the lawsuit as of Tuesday.

But Michaels had previously said that state law states that "any elected officer may be elected at anytime by the qualified electors by filing a petition with the city clerk signed by at least 25 percent of the registered electors and demanding an election then holding a recall election."

Michaels said Tuesday that he would file a response to Carpenter's motion as soon as he had a chance to review it and that he would also ask for "an immediate decision on this legal issue."

"The people have spoken," he said.

Carpenter can then respond again if he chooses, and the case will go to a judge at the District Court in Crook County for a decision.