



16
SEP 05 2023

BOARD of CLALLAM COUNTY COMMISSIONERS

MINUTES for the week of August 28 – September 1, 2023

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Monday, August 28, 2023. Present were Commissioners Ozias and Johnson and French, and Administrator Mielke.

Items of discussion per the agenda published August 24 were:

- Calendar/Correspondence
- Agreement with Department of Ecology for Environmental Justice Pilot Project Grant
- Letter to Olympic National Park regarding Hurricane Ridge winter season
- Resolution appointing Adam Bernbaum to the Conservation Futures Program Advisory Board
- Discussion regarding Opioid Settlement Funding recommendation from the Board of Health
- Call for hearing to be held Tuesday, September 19, 2023 at 10:30 a.m. regarding an Ordinance adding a Chapter to the Clallam County Code Titled Compost Procurement Policy
- Department of Natural Resources timber harvest and impact on local mills presentation
- Small Business Development Center update
- Review the "How Did We Do" reports comparing each month's actual performance

Meeting concluded at 11:33 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, August 29, 2023. Also present were Commissioners Johnson and French and Administrator Mielke.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

ACTION TAKEN: CRJm to adopt the agenda as Presented, CMFs, mc

PUBLIC COMMENT

- Ed Bowen, Clallam Bay, commented on 2h and 7a

CONSENT AGENDA

- 1a Approval of vouchers for the week of August 21
- 1b Approval of payroll for the period ending August 15
- 1c Approval of minutes for the week of August 21
- 1d Proclamation recognizing September 2023 as Workforce Development Professionals Month

ACTION TAKEN: CRJm to adopt the consent agenda as presented, CMFs, mc

REPORTS AND PRESENTATIONS

- CMF recognizing September 2023 as Workforce Development Professionals Month
- CMF commented on Recompete
- CRJ commented on Hurricane Ridge winter season

CONTRACTS AND AGREEMENTS

- 2a Agreement with Department of Commerce for Secure Crisis Residential Center

ACTION TAKEN: CRJm to approve, CMFs, mc

- 2b Agreement with Administrative Office of the Courts for support of CASA Volunteer Guardian Ad Litem Program

ACTION TAKEN: CRJm to approve, CMFs, mc

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2c Agreement with Administrative Office of the Courts for BECCA Programs and Services.

ACTION TAKEN: CRJm to approve, CMFs, mc

2d Agreement with Department of Children, Youth and Families for evidence-based expansion coordinates services

ACTION TAKEN: CRJm to approve, CMFs, mc

2e Agreement with Department of Children, Youth and Families for At-Risk, Special Sex Offender Disposition Alternative, and Chemical Dependency Block Grant Programs

ACTION TAKEN: CRJm to approve, CMFs, mc

2f Grant agreement with Olympic Peninsula Visitor Bureau for Tourism Enhancement Grant for fair marketing and advertising

ACTION TAKEN: CRJm to approve, CMFs, mc

2g Grant agreement with State Parks and Recreation Commission for Camp David Jr. canoes and aquatic safety at camp

ACTION TAKEN: CRJm to approve, CMFs, mc

2h Agreement with Clallam County PUD for Broadband Infrastructure Improvements Project

ACTION TAKEN: CRJm to approve, CMFs, mc

BIDS AND AWARDS

3a Bid award – Lower Dungeness River Levee Slope Repair – Scarsella Bros., Inc.

ACTION TAKEN: CRJm to approve and authorize the Chair to sign the contract once received, CMFs, mc

HEARING(S) – Beginning at 10:30 a.m.

H1 Consideration of resolution adopting the following Debatable Emergencies:

BOCC Operations – With the reorganization of the Board of County Commissioner and Finance Department offices, additional furnishings are needed to accommodate the newly hired County Administrator/\$4,500

Treasurer – Land Assessment – Department of Natural Resources Fire Patrol billed late 2022 and paid in 2023, and increases for the Department of Natural Resources Fire Patrol, City of Port Angeles Stormwater, and irrigation assessments for county owned parcels/\$2,000

Public Works – Roads – Expenditures for capital machinery purchases that were approved during the budget process were not included in the final budget/\$662,670

Public Works – Equipment Rental and Revolving – The 2023 Equipment Rental and Revolving did not reflect the carryover impact of a budgetary increase made in 2022 to fund higher fuel costs, which have continued to increase more than anticipated in 2023/\$288,364

District Court I

- Grant revenue received in 2022 no longer being spent and will be sent back to Administrative Office of the Courts fund source/\$71,501
- Administrative Office of the Courts grant revenue that supports the Mental Health Court was included in the budget, but the expenses were not/\$21,405

- ATM, read the agenda item into the record

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

- CMO noted no one provided testimony

ACTION TAKEN: CRJm to close the public hearing and adopt, CMFs, mc

BOARD of CLALLAM COUNTY COMMISSIONERS
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H2 Proposed Ordinance title Landscape Requirements

- ATM, read the agenda item into the record
- Donella Clark, Department of Community Development, provided a staff report

ACTION TAKEN: CRJm to open the public hearing, CMFs, mc

- The following provided testimony:
 - Ed Telenick, Sequim
 - Annie O'Rourke, Port Angeles

ACTION TAKEN: CRJm to close the public hearing and adopt, CMFs, mc

ADMINISTRATION

4a Call for hearing to be held on Tuesday September 12, 2023 regarding amending Clallam County Code chapter 5.100 Consolidated Fee Schedule – Records Fees Schedule 110-A

ACTION TAKEN: CRJm to issue notice, CMFs, mc

4b Resolution appointing Jasmine Grenot and Roberta Stoneman to the Developmental Disability Advisory Committee

ACTION TAKEN: CRJm to adopt, CMFs, mc

COMMUNITY DEVELOPMENT

5a Call for hearing to be held no later than Tuesday, September 12, 2023 at 10:30 a.m. regarding a proposed ordinance title Signs

ACTION TAKEN: CRJm to issue notice, CMFs, mc

PUBLIC WORKS

6a Resolution authorizing the temporary closure of Sekiu River Road – No. 17810

ACTION TAKEN: CRJm to adopt, CMFs, mc

BUDGET

7a Resolution adopting the following Budget Revisions:

DCD - Lower Dungeness Floodplain – Funding for monitoring devices for the Dungeness Levee which will be used to monitor water quality, fish movement, water flow, and depth/\$50,000

HHS – Foundational Public Health Services – The Foundational Public Health Services budget is being revised to increase the grant funding returned line. This revision reallocates the balances remaining in those lines that were not fully expended into the grant funding returned line in preparation to submit the refund request/\$243,969

ACTION TAKEN: CRJm to adopt, CMFs, mc

7b Resolution adopting the following Supplemental Appropriations:

Public Works – Equipment Rental and Revolving – Expenditures for capital machinery purchase were included in the budget, however, the revenue was not/\$924,380

HHS – Environmental Health – Washington State Department of Health Consolidated Contract is adding funding to the shellfish and onsite septic system programs to perform testing and monitoring related services/\$38,333

ACTION TAKEN: CRJm to adopt, CMFs, mc

PUBLIC COMMENT

- Ann Stafford, Port Angeles, commented on timber sale Power Plant, Elwha River
- Ed Bowen, Clallam Bay, commented on Sekiu River Road, Department of Community Development, Northwest - Olympic National Forest Plan comments, local fires
- Ellen Menshew, Joyce, commented on timber sales Power Plant, Elwha River (See attached)
- Annie O'Rourke, Port Angeles, commented on the Landscape Ordinance
- Tim Wheeler, Sequim, commented on timber sales Power Plant, Elwha River

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- Nils Andermo, Sequim, commented on timber sales Power Plant, Elwha River
- Mary Telenick, Sequim, commented on code enforcement issues
- Ed Telenick, Sequim, commented on Hearing Examiner, Department of Community Development, code enforcement issues (see attached)

The meeting concluded at 11:54 a.m. and continued to 9 a.m., Tuesday, September 5, 2023.

There are no Zoom chat logs for the week of August 28.

The Board of Commissioners attended WSAC Virtual Update, Department of Natural Resources Meeting, Coffee with Colleen, and Housing Solutions Committee Meeting during the week of August 28.

PASSED AND ADOPTED this 5th day of September 2023.

ATTEST:

Loni Gores, MMC, Clerk of the Board



BOARD OF CLALLAM COUNTY COMMISSIONERS

Mark Ozias

Randy Johnson

Mike French

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CMF Commissioner Mike French

m moved
mc motion carried
s seconded

Public comment
8/29/23

Ellen menshew

Ellen Menshew
337 Deer Tracks Rd.
Port Angeles, WA 98363

Good morning. I stand before you, again, this morning to ask that you intervene to pause or cancel the "Power Plant" timber sale in the Elwha Watershed. Protecting this timberland is critical to continuing the restoration process of the natural ecosystem still in recovery from the dam removals within the last ten years.

In the past week you've received additional data and expert opinions relating to the devastation that, likely, will occur if this timber is removed.

The City of Port Angeles has submitted their objection to this timber sale due to the risk it poses to the city's water supply. Again, I ask you to join them in solidarity to register your objection with Commissioner Franz. Alternative funding sources to offset the lost revenue from this sale should be sought through collaboration with our WA. State legislators in the 24th LD. Representative Mike Chapman has offered his support in this regard. I urge you to act swiftly and save this forest land to protect the future of all of us in Clallam County.

"If you are not a scientist and you disagree with scientists about science, it's actually not a disagreement. You're just wrong! Science is not truth. When science changes its opinion, it didn't lie to you. It learned more."
- Neil deGrasse Tyson

Public comment
8/29/23
Ed Telenick

Submitted to public record.
8/29/23
Telenick

From: Ed telenick
Sent: Friday, August 25, 2023 9:33 AM
To: Mark Ozias; French, Mike; Randy Johnson
Cc: Nichols, Mark; Emery, Bruce; King, Brian
Subject: Flawed HE report and failure to follow legally enforceable orders

Commissioners,

I am writing this morning to express my frustration regarding the situation that the County has allowed to occur in our neighborhood. As elected officials some of the responsibilities you share are to provide leadership and fiscal accountability to the citizens you serve.

We have been trapped in a mess for almost 3 years. Despite hundreds of emails from ourselves, speaking to you on record regarding our concerns (several times), plus dozens of calls by similarly affected neighbors, we are still dealing with what should have been a simple process of the County working WITH us to correct a simple historic boundary line issue and following the legally binding orders of the HE for a repeat serial violator of the County codes.. This mess has wasted hundreds of hours of Staff time, cost us thousands of hours of our own time, tens of thousands of dollars of our retirement income, and violated an entire neighborhood's rights to live in a safe and peaceful place.

According to the Home Rule Charter Article 5.25, the HE operates under the authority of the BOCC, not the DCD. Again, although DCD and Planning may serve as Staff to the HE, that HE serves at the pleasure of the BOCC, not the DCD. Asking the same DCD and Planning Staff (who have been responsible for many, many poor decisions that have cost Clallam County taxpayers millions of dollars) to prepare an objective report resulted in exactly what one would have expected. Earlier this week you were provided with a summary of Hearing Examiner's report card, along with a presentation by the new DCD Director where he confirmed the legal authority of the HE decisions.

The Director not only distorted the truth in his report but is also failing to uphold his Oath of Office, County Codes, and an MOU that was supposed to usher in a new era of cooperation and accountability. At the same time he made his presentation, the Director was knowingly ignoring the those same legally binding HE orders he defended during the work session. He is continuing to support serious errors made by his Staff and has now falsified data in an attempt to cover their tracks. Those errors and falsehoods are extremely well documented for anyone willing to objectively look at them.

The presentation you were given at Mondays work session was full of distortions and inaccurate information, much of which can't even be confirmed because the County neglected to put any of the Public Hearing notices on their website until several months ago after we complained to Public Records. That oversight(?) prevented concerned citizens from even knowing there were Public Hearings scheduled unless they were within the mailing notification area, happened upon the small posted signs that are routinely removed, or are a subscribed to the local paper. Instead, the County calendar's bimonthly timeslot for the HE (which is used as a placeholder) actually made it appear that there were no scheduled hearings for those dates.

Mr. Emery has failed to respond to 9 emails from our tenant who is concerned about animal control issues where the illegal occupants have allowed their dog to defecate on his sidewalk numerous times, chase and injure his chickens, listened to screaming matches between the occupants, and has been subject to hours and hours of non stop barking of their dog. One of the occupants has bench warrants in two other states and both have recently been arrested locally on more than one occasion for theft. They are almost immediately released and return to this property. Code Enforcement has failed to act or respond to ongoing code violations despite multiple requests to do so. This house does NOT have a Certificate of Occupancy and they are not supposed to be residing there.

We are including the letter that was obtained through a PRR, stating that the case was to be turned over for prosecution on June 4th 2023 for non compliance. To date it has not been done as far as we can determine. The reason "as far as we can determine" was added, is because the County is also violating their own Code (CCC. 20.08.07) and ignoring specific instructions by Interim director Rich Meier to provide us with current CE information without going through the FOIA process.

We are attaching a few recent photos of the house that the County considers nearing final approval, screen shots of its occupants, and a junk vehicle that the County has ignored for months, despite being in direct violation of the HE Orders. (This makes close to a dozen JV's that have been strewn across the property, dismantled and or vandalized with parts ending up in Macdonald Creek, since Mr. Reeves Orders were issued in April 2021).

To date there have been NO monies collected for anything, despite thousands of dollars of accrued fines spanning almost 3 years. The house has bypassed almost all required inspections by both the County and L and that should have been conducted to ensure safe construction. Instead the owner was actually rewarded with free dump vouchers, car affidavits, additional CV notices without enforcement of current ones, free dumpsters and arbitrary permission granted that overrode the Judges Orders. In the meantime we are afraid to leave our home because of what these people have done.

This case shows the reality of how the HE system is really working and is only one example of the amount of work and wasted time generated by a single CE case. Similar situations exist throughout this County with respect to CUP's LDV's, etc. and the failure of the County to follow the Orders of the HE that is serving at "BOCC's pleasure". They are resulting in an increasingly frustrated electorate, thousands of hours of wasted Staff time and resulting in unnecessary litigation that is costing us all as taxpayers.

As Commissioner's you have the responsibility and authority to act. Please do so!

Ed telenick

Sent from [Mail](#) for Windows

Submitted to public
Record 0/29/23
Telenick



WASHINGTON COUNTIES RISK POOL

Created by Counties for Counties

Risk Team
Chuck Boyd, Director
360-689-6311

T.C. - Derek 6/1/22

2021-22

MEMORANDUM OF LIABILITY COVERAGE

Washington Counties Risk Pool
2558 R.W. Johnson Road SW, Suite 106
Tumwater, WA 98512-6103
360-292-4500, FAX 360-292-4501
www.wcrp.info

POLICY EXCLUSIONS

2. Oral or written publication of material whose first publication took place before the beginning of the MLC period.

However, any fact pertaining to any one **protected party** shall not be imputed to any other **protected party** for the purpose of determining the application of this exclusion.

I. Revenue Refunds. Refund of taxes, fees or assessments.

J. Punitive Damages. Liability for punitive or exemplary damages, except to the extent that the **member county** is legally liable therefore, because of the conduct of its officers, employees or volunteers. The exception to this exclusion does not apply to any agreement by a **member county**, pursuant to RCW 4.96.041 or otherwise, to pay an award for punitive or exemplary damages entered against an officer, employee, volunteer or any other individual or organization other than the **member county** itself.

K. Improper Financial Gain. Liability arising in whole, or in part, out of any **protected party** obtaining remuneration or financial gain to which the **protected party** was not legally entitled. However, any fact pertaining to any one **protected party** shall not be imputed to any other **protected party** for the purpose of determining the application of this exclusion.

L. Willful Penal Violations and Fraud. Liability arising out of the willful violation of any penal statute or ordinance or liability for acts of fraud committed by or at the direction of any **protected party**.

M. Asbestos.

1. Any liability for **property damage** or **bodily injury** at any time arising out of the manufacture, mining, use, sales, installation, removal or distribution of, or exposure to, asbestos, asbestos products, asbestos fibers or asbestos dust; or

2. Any obligation of the **protected party** to indemnify any party because of damages arising out of such **property damage** or **bodily injury**, at any time as a result of the manufacture, mining, use, sales, installation, removal or distribution of, or exposure to, asbestos, asbestos products, asbestos fibers or asbestos dust; or

3. Any obligation to defend any **suit** or claim against the **protected party** alleging **bodily injury** or **property damage** and seeking damages, if such **suit** or claim arises from **bodily injury** or **property damage** resulting from or contributed to or by any and all manufacture, mining, use, sales, installation, removal or distribution of, or exposure to, asbestos, asbestos products, asbestos fibers or asbestos dust.

N. Willful Civil Violations. Liability arising out of the willful or wanton violation of any civil statute, ordinance or regulation.

O. War and Uprisings. Liability due to war, whether or not declared, or any act or condition incident to war. War includes civil war, insurrection, rebellion or revolution.

P. Expected or Intended Acts. **Bodily injury**, **property damage**, or errors and omissions expected or intended from the standpoint of the **protected party**. This exclusion does not apply to **bodily injury** or **property damage** resulting from the use of force to protect persons or property.

Q. Official Bonds. Liability of the **protected party** or a surety for the **protected party** arising out of any claim, **suit**, demand, or action to recover on an official bond.

R. Budget Over-expenditures. Liability of the **protected party** or a surety for the **protected party** arising out of expenditures made, liabilities incurred, or warrants issued in excess of budget appropriations.

S. Sale of Alcoholic Beverages. Liability arising out of the sale of alcoholic beverages by any **protected party**.

T. Nuclear Energy. This MLC shall not apply to **bodily injury**, **personal injury**, **property damage**, errors and omissions or advertising injury:

1. With respect to which the **member county** under the MLC is also an insured under a nuclear energy liability policy issued by Nuclear Energy Liability Insurance Association, Mutual Atomic Energy Liability Underwriters, Nuclear Insurance Association of Canada or any of their successors, or would be insured under any such policy but for its termination upon exhaustion of its limit of liability; or

2. Resulting from the hazardous properties of nuclear material and with respect to which:

3.34.020 Legal representation.

As a condition of service or employment with Clallam County, the County shall provide to an official or employee, subject to the conditions and requirements of this chapter, and notwithstanding the fact that such official or employee may have concluded service or employment with the County, such legal representation as may be reasonably necessary to defend a claim or lawsuit filed against such officer or employee resulting from any conduct, act, or omission of such official or employee performed or omitted on behalf of the County in their capacity as a County official or employee, which act or omission is within the scope of their service or employment with the County. Such legal representation shall be provided by the Prosecuting Attorney's office or by an attorney designated by the Prosecuting Attorney pursuant to RCW 36.27.040.

3.34.030 Exclusions.

The obligations assumed under this chapter by the County and the County Prosecuting Attorney's office shall not apply to:

- (1) Any dishonest, fraudulent, criminal, or malicious act of an official or employee;
- (2) Any act of an official or employee which is not performed on behalf of the County;
- (3) Any act which is outside the scope of an official's or employee's service or employment within the County; or
- (4) Any lawsuit brought by or on behalf of the County.

The provisions of this chapter shall have no force or effect with respect to any accident, occurrence or circumstance for which the County or the official or employee is insured against the loss or damages under the terms of any valid County purchased insurance policy.

3.34.040 Determination of exclusion.

The determination of whether an official or an employee is entitled to a defense by the County under the terms of this chapter shall be made by the Prosecuting Attorney. There shall be no appeal from such determination, except to the Superior Court by means of an action for declaratory judgment.

3.34.050 Representation and payment of claims – Conditions.

The provisions of this chapter shall be applicable, provided that the following conditions are met:

- (1) In the event of any incident or cause of conduct potentially giving rise to a claim for damage or the commencement of a suit, the official or employee involved shall as soon as practicable give the County risk manager written notice thereof, identifying the official or employee involved, information with respect to the date,

Submitted to public record
9/29/23 Telenick

time and place of the incident or conduct giving rise to the claim or lawsuit, as well as the names and addresses of all persons allegedly injured or otherwise damaged thereby, and the names and addresses of all witnesses;

(2) Upon receipt thereof, the official or employee shall forthwith deliver any claim, demand, notice, or summons or other process relating to any such incident or conduct to the County risk manager and the Prosecuting Attorney. Said official or employee shall cooperate with the Prosecuting Attorney or any attorney designated by the Prosecuting Attorney, and upon request, assist in making any settlements of any suits and enforcing any claim for any right of subrogation against any persons or organization that may be liable to the County or its officers or employees because of any damage or claim of loss arising from the incident or course of conduct;

(3) Such officials or employees shall attend interviews, depositions, hearings and trials and shall assist in securing and giving evidence and obtaining attendance of witnesses and do all things necessary to defend against the claim or suit; and

(4) Such officials or employees shall not accept nor voluntarily make any payment, assume any obligation, or incur any expense, other than for first aid to others at the time of an incident or course of conduct giving rise to any such claim, loss or damage.

3.34.060 Settlements.

The County may make settlement of any claim or suit as it deems expedient.

3.34.070 Legal representation of marital community.

If an official or employee is entitled to a defense pursuant to this chapter, and the lawsuit in which he/she is named as a party also names his/her spouse or marital community, the defense obligation pursuant to this chapter shall also extend to the named spouse and/or marital community.

3.34.080 Effect of compliance with conditions.

If legal representation of any official or employee is undertaken under this chapter, all of the conditions of representation are met, and a judgment is entered against the official or employee, or a settlement made, the County shall pay such judgment or settlement; provided, that the County may, at its discretion, appeal as necessary such judgment.

3.34.090 Failure to comply with conditions.

In the event that any official or employee fails, neglects or refuses to comply with any conditions of CCC 3.34.050, or elects to provide his/her own representation with respect to any such claim or litigation, then all of the

Submitted to public record
8/29/23
Telenick

From: Sill, Rich
To: Emery, Bruce
Cc: Reyes, Tom
Subject: RE: Formal investigation requested
Date: Thursday, June 15, 2023 10:36:51 AM

Hello Bruce,

Yes, the follow-up process for personnel investigations for management is outlined in Section 200 Personnel [specifically 235 (10.5)] under County Officials responsibilities. Probably breaking down the allegations as to whether they would be in violation of County Code, Charter, or Administrative policies as I referenced, to would be the starting step.

I am thinking that you might have already addressed much of this inquiry as Mr. Telenick seems to have the same complaints flavored by intensity or perspective as to who he thinks is the offender at the time of complaint.

Review those sections and then we can have a follow-up discussion for focus. It would be good, in his case, to make sure you notice him that you are in receipt of his complaint, so he does not add the required response timing to an additional complaint.

In any case, there needs to be a documentation of the matter like you did on the last complaint. At some point the law of redundancy will take effect and the matter(s) will have been extinguished.

Thanks

Rich

From: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Sent: Wednesday, June 14, 2023 3:33 PM
To: Sill, Rich <Rich.Sill@clallamcountywa.gov>
Subject: RE: Formal investigation requested

Hi Rich,

I hope you are well today and still on a good recovery path. Are there any specific County policies that provide a framework for responding to such complaints? I have not been down this road before and want to make sure I get it right. Based on my review, I cannot find anything substantive that is backed by the facts on this matter. Thank you for your help on this and we all look forward to seeing you well and back at it.

Bruce Emery

250/345 23-573

Submitted to public record
6/29/23
Telenick

From: Reyes, Tom
To: Sill, Rich
Subject: RE: Formal investigation requested
Date: Wednesday, June 14, 2023 1:45:03 PM

Yes, I agree.

From: Sill, Rich <Rich.Sill@clallamcountywa.gov>
Sent: Wednesday, June 14, 2023 1:32 PM
To: Reyes, Tom <tom.reyes@clallamcountywa.gov>
Subject: FW: Formal investigation requested

Hello Tom,

This looks like we should have Bruce do the investigation, but I want to know your thoughts.

Thanks

Rich

From: Ed telenick <e.telenick@hotmail.com>
Sent: Wednesday, June 14, 2023 12:39 PM
To: Sill, Rich <Rich.Sill@clallamcountywa.gov>; Reyes, Tom <tom.reyes@clallamcountywa.gov>
Cc: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>; Warren, Annette <annette.warren@clallamcountywa.gov>; Boughton, Dee <dee.boughton@clallamcountywa.gov>; web_Commissioners <web_Commissioners@clallamcountywa.gov>
Subject: Formal investigation requested

We are filing a formal complaint against Clallam County Building official Annette Warren for the following reasons. We believe her actions have allowed an unsafe structure to bypass safe building standards, jeopardized our safety, created ongoing nuisance in the neighborhood, caused unnecessary stress for ourselves, our tenants and has generated considerable expense for ourselves.

Over the past two years she bypassed or overlooked many mechanisms that could have reduced the Counties exposure to liability and that could protected our neighborhood and property values. She, in turn, selectively favored the very person who created the problems in the first place and then distorted the truth of what was occurring. Her and her Staff ignored well documented building code violations and knowingly made concessions that allowed the process to continue when they should have been corrected.

More importantly, Ms. Warren also provided inaccurate information to the then Director of Community Development which resulted in retaliatory actions that were taken against us. This has damaged our reputation and fostered a situation that continues to jeopardize our safety and created stress that is now manifested in medical problems for both of us.. We live in daily fear of being

p 270/345 23-573

Complaint Investigation Report
July 6, 2023

*Response to Emery
Investigation with Exhibits
Submitted to T. Mielke;
public records 8/29/23
Telenick*

Section 1: Background Information

Date received: June 14, 2023 via email

Complainants: Ed & Mary Telenick, 470 Sherburne Road, Sequim, WA 98382

Target of Complaint: Annette Warren, Clallam County Building Official

Nature of Complaint: The complaint targets specific alleged actions and/or omissions of the Building Official concerning property that was the subject of a code enforcement case and subsequent Hearings Examiner action, dated April 8, 2021. The property in question is 550 Sherburne Road and abuts the complainants' property to the south. The details of the complaint are provided in Section 2 of this report, verbatim.

Complaint Investigator: Bruce Emery, Director, DCD

Organization of this Report: This report is organized in three Sections: Section 1 summarizes background information, Section 2 details the complaint and the response from the investigation, and Section 3 provides summary remarks and the conclusion of the investigation. Applicable administrative policies are included under Appendix A, and a list of Exhibits is provided under Appendix B. The text of the complaint has been provided in Section 2 as received [sic] from the complainant in Arial font. Responses provided by the investigator are provided in italics. During the course of this investigation, the investigator reviewed applicable documents and interviewed County staff. Information obtained through interviews is cited in the investigative responses in Section 2.

This document was converted from PDF format to Word in order to add responses so there may some formatting errors associated with the change. Certain sections of Mr. Emery's investigation have also been highlighted in yellow or changed to blue font for emphasis. Our responses are typed in red using Arial Narrow font and new Exhibits are attached at the end of the document.

Section 2: Body of Complaint and Investigative Response

We are filing a formal complaint against Clallam County Building official Annette Warren for the following reasons. We believe her actions have allowed an unsafe structure to bypass safe building standards, jeopardized our safety, created ongoing nuisance in the neighborhood, caused

unnecessary stress for ourselves, our tenants and has generated considerable expense for ourselves.

Over the past two years she bypassed or overlooked many mechanisms that could have reduced the Counties exposure to liability and that could have protected our neighborhood and property values. She, in turn, selectively favored the very person who created the problems in the first place and then distorted the truth of what was occurring. Her and her Staff ignored well documented building code violations and knowingly made concessions that allowed the process to continue when they should have been corrected. More importantly, Ms. Warren also provided inaccurate information to the then Director of Community Development which resulted in retaliatory actions that were taken against us. This has damaged our reputation and fostered a situation that continues to jeopardize our safety and created stress that is now manifested in medical problems for both of us. We live in daily fear of being robbed, having our property damaged and have lost two years of our planned retirement travel because of her missteps. Her actions included providing false information that was relayed to the Principal Planner and is now documented as part of a legal BLA application that misrepresents the truth. We have no idea what consequences this may create for us down the road. We have corroborating documentation for each and every claim we are making (as does the County) and we are asking for a formal investigation into her actions.

- 1) Ms. Warren knowingly and arbitrarily overrode a Hearings Examiner's orders that allowed the homeowner of 550 Sherburne Rd. to continue work on a house that was not supposed to be occupied until a permit was obtained. (CMP 2020-00130). The original permit (BMP 2004-00413) failed in 2004, expired in 2006, was then extended in 2021. It remains open and failed in 2023, well past the allowable one-year extension and 19 years after issuance. The Building Department later attempted to comingle a failed room addition permit with a completely different remodel permit (BMP202100880) while failing to adequately address the serious damage that had occurred to the entire structure.

Investigative response: Findings #2 of Hearing Examiners Decision on CMP202000130, dated April 8, 2021 (Exhibit 2), stated: "Accordingly, the County will not issue new building permits to repair/remodel the dwelling until a boundary line adjustment occurs that places the structure outside of required setbacks. " The finding is referenced from the Staff Report, pages 1 & 2. *At the time, Code Enforcement staff did not converse with other Planning Division staff on whether a boundary line adjustment (BLA) was required prior to building permit approval (Interview of Donella Clark, 6/29/23).* **FALSE** Upon investigation, it is the Planning Division's position that an owner cannot be compelled to complete a BLA without court order upon both property owners, as application for a BLA requires the concurrence and agreement of the abutting property owner. *For this reason, the staff report was in error and the finding concerning this matter is not factual.* The Hearing Examiners decision did not impose the completion of a BLA as a prerequisite to obtaining a building permit (Exhibit 2).

This issue has already been addressed in our response to Mr. Emery's investigation of Ms. Clark. We find no evidence Mr. Emery ever interviewed the Hearings Examiner (HE), whose intentions he is distorting. He also neglected to interview the two Code Enforcement Officers (CEO) who spent hours preparing the Case that went before the HE in 2021. (CMP2020-00130) Sound Law Center is still under contract with Clallam County and both of those former CEOs are currently employed by Clallam County so they were all easily accessible to the Director.

The very purpose of this hearing was for non-compliance of Code Enforcement issues regarding Building Code and Junk Vehicles violations, not a legal gymnastics exercise about whether the BLA was legally enforceable. The entirety of the testimony and evidence was relevant in understanding true intention of the HE. It was the foundation that Mr. Reeves based his decisions on.

Mr. Emery not only omitted the full body of evidence that was presented by the CE team during the hearing as to what was occurring on the problem property, but he then cherry picked the one statement regarding the technicalities of a BLA to discount that evidence and distort the HE true intentions. **EXHIBIT 2**

Upon examination of the actual order of the Hearing Examiner (Page 4 and 5, Exhibit 2), there is no condition placed on the property prohibiting the owner from working on the house, nor any prohibition on the County for issuing any subsequent building permits. Indeed, Condition #3 specifically orders the owner to "obtain building permits to repair the dwelling **INCOMPLETE: THE COMPLETE SENTENCE THAT MR. EMERY QUOTED INCLUDES** ON THE PROPERTY "BY OCTOBER 18, 2021, AND SHALL ENSURE THAT THE PROPERTY REMAINS SECURED AND UNINHABITED PRIOR TO A CERTIFICATE BEING ISSUED". The issuance of building permits and subsequent work on the structure are integral in resolving the violation as determined by the Hearing Examiner. The Hearing Examiners order did specifically prohibit the occupancy of the structure until a Certificate of Occupancy is issued by the County. **TRUE** Upon concluding that occupancy was occurring, Code Enforcement staff contacted the owner on May 4, 2023, indicating that the owner would be subject to fines according to the Hearing Examiner order if the premises were not vacated **MISLEADING** On May 5, 2023, Mr. Fell contacted Code Enforcement, indicating the premises had been vacated. **FALSE** Although complaints from neighbors have been received indicating continued habitation **may be occurring** and other evidence does suggest the same, Code Enforcement has not been able to establish this conclusively. **FALSE**

This entire section of Mr. Emery's statement is not only a distortion of the HE intentions but full of absolute falsehoods. Mr. Fell's family members and friends had been occupying the house and/ or illegal trailers almost continuously since December of 2020, after they were forcibly evicted from another property that they had extensively damaged.

Director Winborn, Clallam County Sheriff's Office (CCSO) Environmental Health, the Building Department, Code Enforcement, multiple neighbors and Mr. Fell himself had ALL provided credible information that the house was being occupied and that unpermitted work was being done with no potable water supply or sanitation.

Had Mr. Emery conducted a sincere investigation, he would have noted that there was considerable discussion between the CEO Major, Mr. Reeves, and Mr. Fell himself who all agreed during the March 18, 2021 Hearing that no significant work be done without a permit and that the structure would require an engineering plan before proceeding with construction.

Mr. Emery himself had significant evidence as early as December of 2022 that the house itself was being occupied, as the trailers were either moved or being dismantled during that time period.. He had the authority and responsibility to act, whether his predecessor chose to or not.

In addition to the dozens of calls to the Sheriff's department for theft, noise, trespass and animal control issues, there had been written complaints by several neighbors with accompanying photographs to CE reporting the occupancy of the house by the owner's son, his girlfriend and uncontrolled pets.

Mr. Fell himself told CCSO that they were living there in December 2022, when he filed a police report for a truck his son supposedly stole from him. **EXHIBIT 8** The County's own Building Inspector (C. Smith) hand delivered the signed permit to the "occupants" of 550 Sherburne Rd. in mid-December 2022. **EXHIBIT 9**

Internal emails between Mr. Emery and a CEO (Michael Sager), as well as those from ourselves and other neighbors are part of the "suggestive evidence" that Mr. Emery references, yet he waited almost 5 months to decide he had conclusive proof. Why didn't he simply ask the occupants if they were living there or use his authority under Rights to Entry to prove what he had been apprised of and suspected for months?

At the very least, Mr. Emery has an obligation to issue a Stop Work order for repeated violations of Building Codes and to restore fines for the junk vehicles that were (one still is) also clearly visible on the property. This has never been done.

In his investigative report, Mr. Emery stated that Mr. Fell contacted CE on May 5th to report the property had been vacated, but failed to note that CE had initiated fines the previous day for ongoing violations of CMP2020-00130 because the owner defiantly refused to have the occupants move. The arbitrary date of May 4, 2023 that Mr. Emery finally decided that the house was occupied is a gross mischaracterization of the actual situation and is of great concern to us.

CEO Fricker issued a letter with Mr. Emery's letterhead stating that the case would be turned over to the Sheriff's Department for prosecution on June 4th, 2023. As of mid-July, 2023 this had not been done and we have no reason to believe it ever will be. The house remained occupied as of August 10, 2023. **EXHIBIT 10**

Mr. Emery has the responsibility to take all Citizens' complaints seriously. Instead, his inactions have allowed convicted felons to illegally occupy a house that is still under HE Orders. We also believe he has also failed to uphold his responsibility under the Charter that also allowed environmental damage to a protected waterway, and the County will soon sign off on a fundamentally unsafe house that could jeopardize the safety of future occupants.

His actions have caused considerable financial hardship and stress for us. We have incurred additional survey costs and protracted legal fees associated with the BLA that is once again being held up because DCD issued improper permits, neglected to follow the requirement for potable water and a functional septic system that should have been dealt with prior to ever issuing a building permit. Our property values have been decreased and our safety has been placed at risk because he is knowingly allowing these individuals to illegally reside at this residence.

As an elected official under the Home Rule Charter, Mr. Emery swore to uphold several things, including the laws of Washington State and ordinances of Clallam County. We submit he is failing to do so.

Critical in the building permit process is the framing inspection, which is based on plan drawings approved by the County's Plans Examiner. **If a project permit expires prior to the completion of framing, new plans and a whole new permit are required for work to continue.** **TRUE** If, however, framing is inspected as complete, subsequent inspections for insulation and building final can be achieved through one-time inspections (\$75 per inspection per CCC 5.100.310(A)). The framing inspection for BPT2004-00413 was found complete by the Building Division on March 8, 2006, per Corrective Notice provided by then Building Inspector Steve Wyman (Exhibit 3). The Corrective Notice only cited corrections needed to the air seal and bath fan duct work—thereby verifying that framing had been completed according to permit requirements. **Final framing approval was granted by Inspector Bill Faulk on August 19, 2021, under the one-time inspection option—confirming that the air seal and bath fan duct work had also been completed.** **FALSE** In his August 19, 2023 Correction Notice (Exhibit 4), Inspector Faulk identified that the rear landing deck and steps, proper connection of gutters and downspouts, and an insulation certificate would be required prior to final approval (Exhibit 4). **TRUE** Insulation was then approved by Inspector Faulk on August 31, 2021. **FALSE**

The Building Official was not informed of enforcement action on the property or the compliance hearing before the Hearing Examiner on March 18, 2021 (Warren interview, 6/27/23). On or about the time of the enforcement hearing, Mr. Fell had asked Ms. Warren if he was authorized to install insulation, with framing having been approved under the original permit (BPT2004-00413). **FALSE** Based on then Building Inspector Steve Wyman's note on the Correction Notice that insulation was authorized (Exhibit 3), and the inspection for insulation would allow Building Inspectors the opportunity to observe the status of structure and as a function of operational policy, Warren affirmed to Fell that he could commence with insulation—subject to post-install inspection (Warren interview, 6/27/23). Prior to a request for inspection of the insulation, drywall had been installed. **TRUE** As is routine policy, Mr. Fell was obligated to remove a panel of the installed drywall so the inspector could confirm the installation of the proper R-value insulation. **TRUE** The proper insulation was confirmed (interview of Bill Faulk, 6/29/23). **FALSE**

Upon inspection for the insulation on August 19, 2021, Inspector Faulk discovered additional work that had been completed beyond the scope of the original building permit (Interview of Bill Faulk, 6/29/23). A correction notice was left with Mr. Fell and a subsequent letter was issued by Building Official Warren on September 3, 2021, requiring the additional building permit (Exhibit 5). A subsequent application was received by the Building Division on September 28, 2021, and BPT2021-00880 was issued on December 16, 2021. To date, all required approvals for BPT2021-00880 have been completed except for final inspection. **FALSE** Subsequent inspections associated with work initiated under BPT2004-00413 show that the landing steps for the rear deck, and gutters and downspouts remain to be completed. Final inspection of BPT2021-00880 will also address additional work to siding, rear decks or other improvements completed on the building. Final approval is also pending successful completion of a sanitary survey of the residential septic system.

This entire part of Mr. Emery's investigation is not only full of inaccurate statements but suggests the much more serious concern that he himself is guilty of deliberately obfuscating the situation and covering up what really occurred.

The permit that was issued in 2004 had framing inspections conducted on 6/27/2005, 3/16/2006, and 3/28/2006 and ALL of them failed. The permit expired in 2006 without a finalized framing permit. It was not revisited until 2021, over 17 years since its issuance and 15 years after it expired.

Mr. Emery distorted the truth by claiming the framing inspection was complete, when he noted Mr. Wyman's OK to proceed with insulation of the walls. The very fact that Mr. Wyman left a Correction Notice dated 3/28/2006 containing the following statements indicates that there were still uninspected requirements.

“You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been completed, call for inspection” Exhibit 9

Mr. Emery himself clearly stated in this very section of his investigative report that **“if a project permit expires prior to the completion of framing, new plans and a whole new permit are required for work to continue”**.

Once the permit expired in 2006 this house did not become suddenly frozen in time, awaiting the August 19, 2021 inspection by Mr. Faulk. Even if it had not sustained the level of damage that was clearly evident to Ms. Warren by that time, it should have been subject to one of many inspections that occur between framing and the finalization of a building permit. **EXHIBITS 11, 12, 13, 14**

Importantly, this is the point at which an electrical inspection should have been conducted to assure the house was wired correctly. When Mr. Faulk signed off on the framing in August of 2021, he was also certifying that the requisite electrical permit was signed off on. **EXHIBIT 15** Labor and Industries has no record of this being done.

Despite Ms. Warren's assertion that we should have contacted Labor and Industries if we had concerns that unpermitted or uninspected work had been done. It was not our responsibility to ensure the proper steps were followed to assure a safe building, but those of employees whose very job descriptions, training and responsibilities were to make sure this was done. **EXHIBIT 16** The Director of DCD, CE, Ms. Warren, Mr. Faulk and Mr. Smith all had obligations to do.

The excuse Ms. Warren gave us that the entire CE team had quit by then is irrelevant and only partially true. Ms. White had been hired by the County to serve as the CE Administrator by mid-summer of 2021. The field team Ms. Warren referred to had resigned, probably in part as a result of the frustrations they experienced when their efforts were being arbitrarily undermined or unenforced by the Building, Planning Staff and the Director herself.

Mr. Emery falsely asserted that the proper insulation for the house was completed. Insulation for the walls was NEVER included as part of the “permission” granted by Ms. Warren according to her own correspondence with the owner several months later. **EXHIBIT 5**

The warning letter Ms. Warren sent to Mr. Fell on September 3rd, 2021 clearly stated that he was not given permission to insulate the walls and was required to provide a Certificate of Insulation for the walls and he would be required to expose a section of previously drywalled framing. This was done 2 weeks AFTER the inspection where Mr. Faulk finalized the framing and confirmed the electrical permit was signed off

Mr. Faulk never made an inspection on August 31, 2021 or signed off on "wall insulation" despite Mr. Emery's attempt to insinuate otherwise. A Certificate of Insulation from C and F Insulation was never issued for the room addition wall insulation and the air seal work was signed off but was never completed by the Insulation Contractor. **EXHIBITS 17,18**

There is no record of additional inspections or fees collected after August 19th on the 2004-00413 permit, and no evidence that drywall was ever removed to visualize the insulation, much less the air seal work, plumbing or electrical wiring; regardless of the County's statements.

Instead, additional requirements for a drywall inspection, gutters and a landing with steps were actually added to the expired 2004 permit as a result of the August 19th inspection. **EXHIBIT 18** An external view of the house recently taken shows that at least two of these issues remain unrepaired 2 years later **EXHIBIT 19**

How is it that the one-year allowable extension for permit 2004-00413 remains open in 2023, while the 2021-00880 permit (which is for an entirely different section of the house) is nearly finalized with the exception of the unfinished gutters, deck landings, downspouts, siding and "other improvements"? Especially when the following statement is included on every notice of Correction. It is repeated here for emphasis. **EXHIBITS 3,4**

"You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been completed, call for inspection"

The degree to which Mr. Emery has gone in trying to distort what happened with this unmitigated mess is absolutely staggering.

The investigation reveals that there were no "arbitrary" actions taken by Ms. Warren to "override" the decision of the Hearing Examiner. Because the circumstances of the Hearing Examiner's review or subsequent decision were not communicated to the Building Division, Ms. Warren could not have reasonably known about the Hearing Examiners Order or any related requirements. **Regardless, the actions of Ms. Warren and the Building Division were consistent with stated and operational policy; and in no way precluded, prevented or were otherwise inconsistent with the Hearing Examiners order. FALSE**

Mr. Emery's argument is both irrelevant and untrue. It is the responsibility of Clallam County DCD Staff to communicate with each other. Their supposed failure to do so didn't relieve the Building Department of their responsibilities to ensure that the house was being built to IBC 105.1 standards.

Code Enforcement had done due diligence in preparing and presenting case CMP2020-00130 before the HE. Part of that process included posting the first red tag on February 16, 2021 along with submitting clear photographic evidence of the damage that had occurred since 2006. **EXHIBIT 21** In addition to the HE decision on April 8th, 2021, there were many Codes that should have guided the process to ensure that the house was being restored safely and in accordance with Mr. Reeves and CE recommendations, starting with a structural engineer.

In a completely different CE case brought before the HE in 2019, Ms. Warren provided the following sworn testimony **"Buildings must be inspected and verified as structurally sound no matter what purpose they serve"** **EXHIBIT 38**. Why Ms. Warren didn't testify in person at 2020-00130 Hearing or follow CEO Major's recommendations that this structure conform to the same safety standards is unknown to us. It is only clear that she did not.

Ms. Warren didn't actually grant her "permissions" until several months after the Hearing, when she had ample evidence that the owner was continuing with major construction without a permit and had accrued fines for the junk vehicle component of the HE Orders. The BLA issue Mr. Emery focused on is not even relevant to Ms. Warren's primary role as the Building Manager, which is to assure safe construction.

Unless the "stated and operational" policies of Clallam County include allowing removal of a Red Tag that was placed by CE to allow insulation of a floor and ceiling for a structure that had 6–8 foot holes in the floor, known ceiling damage, black mold, distorting the intention of safe building codes, ignoring CE input, and extending a failed permit well beyond the 1 year allowable extension 19 years after issuance, Ms. Warren failed to do her job. Mr. Emery is also failing to do his by trying to justify what happened.

The complainant's perception that the Findings were controlling is in error. Only the six (6) stated elements of the Order (p. 4 and 5, Exhibit 2) issued by the Hearing Examiner are controlling. The findings were simply the facts relied upon in reaching the decision, including testimony provided by staff, which under the circumstances of this case, contained an error. TRUE

Once again, errors were attributed to CE when it was clearly the actions of the Building and Planning Department that were responsible for undermining the intentions of the Hearings

Examiner. Mr. Emery is attempting to discount the entirety of that testimony by rationalizing that Ms. Warren had no prior information and that an error was made in the interpretation of the BLA by CE. This is completely disingenuous and very troubling.

All three of the Departments involved in our complaints report directly to the Director of DCD. Mr. Emery's attempt to place responsibility for the error solely on the CE team is of great concern, as their very job title describes their function; which is enforcement of County Codes. It was also their responsibility to bring non-compliant cases before the HE, which they did.

Mr. Emery's willingness to overlook the hard work of the previous CE Team members who were actually in the field, while supporting Staff who had no working knowledge of the situation, is wrong. Mr. Emery never bothered to interview the two CEO's who were involved in this case (confirmed on 8/2/2023) and it is doubtful he has ever contacted Mr. Reeves to ask him directly what his intentions were when his Orders were written.

Taking the testimony of the very Staff who are the subject of our complaints without corroboration is in and of itself a good reason that this investigation should not have never been conducted by Mr. Emery. The fact that Mr. Emery also ran a political campaign against one of the CE officers and received political donations from the Principal Planner that he also investigated should have also raised flags with the County Administrator, where our complaints were filed.

- 2) Ms. Warren falsely stated that the structure needed only minor work to meet codes when she overrode the HE orders, when it was abundantly clear the house was so severely damaged that it was valued at \$0. (BOE Hearing April 18, 2021) The owner himself stated the house was virtually destroyed and yet continued to work without permits for months in clear violation of the HE orders and a red tag that she allowed to be removed. The purchase price of \$15,000 was paid for this house plus 2 acres in late 2020 when property values in Clallam County were nearing an all-time high. That fact itself should have been indicative as to the extent of the damage.

Investigative response: As noted earlier, there is no evidence Ms. Warren "overrode the HE orders. " The authorization to allow insulation of the building was done so according to operational policy and prudent permit processing consistent with the Hearing Examiners order.???? The value of the structure, with or without the property, was not material to this matter. Clallam County Code adopts by reference the 1997 Abatement of Dangerous Buildings Code pursuant to CCC 21.01.080. Section 302 of the 1997 Code allows several options that the Building Official may select to address structures

determined unsafe, including issuance of building permits to bring the structure into compliance. While no determination concerning the safety was ever issued for the subject structure, the building was red tagged for construction activities without the benefit of a building permit on October 26, 2021 **FALSE** The inspection of the insulation that led to this conclusion, also led to the requirement for an additional building permit for other work completed within the structure. Upon issuance of Building Permit BPT2021-00880, the Red Tag was formally and appropriately removed by Ms. Warren under her exclusive authority as Building Official. **FALSE AND MISLEADING**

We find no mention of “operational policies or prudent permit processing” mentioned in the Hearings Examiner Orders or anywhere in County Codes so we have no idea what that even means.

Mr. Emery completely misstated the entire purpose of Section 302 of the 1997 Dangerous Building Code, which is actually a list of 18 definitions that identify what constitutes a hazardous building; We believe that this structure met Definitions 1,2,4,8,9,11, 12,13,15,16,17 and 18 of that Code and find no remediation options listed for such structures under Section 302. **EXHIBIT 21** Again, it was never our responsibility to declare a Building unsafe, but the County's Building Officials.

We had taken multiple photographs and alerted County Staff as to the degree to which the house had been damaged as early as August of 2020. The County has many of those photographs on file, in addition to those contained within this response. Multiple neighbors had filed individual complaints which were being ignored. We were not among those who initially filed those complaints. The initial complaint was in fact filed by Mr. Fell himself, who did not even own the property when his complaint was filed.

The property had been abandoned for 3-4 years, when the owners vacated the house fully furnished and stopped paying taxes. It should have been sold at auction except there was a moratorium on such sales due to Covid. It had tons of solid waste strewn about, doors were broken, there were multiple junk vehicles, and overgrown vegetation was clearly visible from Sherburne Rd. and on aerial photographs. Staff could have certainly viewed the state of accumulated waste from the comfort of their desks, had they chosen to do so.

What wasn't visible on aerial photos or a casual drive-by were the freezers full of rotted meat that were dumped outside and the associated problems to the rest of the neighborhood that had become overrun with rats, feral cats and vandals.

The sales price of \$15,000 was relevant in that it was Mr. Fell's own testimony that claimed the low purchase price was due to the damage of the structure and challenges the property faced. It was also used as evidence to have his house reduced to zero value in a Board of Equalization Hearing.

Sections 201.1, 2, and 3. of the Dangerous Building Code provides clear Enforcement Authority including the Right to Entry in order to ensure that a house is safe, or at the very least safely reconstructed. **EXHIBIT 22** There should have also been strict requirements and timeframes applied to this building as it was located within the SMP and the County had evidence that the Creek was being contaminated with solid waste.

Ms. Warren had also served as a past Fire Marshall for Clallam County and worked as a Code Compliance Officer at one time so she should have been concerned about the degree of damage and safety of the electrical system when she had photographs of exposed wiring, blackened electrical outlets and ongoing unpermitted construction that was covering this up.

Mr. Emery completely conflated the red tags in his investigation. The initial red tag was placed on February 16, 2021 by CEO Major for working without a permit. The tag had been deliberately damaged and obfuscated on more than one occasion; CEO Major attempted to restore it to readability on more than one occasion. **EXHIBIT 20**

Ms. Warren allowed Mr. Fell to remove that red tag sometime in early summer when there was additional evidence of ongoing construction. It was several months after the April 8, 2021 Orders were issued (when she had full knowledge that he was continuing to violate codes), that she gave him permission to insulate both the floors and ceiling without the benefit of a permit.

When Ms. Warren falsely claimed that only minor framing work was necessary, she had photographic evidence of the holes in the floors, missing sections of ceiling, plumbing and electrical damage, foundation issues and that he was under orders to obtain a permit. Stating that the 2004 permit only required minimal work to meet codes is false. Unless "operational policy" includes lying, it is the point at which we believe she crossed the threshold between misfeasance and malfeasance.

Mr. Emery's reference to the October 26, 2021 red tag is the SECOND one that was issued for continuing to work on the house without a Building permit and he should have been fully

aware of that. It was done one week after fines were supposed to begin accruing under the HE Order. **EXHIBIT 23**

The remodel permit was not approved until Dec. 16, 2021. It had nothing to do with the failed Building Addition permit from 2004 (which was for a laundry area and family room addition). The 2021 permit was for water damage to the kitchen and bathrooms, which were part of the existing structure. **EXHIBIT 24** The remodel permit contains no plumbing requirements and yet the issuance of the second red tag was specifically because the Building Department and CE had photographic evidence showing that unpermitted plumbing was being done without potable water.

As hard as County Staff and Mr. Emery try to commingle the two permits, while at the same time dissecting the house into pieces by old and new construction, or by a property line that bisects it, the ENTIRE house was destroyed. We submit the County is now trying to justify their actions by distorting and obfuscating the facts.

Assigning the failed aspects of the 2004 permit to the 2021 permit, while also saying that it is essentially finalized with a few minor corrections needed may be their normal operating procedure, but it is in clear violation of many Building Codes and the County's written policies. In this case it has resulted in an unsafe house that is now considered virtually compliant with the County's stamp of approval.

- 3) The home had not been inspected since 2006 despite photographic evidence presented by CE at the CV hearing that it had been gutted. This included unpermitted electrical work, plumbing, serious foundation and structural problems that should have required a physical inspection and structural engineering before proceeding according to both the owner himself and the CE officer who was working on the case and presented it to HE Judge Reeves. Ms. Warren told the previous Director of DCD that her motivation for granting the extension was to gain access to the interior of the house, when the deficits could be more fully investigated. That was never done because by that time most of the damage had been illegally covered with insulation, drywall, and cabinetry.

Investigative response: As noted earlier, Ms. Warren was not notified of the enforcement process nor the Hearing Examiner's decision concerning the property owned by Fell. Regardless, this fact did not prove significant or detrimental to the overall process. **FALSE** With the framing inspection already approved and engineering not required as

part of the prior building permit, there was no need for engineering for the structure. The testimony of Code Enforcement staff and the owner—if so stated—were not reflective of the requirements applicable to the structure. **FALSE** The authorization of insulation gave the Building Division access to the structure. Once inspected, the owner was required to obtain a new building permit for the additional work done to the structure. Although drywall had been installed, the insulation was inspected and approved according to protocol. This prevented being able to observe the status of the framing **TRUE**; however, with framing having been approved in 2006, there was no specific need or authority to observe this component. **FALSE** The plumbing work completed as part of the additional work was inspected by Inspector Faulk. **EVIDENCE?** Electrical work was recently approved by the Department of Labor and Industries. **MISLEADING** Except for the remaining outstanding issues identified earlier, the project has satisfied all permit requirements. **FALSE**

This entire response by Mr. Emery is false and/or misleading and raises far more concerns about his attempts to cover up what happened than the actual damage that was covered up. Ms. Warren's failure to follow the intent of Code Enforcement's recommendation was absolutely detrimental to the "overall process". It is exactly what allowed the owner to proceed with covering up serious problems when he had already been brought before a Hearing Examiner for violating IBC 105.1 and working without a permit.

There was CLEAR evidence as to the extent of damage that had occurred since 2006, whether she was apprised of it or not. Even if she was unaware of the damage prior to the Hearing, she certainly had evidence immediately afterwards. The framing for the 2004-00413 permit was NOT approved in 2006 and was never visualized in 2021 from everything we have been able to determine. Mr. Emery's assertion that there was no need to do so is very troubling.

In approving the framing Mr. Faulk also certified that the electrical permit had also been signed off. **EXHIBIT 15** That never occurred! Mr. Emery has previously been provided with evidence obtained from L and I verifying this, as well as photographic evidence showing the exposed wiring and degree of damage to the house. Labor and Industries and the Electrical Contractors all reported that there were significant problems with the electrical system and that they were all having the same compliance problems with the owner that the County was.

The electrical permit for the 6 interior branch circuits was actually cancelled by the Contractor, who had found illegal wiring buried in the walls. To our knowledge none of the interior wiring has ever been inspected. The inspection Mr. Emery refers to was for a

completely different matter and by April 10, 2023 it is clear that he was fully aware of that fact, despite what he stated in his investigative report. **EXHIBIT 25**

On October 26, 2021 when Ms. Warren and Ms. White decided that a second Stop Work Order should be placed on the house for continuing to work without a permit, Ms. Warren actually spoke to the owner and threatened to contact L and I herself for working without a permit. It was only after this threat that Mr. Fell hired the licensed electrician that ultimately canceled the permit for the majority of the interior work.

During that same conversation Ms. Warren also told him he would need to remove drywall. It is unclear how that could have been accomplished when there was already cabinetry installed along the same kitchen and bathroom walls where venting, plumbing, appliances and electrical wiring were located. **EXHIBIT 23**

- 4) Ms. Warren repeatedly ignored written and in person requests by us for a meeting and failed to respond to our concerns over a period of several months, despite both neighbors and CE continuing to report ongoing construction without permits.

Investigative response: Ms. Warren provided responses to emails and met with Mr. Telenick at least once. **FALSE** This continued until she was ordered by then Director Winborn that she (Director Winborn) would be the primary contact for all correspondence with Mr. Telenick starting September 3, 2021(Warren Interview, 6/29/23). Following that date, all correspondences received from Mr. Telenick to Ms. Warren were forwarded to Director Winborn. Ms. Warren does not recall not responding to any requests for meetings. If Mr. Telenick's requests occurred after Director Winborn became lead contact, it would have been Director Winborn's responsibility to respond.

We have already responded to the falsehoods reported in this section of the investigative response but will repeat them once again. We have NEVER met Ms. Warren or spoken to her by phone, but did make several good faith efforts to meet with her and attempted to get written responses that went unanswered from mid-July to September 1, 2021. This was done both in person and in writing on more than one occasion. Mr. Emery has full access to his Staff and emails that would have corroborated the veracity of our statement, but apparently neglected to do so. **EXHIBIT 26,27B**

If Ms. Winborn had instructed Ms. Warren to direct all correspondence to her, we were never notified of this. Ms. Winborn's only response to us after the September 3, 2021 email came in the form of a couple of emails beginning in late November 2021 when she asked when we would be correcting our own code violations and telling us for "our sake we better hope our rental garage was not built within setbacks" **EXHIBIT 29B**

The information that Ms. Winborn referenced in her emails came DIRECTLY from the information she was provided by Ms. Warren in her draft email and contained inaccurate information. She never bothered to confirm the accuracy of that data, any more than Ms. Clark or Ms. Warren had, and it is now memorialized in our Settlement BLA 2023-00011 **EXHIBIT 28**

Mr. Emery, the County Administrator, the County Commissioners, and many employees were all well aware of the vindictive nature of Ms. Winborn and her unwillingness to perform her duties. There had already been an external administrative investigative conducted by a labor attorney from Sebris, Busto and James who substantiated her unprofessional conduct with respect to a Code Enforcement supervisor and others. That employee was one of many who transferred to another department or quit the County entirely as a result of Ms. Winborn's management style.

It was well known throughout the County that employees were frustrated because of the toxic environment within the DCD. The Administrator himself was not on speaking terms with Ms. Winborn and the County Commissioners were in a similar position, despite their futile attempts to work through their differences in private dispute mediation with the Director. When the County Administrator suggested to Commissioner Ozias in an email that what occurred was simply a personality conflict between Mr. Telenick and the Director, he knew that was untrue. He also insinuated that a new DCD Director was going to bring about change and that we would just have to "logically" wait things out. **EXHIBIT 30**

Once Director Emery was elected, Mr. Sill assured us he was going to speak with him to see if he could resolve the issue. To date that has not occurred. Even if it had, this situation was never about one frustrated person. An entire neighborhood has and will continue to suffer because of what this County has allowed to occur. The new Director is just as guilty of that as the past Director.

This entire investigation is proof to us, that if anything, the current Director and County Administrative Staff are more than willing to cover up the misdeeds of their own Staff over the legitimate concerns of the public they were elected/appointed to serve.

As citizens who have only tried to assure that our safety, environment and property values are preserved, this entire process has completely undermined our faith that Clallam County has any interest in following its own laws or the values it espouses.

Ms. Warren distorted many facts and Codes in an attempt to minimize the situation when it was her poor decisions that created the situation in the first place. She tried to deflect her responsibilities and poor decisions to Labor and Industries, Clallam County Sheriffs office and the lack of CE; who had provided her with extensive documentation of these violations before they resigned their positions.

Investigative response: The allegations of this section are not supported by available evidence. Ms. Warren has denied having been delivered **personally** any information from prior Code Enforcement personnel on this matter prior to their resignations on June 30, 2021 (Warren interview, 6/29/23). Any construction or alterations having to do with electrical service is the purview of the Washington State Department of Labor and Industries. **There is no evidence of distortion of facts or any provision of code. FALSE** To the contrary, Ms. Warren's actions were congruent with existing codes and operational policies. There is no evidence of any attempt to deflect responsibilities that are the purview of the Building Department.

We submit that Ms. Warren was not being truthful in her interview on June 23, 2023. Whether CE was personally delivered information prior to their resignations is irrelevant. Ourselves, neighbors, Environmental Health had all provided documentation regarding the continuing violations that were occurring; while at the same time we were being assured by Ms. Warren's subordinates, Environmental Health and Ms. Winborn herself, that Mr. Fell would be required to follow the proper procedure in order to obtain a Building permit. We were even provided with a checklist from County Staff indicating what steps the owner would have to follow, starting with proof of potable water and a functional septic system.

Ms. Warren's primary responsibility is to assure that Building Codes, which are intended to provide standards that safe and proper construction procedures, are being followed. There are myriads of those codes, statutes, and procedures that were available to her and should have guided her through that process..

If "operational" policies differ from what the Codes specifically require, and if this house is typical of that process, then there are some serious problems with how this County achieves compliance. It also raises the question of how many other structures in Clallam County are also unsafe and yet have the County's signed certification that they were built according to codes.

- 5) In December of 2021 the County issued a second permit for a remodel of the residence (BMP2021-00880) that was supposedly limited to the original structure, although it is clear from the permitting and foundation drawings that it also encompassed the failed 2004 building addition permit. That

permit was granted without ANY required plumbing inspections when the very purpose of the remodel was to repair the failed plumbing that had caused some of the damage in the first place. Ms. Warren had written and photographic evidence that the plumbing was done without a permit and no potable water. She had even issued a threatening letter to the homeowner, asked CE to issue a second Stop Work order while the property was supposed to be accruing daily fines for non-compliance of the HE orders. At the same time this was occurring Ms. Warren tried to make it appear that she was working with a cooperative homeowner and that granting the remodel permit was permissible as such. It was clear that this was not the case and County records clearly show that the owner was not cooperating or keeping the County informed as to the status of the permit that was supposed to be obtained by October 19, 2021 according to the HE.

Investigative response: Specific plumbing inspections are required for new construction, but not for repair due to leaks or breakage. **FALSE** For example, when a homeowner experiences a plumbing breakage due to frost or age, they are allowed to repair the plumbing without permit oversight. When such repairs are part of a larger permitted project such as the work authorized under BPT2021-00880, the repaired plumbing is given a visual inspection as part of the inspection course provided by the Building Inspector. In this case, the plumbing was visually inspected by Inspector Bill Faulk on December 12, 2022 (Interview of Bill Fault, 6/29/23). The fact that the permit covered areas inclusive of the former permit is not unusual or germane to this investigation. **FALSE**

Again Mr. Emery is not being truthful. The only permit exceptions for plumbing are for minor repairs not requiring new materials according to our interpretation of the IRC Code. Ms. Warren and Mr. Emery have photographs of missing toilets, kitchen and bathroom appliances, a missing water heater and a tangled maze of broken plumbing and DWV lines.

There was an open trench with a new poly pipe supply line running to the house that was clearly visible from the outside of the structure. It was exposed for months and eventually covered without inspection. **EXHIBITS 11,12,31,32,33**

The following plumbing permit exemptions are those quoted directly from the 2018 IRC 105.2

The stopping of leaks in drains, water, soil, waste, or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste, or vent pipe becomes defective and it becomes necessary to remove and replace the

same with new material, such work shall be considered as new work, and a permit shall be obtained and inspection made as provided in this code.

2.The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes, or fixtures.

Furthermore, our understanding is that Building Inspectors are prohibited from entering the crawl space under a house or climbing on a roof under County policy. If true, Mr. Faulk and Mr. Smith would have been prohibited from visualizing much of the damage the area under the house once it was covered. If flooring, drywall, and cabinetry were already installed prior to their inspections, how were any of their requirements visualized? Was this question ever asked during Mr. Emery's interviews with Staff?

There is a concrete foundation wall separating most of the original structure and the room addition where the exterior crawl space access was created. Unless there is a removable access panel in the floor located within the interior of the original structure, there was (and is) no way to inspect the foundation once the flooring was replaced. How were the concrete footings, beams, and other requirements for the kitchen remodel (which was part of the original structure, not the room addition), verified? How were static pressure tests ever conducted on the supply lines with no potable water? **EXHIBIT 34**

Mr. Emery's insistence that the "permit information covered by the former permit is not germane to this investigation" is actually of greater concern than what is buried behind the walls and under the floors.

The second permit BPT 2021-00880 was specifically issued for quote: "**replacing rotted floor and damaged sheet rock in kitchen and bathroom. Damage from breaking of frozen pipes**" and yet no plumbing inspections were even listed as requirements under BPT 2021-00880. These areas are part of the original house, not the building addition.

Staff had made 10 specific notes on the permit application dated from 10/1/2021-12/15/2021 reiterating that there was no proof of potable water. They also had photographic evidence the owner was continuing to work without a permit and that he had planned to pump water from the irrigation ditch to supply the house because the well was non- operational or seasonal at best. This is all documented evidence that Mr. Emery chose to ignore while minimizing the true extent of what happened. **Exhibit 35**

Mr. Fell made application for the new building permit on September 28, 2021, before the October 19, 2021, deadline established by the Hearing Examiner. Bacteria and nitrate testing and clearance were required by the Environmental Health Division prior to the Building Division issuing the permit. Approval for the water testing was not issued until December 16, 2021. It is unclear what the delay was, but the determination of the Department was that Mr. Fell was adequately proceeding with permit compliance—hence, no fines were accrued at that time. Despite the assertions of the complainant, there is no clear evidence that Mr. Fell was not cooperating with the requirements or the Hearing Examiner's order **FALSE** The suggestions that Ms. Warren deliberately skewed information to make it appear Mr. Fell was operating in a cooperative manner is not supported by any evidence encountered. **FALSE**

Again, this statement is false and is evidenced by the second Stop Work permit that was posted on October 26, 2021, 7 days after fines were supposed to be accruing for failure to obtain a permit. **Exhibit 23** In the meantime there were also additional junk vehicles that had been dumped, criminal activity was occurring in and around the occupied RV's and throughout the property, construction was continuing, animal control issues were ongoing, and Macdonald Creek was being actively contaminated with solid waste

The HE Orders are specific and clear regarding the dates fines were to be initiated as well as the owner's responsibilities to obtain permits, cease construction and to keep CE informed of delays in the legal process. Applying for and obtaining permits are not the same thing; just like family rooms and laundry rooms are different from kitchens and bathrooms.

The owner did not keep Code Enforcement updated regarding delays. He was knowingly continuing with illegal construction despite additional warning letters and admonitions to obtain a permit. By late April 2021, the Planning Department had also inappropriately removed the BLA requirement so there were simply no excuses for waiting until the end of September to apply for a permit; except that it gave the owner several more months to work without permits while a dysfunctional DCD was busy trying to recruit new CE personnel.

If Mr. Emery had done an honest investigation, he could have easily determined what the delays were (specific to Environmental Health). They were related to the fact that there was no potable water. By the owner's own reports his well was seasonal and wasn't recoverable. He was in the process of relocating a new well site but was challenged by the limited options due his septic location, our boundary dispute, topography and the close proximity to Macdonald Creek. We believe this was Mr. Fell's intention when he filed the lawsuit which threatened our well and the adjacent land in close proximity to that well.

Exhibit 35

Somehow, the owner convinced that same well driller who had already attempted to recover the well (without success) to certify a seasonal well and submit a water sample in mid-December 2021 when the irrigation ditch was shut down for the season. That certification states the well is now producing 3 GPM with water quality that exceeds all requirements.

That, in itself, should have raised serious concerns about how a well was miraculously recovered to produce more and better water than it ever did during the prior several decades of use; especially when the well driller had already tried to recover it with no success, AND the previous owner had spent thousands of dollars drilling a new well that never produced water, AND the owner was petitioning the County to pump water from the ditch into his newly installed storage tank.

Of note, there is STILL an order for a second bacterial /nitrate test that remains open and will likely never be done.

As hard as the County tries to divorce themselves from any connections between the lawsuit and our boundaries, there is clear and overwhelming evidence that the owners non-compliance, willingness to provide false testimony, and his threats to sue the County are part of a pattern.

Mr. Emery's conclusion that there was no evidence that Ms. Warren was skewing the degree of cooperation occurring between DCD and Mr. Fell is false and he is now doing exactly the same thing by making this statement.

He is fully aware that ongoing fines are supposed to be accruing for the owner's defiant refusal to stop the illegal occupation of a residence without a Certificate of Occupation and that the case was supposed to have been turned over to the Sheriff's Department for prosecution 2 months ago. **EXHIBIT 10**

- 6) In one email Ms. Warren suggested that we should contact L and I if we had concerns about electrical issues, stating it was their jurisdiction; but at the same time she was also threatened the owner with contacting them herself for working without the proper permits. Despite that, her Staff had already signed off on the 2004 framing permit which confirmed electrical inspections were completed. There were still electrical issues with that house

because the contractor rescinded his permit and refused to work on 6 branch circuits that were required. Somehow the Building Staff also signed off on the framing for the remodel permit so wiring is now buried deep in insulated finished walls with cabinetry installed because of her actions and no electrical inspections. This is not our responsibility but Ms. Warren's.

- Investigative response: As noted, the Washington State Department of Labor & Industries (L&I) is the proper and exclusive permit authority on all electrical fixtures and installation. As a matter of inspection course, **framing inspections typically involve confirming that electrical service has also been approved by L&I. There is no way to confirm whether additional electrical work had been done since the 2006 framing inspection FALSE** however, Department staff made contact with L&I The concerns expressed in **in April of 2023, and the Department later received confirmation that L&I had signed off on the electrical permit for the building The concerns expressed in this section are not substantiated. FALSE**

As noted earlier, this response is a very serious distortion of the truth. Mr. Emery has been provided with both written and photographic evidence, including emails from Labor and Industries, concerning the degree of damage that occurred. Ms. Warren had personally threatened to call L and I as early as October, 2021. We found no evidence that she ever did so during that time frame. **EXHIBITS 36, 23**

To repeat, the permits Mr. Emery refers to were for repairing the main service to the house and for the well pump, **not the interior**, and he was fully aware of that when he conducted this "investigation". **Exhibit 25**

Sequim Valley Electric actually canceled the branch circuit permit and threatened to put a lien on the home because the owner was evading inspections, not paying his bills and had been difficult to deal with. This was part of the same pattern that the County, L and I, Contractors, Attorneys, neighbors, and ourselves have all experienced in dealing with this gentleman.

- 7) On December 12, 2022 the County fully signed off on the 2021 remodel permit despite clear evidence that the structure had no gutters, failed windows, destroyed siding, a water storage tank that was illegally installed above grade (and likely over a disputed property line), and was being occupied without a Certificate of Occupation It remains illegally occupied to this day. It was only as a result of EH flagging the septic situation that resulted in the County rescinding the final approval.

Investigative response: All the inspections required for BPT2021-00880, as administered by the DCD, have been met with the exception of final permit approval. FALSE This is due, in part, to the outstanding Sanitary Survey that is still required for the onsite septic systems. Peripheral issues, like the rear deck and steps, the missing siding and trim, and properly-installed gutters will be made part of that final review. The installation of the water storage tank, as installed, was exempt from permit requirements pursuant to 2018 IRC, Section 105.2.4. As noted, the DCD is aware of periods of occupancy of the house in violation of the Hearing Examiners Order (Exhibit 2). However, although complaints from neighbors have been received indicating continued habitation may be occurring, Code Enforcement has not been able to establish this conclusively. FALSE

Siding, steps, gutters were not even requirements on the 2021-00880 permit and are not "peripheral". The location of a water storage tank potentially placed on a neighboring property along with new uninspected water lines and wiring is relevant, whether it was located above grade or not. It was, and is, DCD's responsibility to conduct permit inspections and assure that buildings are being built or repaired to code. They have the Right of Entry as well as the right to cancel permits for repeated violations. This investigation makes it clear that will never happen because the County is more concerned with protecting its employees than ensuring a home is built to safe standards.

Mr. Emery seems to be following the same pathway as his predecessor by waiting an additional five months to decide CE finally had conclusive evidence establishing that illegal occupation of the house was occurring before reestablishing fines that will likely never be collected. He is apparently ready to ignore the mountains of evidence showing that this house was not properly remodeled and is unwilling to act under his responsibility to cancel the permit for repeated and known violations of the same CMP2020-00130 orders that is now once again accruing fines.

The Sept. 1, 2021 email from Ms. Warren to us that specifically blamed a lack of Code Enforcement as one reason why they had been unable to monitor the situation more closely. She encouraged us to contact the Sheriff or Land I and if we had concerns regarding what was occurring. This was done repeatedly with no results.

Unfortunately, every Department the neighbors and ourselves have contacted for the past 2.5 years blamed another Department for their inability to act. Ms. Warren and the Building Department had the responsibility and authority to act on the building code violations, whether there was an active CE team or not. Environmental health had the responsibility to stop the illegal occupation of the trailers and environmental damage that was occurring in and around a protected creek, and the Sheriff's Department had the responsibility to protect our safety.

Citizen's complaints have largely gone unheeded during this time period and there is now an entire segment of our neighborhood that has no faith in Clallam County's ability or willingness to protect our properties. We are personally trapped in a seemingly never-ending lawsuit that we had nothing to do with and we doubt that the County's threat of fines or resultant criminal charges for failure to obey the HE Orders will ever result in any punitive actions taken, much like what occurred in 2021 and 2022.

Hundreds of hours of County resources have been expended and tens of thousands of dollars of taxpayer's monies have been wasted simply because the County failed to follow its own laws and Codes.

In the meantime, this house will never be brought into compliance but records will make it will appear that the County did their due diligence in bringing this house and the owner into compliance, when nothing could be farther from the truth.

- 8) Between July 16 and September 1, 2021, we sent additional emails to Ms. Warren asking for clarification as to why construction was still being allowed on this home without a permit and provided additional photographic evidence of the activity that extended well beyond the scope of the "permission" she granted. Prior to that we had inquired as to how a Building permit was granted on a house that had no plumbing, septic, electrical, uncollected JV fines, a property line bisecting the house, etc. etc. when we had been guaranteed by the Director, EH CE and the Building desk Staff that this house would be required to undergo the same permitting process that everyone else was required to follow for similar properties. She later distorted the situation by stating that no permit was granted and ongoing construction was allowable because only "minor" repairs were necessary to finalize the original permit. That was 2 years ago!

Investigative response: It is known that, during the 2021 calendar year, between the time of the Hearing Examiners order (April 8, 2021) and the issuance of BPT202100880 (December 16, 2021), no fines were levied or accrued against Mr. Fell. **FALSE** The basis of Mr. Telenick's assertion to the contrary remains a mystery. The record shows that the permit processes that the subject house underwent were in accordance with written and operational policy. No grants of special privilege were afforded to Mr. Fell. **FALSE** As noted earlier, the authorization to proceed with insulation was proper under operational policy and the result of the framing having met inspection requirements (Exhibit 3). The inspections required led to the discovery of additional work having been done and the

need for a new building permit. It is unclear how this can be construed as a "distortion" or otherwise occurring outside of the standard permitting processes.

- 10) Ms. Warren was aware that a water tank had been installed and stated in writing that it would require permitting if it was set above grade. She said she was sending an inspector to the site and obtained photographic evidence that it was indeed set above grade. Those photos are now part of the County records. We find no evidence that a permit was ever requested or obtained.

Investigative response: The water tank in question was placed underground, with a small portion that extends approximately six to eight inches above grade. The placement meets the exemption criteria of the 2018 IRC, Section 105.2.4. There is no daylight or framing required that would trigger the need for a building permit. The complainant's understanding of the application of law to this matter is incorrect.

We have already addressed the false statement regarding no fines being accrued or levied against Mr. Fell in 2021. We previously submitted written evidence that refutes Mr. Emery's assertion in our earlier response regarding Ms. Clark. Furthermore, neither the former Director nor the current Director have the authority to waive those fines according to Clallam County Code 20.28.030.

The statement about the water tank elevation was made by Ms. Warren initially, not us. We asked about the permitting because Mr. Fell used an excavator and destroyed the legal property corner marker, removed a concrete foundation, dumped debris, replumbed and rewired the water storage tank on a portion of land that we legally own.

It was Ms. Warren who stated she would send an inspector by to photograph the storage tank on September, 2, 2021 and it was Ms. Warren who specifically stated that the tank would require permits if it was above grade, not us. We have no idea what Mr. Emery was referring to regarding his comments about daylight or framing.

The County was well aware of the property dispute at this time and was aware of the tank and its location. Sheriff's Deputies responded and witnessed the destruction of the survey marker but refused to file trespass charges stating it was a civil matter, much as they did in mid-April when the owner illegally burned construction materials in the disputed area in a fire that got out of control. **EXHIBIT 37**

The far bigger concern in this section of his investigation is how Mr. Emery, not only distorted the exemption of the water tank, but also completely failed to accurately address the real plumbing issues that existed both inside and outside of the home.

While interior access may have been more difficult, the open trench containing a new water line and exposed electrical cable was clearly visible for months. It did not require admittance to the house to view. The water line and electrical supply were both subsequently buried without inspections from either the County or L&I, both in violation of multiple codes.

The claim that Mr. Fell has received no special treatment is simply not true. To date Mr. Fell has received a free dumpster, multiple affidavits for junk vehicle hauling, has had no fines collected or liens assigned as a result of ongoing code violations. He received a free garbage voucher for the dump as recently as Jan. 2023.

The County has knowingly looked the other way and failed to enforce codes on a property that has been almost continuously occupied for over 2.5 years while criminal activity, environmental damage, restraining orders, and over 100 calls involving the Sheriff's Department due to problems associated with the owner and his family continues to occur without consequence. As of August, 2023, there have been no fines collected and nothing but except empty threats directed at him for his continued defiant violation of County Codes and HE orders. How many other citizens have been granted such latitude?

An independent look from outside of Clallam County comparing the treatment that Mr. Fell has received and what we have endured in the way of intimidation, refusal to grant us a simple BLA between our own properties and attaching the most recent falsehoods and violations to our Settlement BLA while ignoring his; would certainly be welcome and we have requested this happen on numerous occasions. Those requests have repeatedly been denied. We believe it would verify our contentions and is likely the reason the County has repeatedly refused to move this outside of Clallam County for a FAIR investigation.

Instead, the County relied on the testimony of the very Staff and Administrators who have a vested interest in protecting their interests and covering up their mistakes. Mr. Fell just happens to be the beneficiary of many of those mistakes. He has capitalized on the County's dysfunctional DCD and simply ignores their orders knowing there are no consequences for doing so. We contend that the County is now more concerned about

their liability in allowing what occurred than doing what is right while ourselves and the neighborhood are left to pick up the pieces.

While the items enumerated above show her role in bypassing a safe building that is now virtually approved, it is not the primary reason we are filing this complaint. We fully believe Ms. Warren used her position of power to target us for daring to question her authority and for simply trying to protect our neighborhood. That information was later used by Ms. Winborn to threaten us and has now encumbered our property with recorded code violations that are untrue. We will not submit specific documentation of what occurred in this email but will provide a summary of the chain of events that occurred.

- 1) Throughout the summer of 2021 we had requested to speak with Ms. Warren in a good faith effort to understand how the situation at 550 Sherburne was being allowed when it was clear there was ongoing illegal construction and criminal activity occurring on the property. She failed to respond until September 1st when we reached out and provided additional evidence of what was occurring. In that email she failed to address our specific concerns so we replied in an attempt to more accurately represent the truth.

Investigative response: Per interview with Ms. Warren (6/27/23), there was a chain of emails to which Ms. Warren responded. All questions were being answered and there is no recollection of any requests for meetings that were unanswered. Upon orders from the then DCD Director to not engage, all emails were forwarded to Director Winborn. Beyond the responses, it is unclear as to what the concerns of this section are.

This has already been addressed at length but to reiterate, Ms. Warren apparently has a difficult time with her recollection because we have the emails that specifically requested an opportunity to speak with her. County Staff was present when we made efforts to speak with her, and the specific dates of when our emails were sent and the delayed responses of her replies are all easily verified. **EXHIBITS 26, 27** We have no evidence that Ms. Warren was ever directed by Ms. Winborn not to respond to us.

- 2) On September 2nd someone from the County took photographs of the water storage tank and of our solar panels and rental property. A Staff member or Ms. Warren herself also marked and internally circulated aerial photography documentation of our rental garage as well as an awning over the rental home deck. Apparently, they used a very old photo from the Assessor's office that was

likely taken in the 1980's or early 1990's to compare the current appearance of our rental house.

Investigative response: Not sure what the concerns or complaints are for this section.

To clarify, the concerns and complaints that are confusing Mr. Emery relate to the efforts Ms. Warren went to in order to look into our properties, when in fact she should have been addressing the homeowner who was under HE orders for building without permits. She was wasting time investigating an 8-year-old solar installation that was installed by a licensed Solar Contractor, as well as other decades old modifications to a 1960 house and garage; while simultaneously ignoring serious problems that were occurring in real time on the problem property.

3) Neither of our homes have ever been the subject of a Code Complaint in the 32 years we have resided on Sherburne Rd. That is still true as of June 14, 2023.

Investigative response: Correct. No complaints have been received concerning 470 or 510 Sherburn Road. Not sure what the concerns or complaints are for this section.

Again, our concerns are why Ms. Warren felt it was appropriate to investigate our properties when she should have been ensuring the 550 Sherburne Rd. home was being rebuilt to Code. As a complaint driven County (with no complaints ever having been filed), there was no need to even investigate our properties.

- 4) On September 3rd, 2021 Ms. Warren sent an email to Ms. Winborn and Ms. White notifying them that the 470 and 510 homes were in violation of several codes and intimated that this was done as part of an investigation into the "neighbor dispute" Although our name was on the email we never received it. Instead, we received a two-sentence reply thanking us for submitting our complaint and that they would be working with the homeowner to reach code compliance. The email we never received contained several false assertions that we were never given the opportunity to defend. We only learned of contents of this email as a result of a PRR.

Investigative response: The email in question was drafted by Ms. Warren but not sent. It was obtained from her 'Drafts' folder. Instead, Ms. Warren was instructed by Director Winborn to send the two-sentence reply, referenced.

Whether this email was sent internally or to us directly is irrelevant. It became the basis for Ms. Winborn's intimidating and retaliatory action against us in the following months. There was absolutely no need to forward information, that was not only incorrect, but had no relevance to the real problems that were occurring at 550 Sherburne Rd. Also, was this statement ever corroborated by Ms. Winborn or based solely on Ms. Warren's interview?

Ms. Warren never asked us to direct communications to Ms. Winborn and Ms. Winborn never suggested we contact her directly. Instead, Ms. Warren simply ignored us and eventually suggested we contact Labor and Industries, the Sheriff's Department, or Environmental Health ourselves if we had concerns as the Code Enforcement team had resigned. None of these entities had any responsibility to ensure the construction was being done according to Building Codes. Those responsibilities belonged to her.

The day after Ms. Warren sent us her September 1st email, she took the initiative to investigate a series of supposed violations that existed on our properties when there had been no complaints or violations. We have no way of verifying if Ms. Warren was directed by the DCD Director to investigate those violations or send the two-sentence reply we received on Sept. 3. A simple check of the dates shows that the false data she provided to Ms. Winborn was actually collected on September 2nd, a day before the September 3, 2021 email was even drafted.

- 5) In late November and in mid-December of 2021 we received two emails from the Director of DCD asking us when we were going to correct our Code violations. In one of them she included a veiled threat that for our sakes we better hope that our garage doesn't lie within the County Road ROW. This was done one day after we wrote another email questioning what was happening with the property next door that was still the subject of ongoing illegal construction, occupation of RV's, solid waste, illegal activity and nuisance. It was exactly the same information that Ms. Warren had share in her email to Ms. Winborn and Ms. White.

During that same email exchange, we were also notified that our solar panels were installed without a mechanical permit. The County actually pursued the solar installer who failed to obtain a mechanical permit for the installation in 2013, 8 years prior. We believe this information was provided to Ms.

Winborn by Ms. Warren as a result of the September 3, 2021 internal email.

It was a minor issue but it proved that the County was willing to pursue a minor oversight by a contractor, while ignoring serious and significant damage that was being covered up on the adjacent property.

Investigative response: The complaint alleged in this section speaks to retaliation, but no actions were actually taken. FALSE No code enforcement case has ever been opened against the complainant. The supposed "threatening emails" were sent by the former Director, not Ms. Warren. The allegations concerning the awning, solar panels, reconstruction of portions of the roof, replacement of windows and relocation of the front door without the benefit of a building permit are factually correct and require a building permit to this day. DEBATABLE This investigation revealed that the garage structure,

while existing within the structural setbacks of Sherburn Road, was originally built in 1960. As such, it is considered a lawfully established, nonconforming structure. No retaliation was experienced by the complainant and no cover-up concerning development on Mr. Fell's property has occurred. **FALSE**

This response lies at the heart of both Mr. Emery's investigative integrity and how ordinary Citizens are treated when they attempt to shine a light on legitimate concerns by questioning the actions of public employees.

Had we been employees we would have been given an opportunity to have this properly investigated with protections granted as whistleblowers. After three attempts to have this looked at by an independent agency outside of Clallam County, we are once again being told nothing has been covered up and that we have not been retaliated against. We strongly disagree with this conclusion.

The threat of action has intimidated us and has caused considerable stress, especially when there was no cause for any of this to happen. The fact that the new Director of DCD fully supports the actions of what occurred here certainly adds to that stress and we believe it is now a far more serious problem than it should have ever been. We believe this has entered the realm of criminal conduct and that our rights have been violated at the expense of covering up the truth.

- 6) In Ms. Warren's email she made assertions that we installed new windows without a permit, which is false. The windows were installed in December of 2002 according to Everwarm Hearth and Home under a PUD sanctioned rebate program. That was 3 years before we purchased the home. We have no idea when the Assessors photo was taken that shows the old windows but we estimate it was taken in the late 1980's or early 1990's. We have photographic proof that this installation was done well before we purchased the home in 2005. We also contacted Everwarm last year as well as the previous owner, and were told that a permit was not required for those replacement windows.

Investigative response: Assessor records for the Telenick's property (APN 043020230250) show a photograph associated with an October 2005 field assessment that shows the former windows, front door configuration and the former entry awning (Exhibit 6). The actual date of the photograph is not shown on the records page. **TRUE** The same page shows photos from March 2016, revealing the new awning, roof modifications, replacement windows and new door location (Exhibit 7). Regardless of whether all these changes occurred under the Telenick's ownership, the fact remains that building permits would have been required for these modifications. **FALSE** Again, no enforcement action was taken on the owners.

Mr. Emery ignored or cherry picked our explanations regarding the information Ms. Warren identified in her email to Ms. Winborn. He was already aware that the windows were installed under the PUD rebate program in December of 2002 by Everwarm Hearth and Home, 3 years prior to our purchase of the home. We called them once we were notified of the email and were told no permit was needed for this installation. A simple telephone call to them would have corroborated our statement.

We also gave Mr. Emery the probable era the Assessor's photograph was taken and why what was done, was done, so there were no hidden mysteries. We do dispute his assertions requiring what needed permitting and by whom, and we have addressed those issues thoroughly in our response to the Planning Department complaint.

If these problems were serious enough to warrant investigation, but not serious enough to be acted on, then each and every property facing similar problems and non-permitted historical construction worth more than \$1500 dollars should be treated equally and burdened with the same notations as ours.

- 7) The covered patio that was referenced and circled in the aerial photograph the County has on file is less than 200 square feet. It was constructed for less than \$1500 (for which we have receipts) and was installed by ourselves around 2010. The deck had been installed in 1993 or 1994 by a contractor hired by the previous owner. We saw no need to obtain a permit for the patio cover which actually sits above the current roof and is not part of the existing home. Apparently, the County didn't have any problems with this patio cover either, until we raised questions about the property next door in 2021.

Investigative response: [Clallam County exempts work that is less than \\$1500 from obtaining a building permit. However, this cost must include fair market value for labor, including labor provided by the owner.](#) The fair market valuation for the covered deck is \$28 per square foot (Warren interview, 06/30/236). To be exempt, the covered deck can be no larger than 52 square feet. Likewise, the 400 square foot building permit exemption applies only to outbuildings greater than six (6) feet from a residential structure. A building permit was required for this work. As noted, no enforcement action has been taken against the owner.

If the threshold for triggering a repair is \$1500 dollars including the value of labor, there must be thousands of homes in Clallam County in violation of this provision alone. For starters, when will the County add Mr. Fell's violation of the non-permitted \$4000 roofing repair that included plywood replacement (and was witnessed by CE) be added to BLA 2023-00011, where our Built Without Permit violations were noted? Either the County needs to attach

both violations to their documentation, or remove ours; otherwise, this is specifically targeted against us.

- 8) The remodel that was referenced in the email is misleading. It was done in 2005 or 2006 and was simply to correct the chimney that is visible in the old Assessor photo which was leaking when we purchased the house. It posed a safety risk because it was crumbling. It had been attached to an illegal trash burner that had been used by the previous owner. (We still have this unit). There were also two front entrances to the home. The one most clearly visible in the photo was actually nailed closed because there was a refrigerator located behind it so we simply removed it, closed off that entrance and replaced the front door. We believe the back of the refrigerator is visible behind the glass panel in the Assessors photograph. The fiberglass awning that is visible was also leaking and had become a hazard to people entering the home as it was unsupported and was drooping to the point where anyone over 6'2" was at risk for hitting their head when stepping on the porch. We also have photographs of that awning and how badly it was damaged when we bought the house. We simply reconfigured the roofline, removed the leaking chimney and closed off the unused door. The entire square footage does not exceed 400 sq. foot and the cost was well below \$1500 as we used shingles provided by the previous owner. Regardless, the County has ample evidence of thousands of unpermitted construction projects within Clallam County that are far more extensive than this and yet this one is so serious that it now codified as a violation included in BLA 2023-00011. Of note, the property owner next door stated under oath that he had spent \$4000 dollars on roof repairs and yet that there is no mention of a permit being required for that "repair" or Code Violation attached to that same BLA. The roof repair was actually witnessed by D. Harvey and J. Major who were acting CE officials at the time.

Investigative response: The improvements discussed in this section of the complaint describe modifications to a dwelling—all of which require the approval of a building permit regardless of the project costs or square footage involved. Again, no complaints have been received and no enforcement action was ever taken on the property owners.

This entire response is irrelevant to his investigation except that it shows the lengths to which Mr. Emery has gone to avoid focusing on more important issues.

Why has so much energy has been spent in trying to justify a non-complaint, non-code enforcement issue when there are legitimate ongoing concerns regarding unsafe construction and known repeated violations of much more serious problems? He should be focusing on those problems, not justifying insignificant violations unless he is prepared to address the thousands of such situations that have occurred throughout Clallam County.

- 9) The garage that is apparently in violation of County Road setbacks was likely constructed in 1960 at the same time as the house but we have no records to prove when it was erected. County aerial photos only go back as far as 1990 where it is clearly visible. We have no idea what the significance of this observation is or if it is even a violation. If it was problematic surely it would have been identified in the 2020-00025 BLA application that we eventually rescinded. This is a Planning issue as far as we can determine so we're not even sure why Ms. Warren identified it in her email to Ms. Winborn.

Had Ms. Warren, who had also been the Fire Marshall at one time, reached out and worked with to us to discuss ANY of the above issues we would have been happy to do so Instead she chose to treat us like the problem and has made no effort to work with us over the past 30 months. Instead, she has overlooked serious issues in favor of the very person who was responsible for creating this mess in the first place and we are now trapped in a very difficult situation that we had no part in creating. We feel our rights for equal protection under the law have been violated and that we have been targeted for simply trying to protect those rights.

Investigative response: The complainant is correct in that the garage was constructed in 1960 according to Clallam County Assessor Records. Additional aerial photographs on file with the County Roads Department confirm the structure was present as of 1971—predating the Clallam County Zoning Ordinance. As noted, the structure is considered under County Code to be a lawfully established non-conforming structure. **TRUE**

This is an issue that should have been addressed and verified prior to including it in the email to Ms. Winborn in September of 2021; and certainly before Ms. Clark added it as a finding in the 2023-00011 BLA. The ONLY reason it was removed was because of our efforts and the research done by Public Works, not the DCD or Mr. Emery.

Again, the email in question was never sent, and was obtained from Ms. Warren's 'Draft' folder. Regardless, the discussion was internal. No formal enforcement action was ever taken. There is no evidence of violation of the complainant's rights.

There is more but is surely this is enough to generate concern about what the County has done to us. We believe Ms. Warren's actions are unprofessional, unethical, illegal and have done significant damage to us. We are asking for it to be thoroughly investigated and believe we have the right to do so as citizens under the Clallam County Administrative Policy.

Ed and Mary telenick

Sent from Mail for Windows

[Received 6/14/23 at 12:39 PM via email]

Section 3: Summary Remarks and Conclusion

Summary Remarks: In accordance with Clallam County Administrative Policy, Section 235.10.5, the Director of the Department of Community Development conducted an investigation of the complaints alleged within this Report. The complaint included 19 individual elements that purported alleged wrongdoings by Building Official Annette Warren with respect to her duties and responsibilities as articulated in County Code and state law. Based on this investigation, no findings of wrongdoing or detrimental omission of duty or obligation was found to have occurred with respect to Ms. Warren and the circumstances described or alleged by the complainant. In all cases, the conduct of Ms. Warren was found to be lawful and proper, or the allegation was determined to be unfounded. Therefore, in accordance with Clallam County Administrative Policy, Section 235.12, Ms. Warren is hereby found exonerated of any wrongdoing and/or the allegations made against Ms. Warren are unfounded.

We submit that Mr. Emery not only failed to properly investigate this situation but also deliberately skewed the facts regarding what happened. He has allowed a relatively simple problem to spiral out of control.

We feel he is now protecting his Staff who violated State laws, Building Codes, Environmental protections and in doing so he has violated his own Oath of Office. This investigation failed to fulfill the very purpose of the Administrative Manual which is to "ensure our confidence in the integrity of the County"

.1 PURPOSE This Chapter establishes procedures for dealing with violations of policy, procedure or standards of conduct. It also provides processes for investigating complaints in order to ensure the public's continued confidence in the integrity of the County. These procedures provide employees with a process by which they may document, refute, or confirm allegations, and resolve allegations in an appropriate manner. Alleged violations and complaints will be resolved by exoneration, corrective action, or discipline as appropriate

Furthermore, we believe that the attempts to distort the truth and cover up serious errors made by his Staff has now entered the realm of criminal conduct and those actions are far more serious than the initial errors they made.

We are requesting a formal meeting with the new County Administrator in order to once again discuss a non-litigious way forward. We also want request this information (along with our exhibits) be attached to Mr. Emery's previous investigation and made part of the public record.

Ed and Mary Telenick


Bruce Emery, Director, Clallam County DCD

7// z//a_c)

AD Narrative

01/17/2023 : 15:41:58 neannady Narrative: ADVISED ROGER I CANNOT REPORT VEHICLE STOLEN BECAUSE KEITH HAD PERMISSION TO USE IT. IT WOULD CONSTITUTE TAKING MOTOR VEHICLE WITHOUT PERMISSION BUT CONTACT WITH KEITH IS NEEDED TO ESTABLISH PC.
01/17/2023 : 14:40:30 iharrington Narrative: PENDING UNTIL 1530
01/17/2023 : 13:26:47 dhoman Narrative: RP ADVSD OF DELAY FOR A DEPUTY AND HE WILL COME BACK AT 15:30
01/17/2023 : 13:26:31 dhoman Narrative: RP ADVSD HIS SON DID NOT HAVE PERMISSION TO TAKE VEH OUT OF TOWN.
01/17/2023 : 13:26:18 dhoman Narrative: RP BACK AT SPD FOR CONTACT, BLVS HIS SON MAY HAVE THE TRUCK IN MONTANA.
01/17/2023 : 13:24:45 dhoman Narrative: ***REACTIVATED***
01/16/2023 : 12:28:06 tmiddlek Narrative: I TOLD RP I WOULD PUT OUT AN ATL EMAIL TO CLALLAM COUNTY
01/16/2023 : 12:27:15 tmiddlek Narrative: RO GAVE HIS SON PERMISSION TO DRIVE THE TRUCK FOR ERRANDS. TRUCK WAS PARKED AT FELL'S SECOND HOME WHERE KEITH LIVES WITH HIS FIANCE. FELL CHECKED THE SHERBURNE ADDRESS FOR THE LAST 3 DAYS AND KEITH HAS NOT BEEN HOME AND THE TRUCK WAS GONE.
01/16/2023 : 11:40:33 dhoman Narrative: DAPS SHOWS 5d
01/16/2023 : 11:33:18 dhoman Narrative: SON/ KEITH FELL
01/16/2023 : 11:33:09 dhoman Narrative: RP THINKS IT IS HIS SON
01/16/2023 : 11:32:46 dhoman Narrative: SIL 2007 CHEV SILVERADO WORK TRUCK SINGLE CAB, 8FT BED, UNK PLATE
01/16/2023 : 11:32:03 dhoman Narrative: BLVS OCCURRED ON FRIDAY
01/16/2023 : 11:31:55 dhoman Narrative: THEFT OF TRUCK
01/16/2023 : 11:31:26 dhoman Narrative: RP AT 59

**BUILDING DIVISION
of Clallam County
Correction Notice**

PERMIT NO. 21-880
OWNER Fell
JOB LOCATED AT _____

I have this day inspected this structure and these premises and have found the following violations:

- 1) Provide positive Connections
post To Footings
- 2) String Floor Insulation ^{24"}
- 3) Crawl Access To be min
18" x 24"

OK CD3
12/12/22

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

24-hour inspection request line: 417-2518 or 417-2548

Date 12/6/22 BF
Inspector

DO NOT REMOVE THIS TAG

**BUILDING DIVISION
of Clallam County
Correction Notice**

PERMIT NO. BPT 2021-00960
OWNER FELL
JOB LOCATED AT 550 SHORNBURNE RD

I have this day inspected this structure and these premises and have found the following violations:

ON DECEMBER 12TH WAS
ON SITE TO INSPECT THE
FLOOR REPAIR AND FINALIZE
THIS PERMIT IN ERPC/2

THE SEPTIC SYSTEM NEEDS
TO BE WORKING AND APPROVED
BY ENVIRONMENTAL HEALTH
FOR THEIR CONVERSATION WITH
ROGER FAW 2/7/22.

HAND DELIVERED TO CHUCK LIVING AT
RESIDENCE ALONG WITH COPY OF
EMAIL DATED 12-14-22 FROM DEBORAH
CHUCK SMITH

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

24-hour inspection request line: 417-2518 or 417-2548

Date 12/14/22 CHUCK SMITH
Inspector

DO NOT REMOVE THIS TAG

EXHIBIT 9: BUILDING NOV
DELIVERED TO OCCUPANTS
OF 550 SHORNBURNE RD



CLALLAM COUNTY
Department of Community Development
Bruce Emery, Director
County Courthouse
223 E. 4th St., Suite 5
Port Angeles, WA 98362-3015
Code Enforcement: (360) 565-2677
Annie.Fricker@ClallamCountyWA.Gov

VIOLATION OF AN ORDER OF THE CLALLAM COUNTY HEARING EXAMINER

05/04/2023

Roger Fell
110 Prater Place
Sequim, WA 98382

Case #: CMP2020-00130
Parcel #: 04-30-20-23-0100

Mr. Fell,

Per today's phone conversation where you stated that you will not have your son move out of the home located at 550 Sherburne Rd, Sequim WA 98382, at the parcel listed above, and that you would like to bypass the timeframe that we were offering in order to have him removed, Clallam County Department of Community Development has found that you are knowingly and voluntarily in violation of the Hearing Examiners Order dated 4.8.2021, which is included in this mailing for your review.

Fines in accordance with the Order of the Clallam County Hearing Examiner (Order) of \$100.00 per day will begin as of today's date. After 30 days, if you have not confirmed with Clallam County Code Enforcement that you have brought your property into compliance either with a request for a Certificate of Compliance, or a Certificate of Occupancy as required by the Order, this case will be referred to the Clallam County Sheriff's Office and the Prosecuting Attorney in order to pursue other civil or criminal remedies, including but not limited to, filing misdemeanor charges for knowingly violating the County Code, (Page 4, Paragraph 6 of the Order)

I have also included a request for a Certificate of Compliance. If before June 4, 2023, you have contacted our office to determine that there is no longer anyone living on the property, and you can confirm that a licensed and certified septic inspector has visited, or has scheduled a visit to the property, we can reevaluate the need for referral.

Please contact our office in writing either by mail or email if you intend to move forward with compliance.

Regards,

Annie Fricker
Code Enforcement Officer
Clallam County Department of Community Development
360-912-5053
Annie.Fricker@ClallamCountyWA.Gov

EXHIBIT 10: NOTICE OF
VIOLATION DATED 5/4/2023

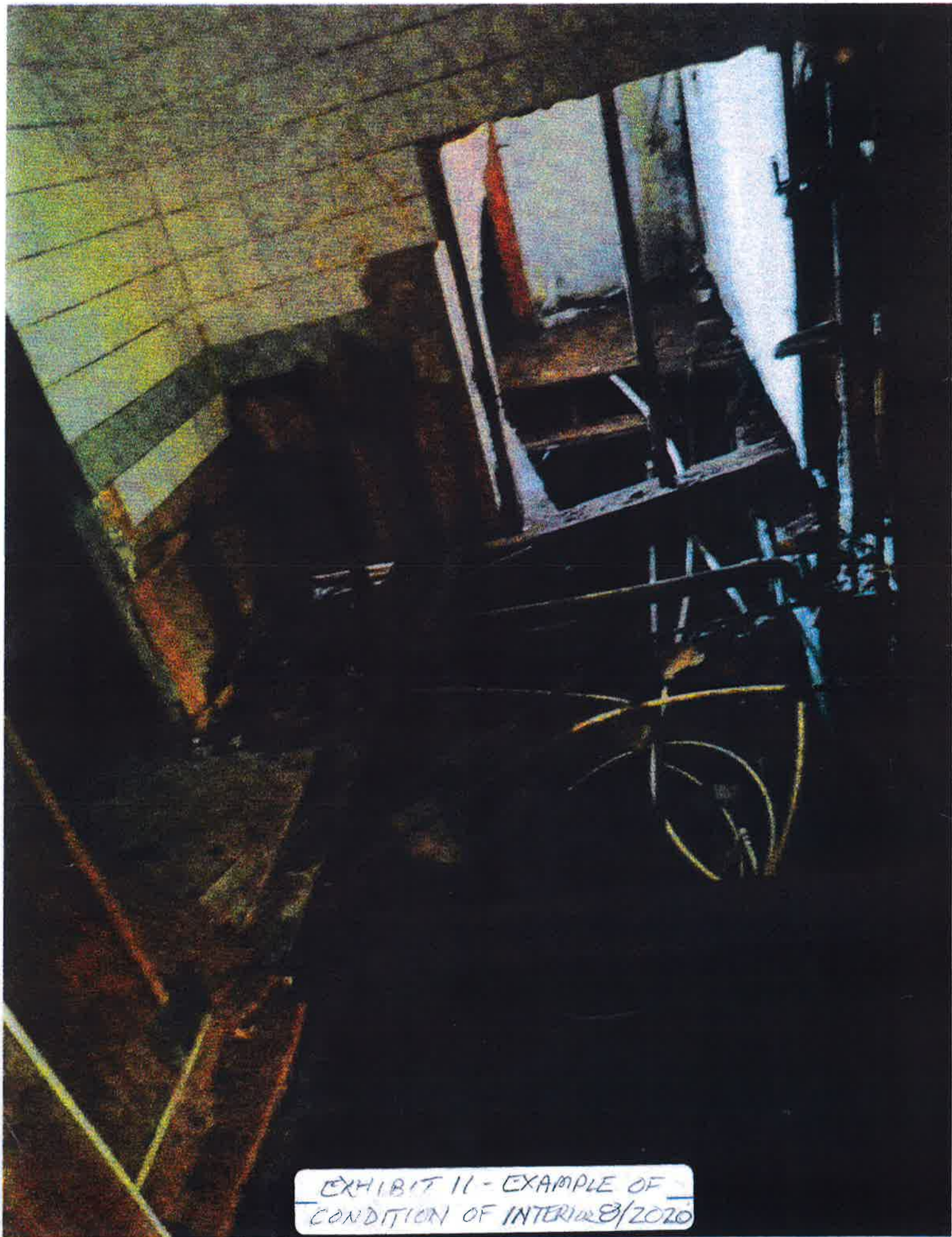


EXHIBIT 11 - EXAMPLE OF
CONDITION OF INTERIOR 8/2020

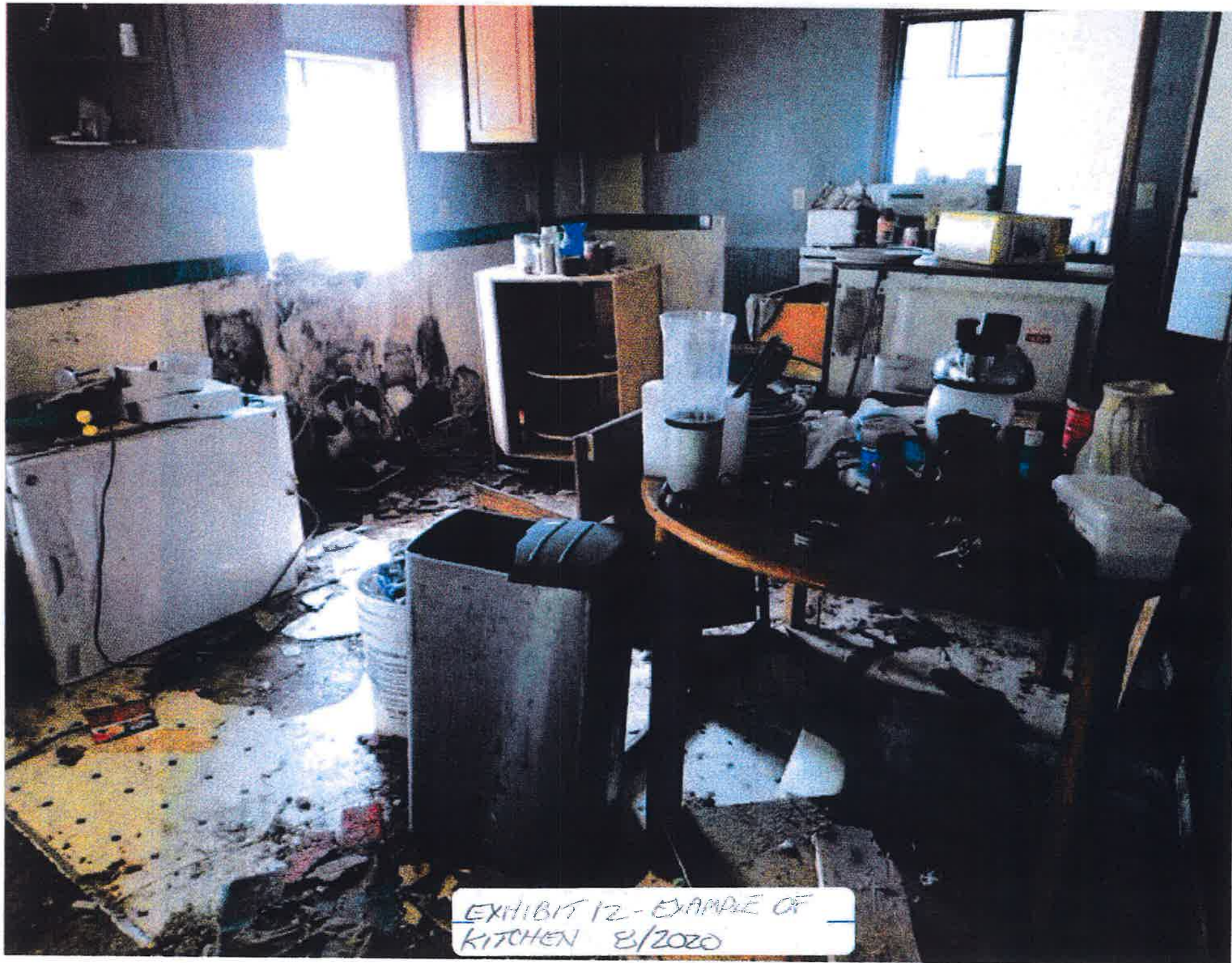


EXHIBIT 12 - EXAMPLE OF
KITCHEN 8/2020

EXHIBIT 13 - EXAMPLE OF
EXTERIOR ENTRANCE





EXHIBIT 14 - EXAMPLE OF
UNSAFE FLOORING 9/2020

Clallam County Building Division

Permit Number: **BPT2004-00413**Applicant: **SCHROEPFER**

Applicable Code: 1997 Washington State Building Code

Building Permit Inspection Approvals

To schedule inspections, call (24 hrs/day) (360)417-2518 or (360)417-2548 no later than 8:00 AM the day of the inspection.

ELECTRICAL PERMITS are issued by the Washington State Department of Labor and Industries. Call (360)417-2700.

* The electrical permit must be signed off by the State Inspector prior to the County's framing inspection.

Inspection Item	Date	Approval Signature	Notes
Setbacks	✓		
Footings	11-8-04	SW	Single piece
Foundation Stem Wall	11-8-04	SW	
Rough-in Plumbing (water supply/vents)	3-27-06	SW	
Framing* (State Elect Pmt. Signed-Off)	8/19/21	BF	10/27 NOT REPLY - 2006 NOTE ← RECENT
Airseal			
Insul - R <u>21</u> (Walls)			
Insul - R <u>30</u> (Floors)	8/31/21	BF	
Insul - R <u>49</u> (Ceiling)	8/31/21	BF	
EXHIBIT 15A FRAMING WITH ELECT SIGNED OFF 8/19/21			
FINAL INSPECTION			

Final Inspection must be approved before building may be occupied!

BUILDING DIVISION
of Clallam County
Correction Notice

PERMIT NO. 04-413
OWNER Fall
JOB LOCATED AT SSD Sherbourne

I have this day inspected this structure and these premises and have found the following violations:

- 1) 3x3 Landing + steps at S.G.D
- 2) Gutters + Downspouts To 29 rd drywell
- 3) Insulation Cert.

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

24-hour inspection request line: 417-2518 or 417-2548

Date 8/19/21 BT
Inspector

DO NOT REMOVE THIS TAG

EXHIBIT 15B: ADDITIONAL
CORRECTION NOTICES ISSUED
ON EXPIRED 2004 PERMIT

From: Warren, Annette
Sent: Wednesday, September 1, 2021 1:19 PM
To: Ed telenick; Winborn, Mary Ellen
Cc: LoPiccolo, Kevin; White, Anastasia; Gores, Alanna; Kuss, Lorrie
Subject: RE: Second request regarding concerns about 550 Sherburne Rd. address

Mr. Telenick,

I will send an inspector by Mr. Fell's house to take a look at the water tank that you state has been recently installed on the property. A building permit would be required if the tank exceeds 5,000 gallons, or is elevated above grade or exceeds 2 to one height to diameter ratio. If the tank meets with these guidelines a building permit is not required.

Mr. Fell was given approval to insulate the floor and the ceiling of the home. After he completed the insulation he was directed to come in and pay \$75 and schedule the inspection. When the inspector is out to look at the water tank I will have him see if he can make contact with Mr. Fell and remind him of the conditions of approval to insulate.

The State Department of Labor & Industries is the authority for the permitting and inspection of the electrical wiring of the home. You may want to contact them to verify if they have issued electrical permits or performed any inspections on the wiring.

Allowing Mr. Fell to insulate the floor and ceiling of his home did not remove the authority of the Clallam County Sheriff or Environmental Health and their ability to enforce any laws or regulations that Mr. Fell may violate.

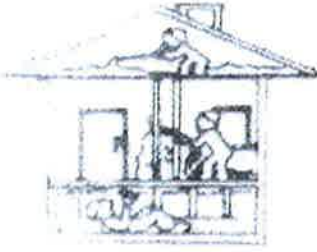
At this time we do not have a Code Enforcement Officer to oversee code violations. We hope to be able to hire staff as soon as possible so that these types of cases can be monitored properly.

Annette Warren
Clallam County Building Official
awarren@co.clallam.wa.us
(360)417-2314

From: Ed telenick [mailto:ed.telenick@hotmail.com]
Sent: Wednesday, September 01, 2021 11:33 AM
To: Warren, Annette; Winborn, Mary Ellen
Cc: LoPiccolo, Kevin; White, Anastasia; Gores, Alanna; Kuss, Lorrie
Subject: Second request regarding concerns about 550 Sherburne Rd. address

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

EXHIBIT 16 EMAIL FROM
A. WARREN DATED 9/1/2021



C&F Insulation

P.O. Box 2197, Port Angeles, WA 98362 (360) 681-0480

Making your life a little warmer!

INSULATION CERTIFICATE

THIS IS TO CERTIFY THAT, IN ACCORDANCE WITH THE CURRENT THERMAL PERFORMANCE STANDARDS (WASHINGTON STATE CODE) OR APPROVED PLANS, INSULATION HAS BEEN INSTALLED IN THE BUILDING LOCATED AT:

PROPERTY ADDRESS: 550 Sherburne Rd. Sequim, WA 98282
OWNER: Roger Fell
BUILDER: _____

DESCRIPTION OF INSULATION

	MANUFACTURER	THICKNESS	R-VALUE
ATTIC/SLOPES			
TYPE OF MATERIAL:	FIBERGLASS <u>CERTAINTeed</u>	_____	_____
BLOWN			
TYPE OF MATERIAL:	FIBERGLASS <u>CERTAINTeed</u>	<u>17"</u>	<u>49</u>
EXTERIOR WALLS			
TYPE OF MATERIAL:	FIBERGLASS <u>CERTAINTeed</u>	_____	_____
FLOORS			
TYPE OF MATERIAL:	FIBERGLASS <u>CERTAINTeed</u>	<u>5.5"/12"</u>	<u>21/38</u>
VAPOR BARRIERS			
TYPE OF MATERIAL:	VISQUEEN FLOOR <u>6mil Black Poly</u> CEILING _____ WALLS _____		
DUCT/PIPE WRAP			
TYPE OF MATERIAL:	FIBERGLASS YES _____ NO <u>✓</u>		
AIR SEALED PER WASHINGTON STATE ENERGY CODE	YES _____ NO <u>✓</u>		

SUB-CONTRACTOR: C & F INSULATION, INC.
CONTRACTOR'S REG. NO.: CFINSI*066DW

AUTHORIZED SIGNATURE: [Signature]

DATE: 8/19/2021

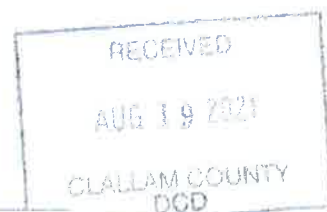


EXHIBIT 17 - INSULATION
CERTIFICATE



Clallam County Online Permit System

[County Home Page](#)
[Permit Info Start Page](#)
[Public Comment on Permits](#)
[Public Online Forms](#)
[Help](#)

View Case Status

The information below summarizes the case you selected.

Building Permit: **BPT2004-00413**

Status: *Expired*

Subtype: *Residential*

Name: **WILLIAM SCHROEPFER**

Application Date: **4/29/2004**

Issue Date: **5/25/2004**

Final Date:

Site Address: **550 SHERBOURNE RD**

Description: **ADDITION OF FAMILY ROOM AND LAUNDRY ROOM**

Parcel(s) related to this case: [\(Click the Parcel Number for more information\)](#)

043020230100 (Principle Parcel: Active)

[Zoom to Parcel on Multi-Purpose Map](#)

Documents related to this case:

(INSULATION CERT)

BPT2004-00413 (PLOT PLAN)

WITH SUPPORTING DOCS (EXPIRED BPT2004-00413)

Case Process Steps (Review, Decisions, Inspections, etc.)

Road Approach Required (H)	DONE	... Requirement Met: 4/29/2004
EXISTING		
Drainage Approval Required (H)	DONE	... Requirement Met: 4/30/2004
DRA2004-218		
Case Entered	Done	... Date Entered: 5/8/2004
Plan Check	DONE	Received: 4/29/2004... Completed: 5/23/2004
Septic Approval Required (H)	DONE	... Referred: 4/29/2004... Requirement Met: 5/25/2004
NEED PUMPING RECEIPT PER KDO		
Issue permit (F)	Done	... Date Approved: 5/25/2004
Permit Expired	DONE	... Expired: 5/25/2006
Setbacks Inspection	DONE	Required: 5/24/2004... Scheduled: 10/14/2004... Done: 10/14/2004
Footing Inspection	FAIL	Required: 5/24/2004... Scheduled: 10/14/2004... Done: 10/14/2004
Footing Inspection	DONE	Required: 10/14/2004... Scheduled: 11/8/2004... Done: 11/8/2004
Foundation Stem Wall Insp	DONE	Required: 5/24/2004... Scheduled: 11/8/2004... Done: 11/8/2004
Rough-in Plumbing Inspection	FAIL	Required: 5/24/2004... Scheduled: 6/27/2005... Done: 6/27/2005
not ready		
Framing Inspection	FAIL	Required: 5/24/2004... Scheduled: 6/27/2005... Done: 6/27/2005
not ready		
Rough-in Plumbing Inspection	FAIL	Required: 6/27/2005... Scheduled: 3/16/2006... Done: 3/16/2006
corr. notice		
Framing Inspection	FAIL	Required: 6/27/2005... Scheduled: 3/16/2006... Done: 3/16/2006
corr. notice		
Airseal Inspection	FAIL	Required: 5/24/2004... Scheduled: 3/16/2006... Done: 3/16/2006
corr. notice		
Rough-in Plumbing Inspection	DONE	Required: 3/16/2006... Scheduled: 3/27/2006... Done: 3/27/2006
Framing Inspection	FAIL	Required: 3/16/2006... Scheduled: 3/28/2006... Done: 3/28/2006
corr.		
Framing/Airseal/Glazing Insp	DONE	Required: 9/1/2021... Scheduled: 9/2/2021... Done: 8/19/2021
Final Inspection	FAIL	Required: 8/19/2021... Scheduled: 8/19/2021... Done: 8/20/2021
Framing Inspection	Open	Required: 3/29/2006... Scheduled: 3/29/2006...
Insulation (Walls) Inspection	Open	Required: 5/24/2004... Scheduled: 9/2/2021...
Airseal Inspection	Open	Required: 3/16/2006...
Insulation (Floors) Inspection	Open	Required: 5/24/2004...
Insulation (Ceiling) Insp	Open	Required: 5/24/2004...
Drywell Inspection	Open	Required: 8/19/2021...

EXHIBIT 18-BPT 2004-00413
WITH REQUIREMENTS



EXHIBIT 19. CURRENT
CONDITION OF ROOM ADDITION

BPT 2004-00413
PHOTO TAKEN 2022

Chapter 3 DEFINITIONS

SECTION 301 — GENERAL

For the purpose of this code, certain terms, phrases, words and their derivatives shall be construed as specified in either this chapter or as specified in the Building Code or the Housing Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be construed as providing ordinary accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

BUILDING CODE is the *Uniform Building Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

DANGEROUS BUILDING is any building or structure deemed to be dangerous under the provisions of Section 302 of this code.

HOUSING CODE is the *Uniform Housing Code* promulgated by the International Conference of Building Officials, as adopted by this jurisdiction.

SECTION 302 — DANGEROUS BUILDING

For the purpose of this code, any building or structure which has any or all of the conditions or defects hereinafter described shall be deemed to be a dangerous building, provided that such conditions or defects exist to the extent that the life, health, property or safety of the public or its occupants are endangered.

1. Whenever any door, aisle, passageway, stairway or other means of exit is not of sufficient width or size or is not so arranged as to provide safe and adequate means of exit in case of fire or panic.
2. Whenever the walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide safe and adequate means of exit in case of fire or panic.
3. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one half times the working stress or stresses allowed in the Building Code for new buildings of similar structure, purpose or location.
4. Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.
5. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.
6. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one half of that specified in the Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Building Code for such buildings.

7. Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

8. Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

9. Whenever, for any reason, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is being used.

10. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

11. Whenever the building or structure, exclusive of the foundation, shows 33 percent or more damage or deterioration of its supporting member or members, or 50 percent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

12. Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

13. Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this jurisdiction, as specified in the Building Code or Housing Code, or of any law or ordinance of this state or jurisdiction relating to the condition, location or structure of buildings.

14. Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion less than 50 percent, or in any supporting part, member or portion less than 66 percent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

15. Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the health officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

16. Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

17. Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

EXHIBIT 21A SECTION 302
DANGEROUS BUILDING CODE

18. Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

EXHIBIT 21 B- SECTION 302
DANGEROUS BUILDING CODE

Chapter 2 ENFORCEMENT

SECTION 201 — GENERAL

201.1 Administration. The building official is hereby authorized to enforce the provisions of this code.

The building official shall have the power to render interpretations of this code and to adopt and enforce rules and supplemental regulations in order to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

201.2 Inspections. The health officer, the fire marshal and the building official are hereby authorized to make such inspections and take such actions as may be required to enforce the provisions of this code.

201.3 Right of Entry. When it is necessary to make an inspection to enforce the provisions of this code, or when the building official or the building official's authorized representative has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this code which makes the building or premises unsafe, dangerous or hazardous, the building official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied, the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.

"Authorized representative" shall include the officers named in Section 201.2 and their authorized inspection personnel.

SECTION 202 — ABATEMENT OF DANGEROUS BUILDINGS

All buildings or portions thereof which are determined after inspection by the building official to be dangerous as defined in this code are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this code.

SECTION 203 — VIOLATIONS

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this code.

SECTION 204 — INSPECTION OF WORK

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the building official in accordance with and in the manner provided by this code and Sections 108 and 1701 of the Building Code.

SECTION 205 — BOARD OF APPEALS

205.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretations of this code, there shall be and is hereby created a board of appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The building official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 501 of this code. Copies of all rules or regulations adopted by the board shall be delivered to the building official, who shall make them freely accessible to the public.

205.2 Limitations of Authority. The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.



Case Activity Listing

Case #: CMP2020-00130

6/30/2023

2:55:07PM

Activity	Description	Date 1	Date 2	Date 3	Hold	Disp	Assigned To	Done By	Updated By	Notes
CMPD310	Contact Subjects of Complaint			10/26/2021	None	DONE	ARW	EAW	10/26/2021 EAW	Mr. Fell came to Bldg Dept. to discuss JV's. A. Warren discussed with him the need to stop work, construction / repairs until he has the required permits. Told him that his building is being posted with NOV today and he'll be receiving a letter from CE. He said the plumber was already done and out. Spoke specifically that his application is in process but not yet approved, so no more plumbing or anything. PO wants to paint, AW said paint is fine, but make sure walls aren't covering any work that needs inspection or he'll have to remove the drywall. Also, stressed to him that Electrical permit is through L&I, so he needs to be sure he has that permit before having electrical work done. AW told PO that if work continues she will report him to L&I and their fines start at \$1,000 per day.
CMPD350	Letter to Subject of Complaint	10/26/2021		10/26/2021	None	DONE	EAW	EAW	12/21/2021 EAW	Letter to Property Owner in response to report that he had plumber in the house working. BPT in review doesn't mean he can work. Must cease work in the house. See Docs.
CMPD060	Additional Complaint			11/22/2021	None		JMR	EAW	11/22/2021 EAW	Complainant contacted Environmental Health regarding Septic / Water. 2 occupied RV / Trailers on-site and a SanuCan J. Reed fielded emails and is sending letter to Prop Owner regarding septic. See Docs
CMPD060	Additional Complaint			12/2/2021	None			EAW	12/2/2021 EAW	New Complaint received via email regarding BWOP and construction noise continuing until 9:00 p.m. See Docs

EXHIBIT 23 - COMMUNICATION
REGARDING 2ND NOV AND
CONTINUED CONSTRUCTION



Clallam County Department of
Community Development

DATE REC'D: 9/28/21

BPT # 2021-780

RESIDENTIAL BUILDING PERMIT
WORKSHEET

PRJ # _____

SITE ADDRESS: 550 Sherburne Rd

PARCEL NUMBER: 043020230100

PROPERTY OWNER NAME: Roger Fell
MAILING ADDRESS: 110 Porter Place
CITY, STATE, ZIP: Sequim, WA 98282
Home Phone: _____ Work Phone: 360-912-3711 E-mail: nursing@olympian.com
MAIN CONTACT: Roger Fell PHONE: 360-912-3711
ENGINEER/ARCHITECT OF RECORD: _____ PHONE: _____
APPLICANT/CONTRACTOR: Roger Fell
MAILING ADDRESS: 110 Porter Place
CITY, STATE, ZIP: Sequim, WA 98282
STATE CONTRACTOR LICENSE #: _____ EXPIRES ON: _____
Home Phone: _____ Work Phone: 360-912-3711 E-mail: nursing@olympian.com
LENDING INSTITUTION (AS PER RCW 19.27.095): _____

DETAILED PROJECT DESCRIPTION - What are you building?
Replacing Bathed Floor and Kitchen in Kitchen & Bathroom. Damage from breaking of frozen pipe.

TYPE OF SEWAGE DISPOSAL (i.e. Ind. Septic, Community or Municipal): Septic
SOURCE OF POTABLE WATER (i.e. Ind. Well, Pub. Water Sys.): Well
DIRECTIONS TO SITE FROM A STATE HWY: East from PA to Sherburne Rd. 1/2
1/2 on right side

THIS INFORMATION BOX PERTAINS ONLY TO THE PROPOSED PROJECT
NO. OF BEDROOMS: _____ NO. OF BATHROOMS: 2 NO. OF STORIES: _____
NO. PLUMBING DRAINS: 1 SPECIFIC TYPE OF HEAT: _____
NO. WOODSTOVE/Pellet: _____ FIREPLACES: _____ (GAS/WOOD) INSERTS: _____ (GAS/WOOD)
GAS APPLIANCES: _____ LPG TANK SIZE: _____ (ABOVE GROUND/UNDERGROUND)
1ST FLOOR: _____ 2ND FLOOR: _____ 3RD FLOOR: _____ SQUARE FOOTAGE OF: _____
UNFINISHED BSMNT: _____ FINISHED BSMNT: _____ GARAGE: _____ CARPORT: _____
COVERED PATIO: _____ DECK: _____ COVERED DECK: _____ COVERED PORCH: _____

This application is complete and correct to the best of my knowledge.
Roger Fell 9-15-2021
Signature OWNER / AGENT / CONTRACTOR Date

FOR STAFF USE ONLY: Fixed until water is taken care of
SEP/SOM no plumbing take PROJECT VALUE \$22,000
H2O no plumbing take PLAN CHECK 10/1/21
DRA no req. int. only OCCUPANCY 2-3
RDP _____ CONST. TYPE 10
WAT _____ OWNERSHIP OL
CRI _____ FIRE PROTECTION _____
FLD _____ WSEC _____ (Pres. /UA All.)
SHR _____
ZONING R5 SETBACKS _____
ADDR LEGAL DESC & LOT SIZE NW3/4 17 WCRD Exc 24/25
ROUTED TO PLANNER: _____ DATE: _____

PLANNING REVIEW FEE* 75.00
ADDRESS FEE _____
PLAN CHECK FEE 227.50
REC #/CK # 2021-780
DATE 9/28/21
PERMIT FEE 349.00
ST. B.C. FEE 6.50
REC #/CK # _____
DATE _____
582.50

*The planning review fee is related to review of building permit applications for new building construction, additions and change of uses. The planning review will include a zoning consistency determination and also a determination of the applicability and any required permits or approvals that may apply related to County development regulations per CCC 5.100.300 Fee Schedule 300-A

EXHIBIT 24 - BPT 2021-00000
KITCHEN/BATH REMODEL

From: Emery, Bruce
To: Sager, Michael
Subject: RE: Ongoing issues in neighborhood
Date: Monday, April 10, 2023 1:21:37 PM

→ Thank you, Mic. I guess L&I is also indicting that no electrical permit was ever issued for the remodel (electrical) work was done. I know that EH is not ready to issue the septic permit (no designer drawing for the system). Thank you for following up with Ed on this.

Bruce

From: Sager, Michael <michael.sager@clallamcountywa.gov>
Sent: Monday, April 10, 2023 12:12 PM
To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Subject: RE: Ongoing issues in neighborhood

Bruce –

I went by this morning, and there are no junk vehicles at 550 Sherburne. I can meet with Ed on Wednesday, and see exactly what he is seeing. When I first got this case, Planning had finalized the building permit. This was in error, as they had not cleared with EH. Annette rescinded the finalized permit until such time as the septic is inspected. Andy in EH indicated they were fine with occupation of the house, as it's just an inspection needed. With your concurrence, I will contact Mr. Fell, and let him know we must enforce the HE order.

• Mic

From: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>
Sent: Monday, April 10, 2023 11:33 AM
To: Sager, Michael <michael.sager@clallamcountywa.gov>
Subject: FW: Ongoing Issues in neighborhood

Hi Mic,

If what Ed is stating in his email is true, the junk vehicles and the occupation of the dwelling would be in violation of the Hearing Examiner's Order. Can you provide me with a review of these items?

Bruce Emery

From: Ed telenick <e.telenick@hotmail.com>
Sent: Monday, April 10, 2023 8:57 AM
To: Emery, Bruce <Bruce.Emery@clallamcountywa.gov>; web_Commissioners <web_Commissioners@clallamcountywa.gov>; King, Brian <brian.king@clallamcountywa.gov>; Nichols, Mark <mark.nichols@clallamcountywa.gov>; Sill, Rich <Rich.Sill@clallamcountywa.gov>
Cc: Warren, Annette <annette.warren@clallamcountywa.gov>; Sager, Michael

p 528/654

EXHIBIT 25 - EMERY EMAIL
TO C.E. RE: ELECTRICAL

From: Major, Jesse
Sent: Tuesday, April 27, 2021 10:00 AM
To: 'Ed telenick'
Subject: RE: Thanks...2 trailers moved

Ed.

You just made my day with these photos. As best I can tell, there are no longer any junk vehicles on the property (the last truck runs and is registered).

Best,

Jesse

Jesse Major

Code Enforcement Field Officer
Clallam County Department of Community Development
360-417-2000 ext. 3729

From: Ed telenick [mailto:e.telenick@hotmail.com]
Sent: Tuesday, April 27, 2021 9:52 AM
To: Major, Jesse
Subject: Thanks...2 trailers moved

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Morning Jesse...

Just a heads up that two of the trailers are gone and it looks like Jessica may have moved...i guess the broken pot incident stirred up something with Roger and his lawyer

On another note, we went to the County yesterday and attempted to talk to Annette and or Donella to confirm what we had been told last month regarding the inability for Mr. Fell to obtain the permit without resolving the property line but they would not speak with us and kept bouncing Toni around (she actually tried to find you downstairs but you were out in the field) The good thing is she got confirmation from Ms. Clark that you were supposed to be the one responsible for how this moves forward and confirmed that Mr. Fell would need to meet everything on the checklist before any permits would be issued. If they override the decision and grant a bldg permit without the criteria being met is going to be interesting at best FYI...We did find your notes submitted as part of the code violation case where you had spoken to Planning and that the decision to grant Mr. Fell ample time to get the bldg permit was based on obtaining a BLA. We will request access to the hearing examination transcript / video..

EXHIBIT 26 - EMAIL
DOCUMENTING EFFORT TO
MEET WITH WARREN, CLARK

Get [Outlook for Android](#)

From: Ed telenick <e.telenick@hotmail.com>
Sent: Thursday, August 5, 2021 9:36:08 AM
To: Ed telenick <e.telenick@hotmail.com>
Subject: Fw: Request for Clarification of Permits Issued to 550 Sherburne Rd.

From: Ed telenick <e.telenick@hotmail.com>
Sent: Friday, July 16, 2021 11:38 AM
To: Warren, Annette <awarren@co.clallam.wa.us>; Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Subject: Re: Request for Clarification of Permits Issued to 550 Sherburne Rd.

Thank you for the prompt reply and assurances that Mr. Fell was not issued a building permit.

Your response provided some assurance but it generated several more questions. Much our confusion seems to be a matter of semantics. If Mr. Fell was not issued a permit but "allowed to insulate the floor and ceiling" was it considered an extension of an existing permit? Can you explain the mechanism under which this was done and what circumstances prompted it?

We have been unable to find any public records connecting Mr. Fell's name with the remodeling of the 550 Sherburne Rd. address. The room addition permit that you referenced in your response was recently removed from the public County Online Permit search engine . Can you explain why this expired permit was recently removed?

The 2004 room addition permit that allowed Mr. Fell to insulate the floor and ceiling was issued to the previous owner and expired in 2006. That permit was never renewed and is actually entered as Exhibit 2 as part of an ongoing Code Enforcement case against Mr. Fell.

The framing deficits may have been for minor issues in 2006 but they were never corrected and the permit expired. In the subsequent 15 years the house became severely damaged and was/is completely uninhabitable.

Why was Mr. Fell allowed to proceed with insulating the house without a permit when the extent of the damage was well known; and that he was knowingly violating (and continues to violate) a Hearings Examiner's order to obtain a permit?

When we were first told by Ms. Winborn that the extension was granted, she said that an inspector had been to the house prior to allowing the insulation to proceed, but was admittedly not familiar with what happened. Can you confirm if the house has been inspected by any

EXHIBIT 27A EMAIL OFFER
TO MEET WITH WARREN

building inspector since the red tag was ordered and when that occurred? Has the recent insulation been inspected?

The red tag and "do not enter" orders were tied to Mr. Fell's requirement to obtain a building permit, so if he does not have a permit how was he granted permission to remove the tag and proceed with construction?

Be assured we are asking these questions for very specific reasons and not trying to be difficult. We have been placed into a difficult position because of Mr. Fell's litigious nature and are going to do everything in our power to protect our well, our tenant and what remains off our neighborhood.

We understand that your decision no direct bearing on those issues but the decision to allow Mr. Fell to move forward with so many serious problems has direct implications in the Code Enforcement case.

→ We are always willing to discuss this with you in person or by telephone but at this point we feel having everything in writing is in our best interest.

Thank you
Ed and Mary Telenick

EXHIBIT 27B EMAIL OFFER
TO MEET WITH WARREN

Sent: Sep 03, 2021 20:55:43.000000000 UTC

Subject: RE: Third attempt to have questions answered

To: Ed telenick <e.telenick@hotmail.com>

Cc: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>; White, Anastasia <awhite@co.clallam.wa.us>

Mr. Telenick,

I have answered your questions regarding Mr. Fell's property in the questions below.

The county building inspector went by Mr. Fell's property to look at the "water tank" that was in the yard. The tank does not require a building permit however, I did forward the pictures on to Janine Reed in Environmental Health since the tank appears to be a septic tank. If you have any further questions on the tank then you will need to take them up with her.

Often times when neighbors have disputes they involve the county to try and bring some resolution. When this happens it is only fair that the county look at both properties involved. In doing so, additional building and planning code violations are discovered. This would also be the case in this situation. In a simple review, it would appear that you have three code violations located at 470 and 510 Sherburne Rd. They are: 1) At 510 Sherburne Rd it appears that a remodel was done after 2005 for the addition of a covered porch, new windows and reconfiguration of the front entry this is evidenced in the pictures from the Assessor's website. 2) At 510 Sherburne Rd a detached garage was constructed partially within the road right-of-way and does not meet the required planning setback from the centerline of the road (see aerial photos at www.clallam.net, and survey submitted with BLA2020-00025). 3) At 470 Sherburne Rd solar panels have been installed on the roof of the home without a building permit (aerial photos at 122 miles road).

From: Ed telenick [mailto:e.telenick@hotmail.com]

Sent: Friday, September 03, 2021 1:35 PM

To: Warren, Annette; Winborn, Mary Ellen

Cc: LoPiccolo, Kevin; White, Anastasia; Gores, Alanna; Gores, Alanna; Rushton, Pam

Subject: Third attempt to have questions answered

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Ms. Warren.

Your last email failed to directly address all of the questions that we were asked on July 16, 2021 and September 1, 2021. They are being pasted into this email in case you were unable to find them.

If Mr. Fell was not issued a permit but "allowed to build to the floor and ceiling" was it considered an addition of an existing permit? Can you explain the mechanism under which this was done and what circumstances prompted it? Mr. Fell was allowed to insulate the walls and ceiling under the original permit. Permission given by the inspector in 2006. Mr. Fell asked if he could still insulate under this approval. The county has always tried to work with owners of properties that are working on completion of older permits and have allowed for inspections to be paid at \$75 per inspection until the project was completed without issuing a new permit. This was customary under previous building officials as well as myself.

Can you explain why this expired permit was recently removed (from the online public records portal)? The County online permit page does not show BPT2004 00413 at this time using the address as a search criterion (it is accessible via other portals). What is missing from the records are any references to the

EXHIBIT 2B - DRAFT OF
 EMAIL SENT FROM WARREN TO MEW

To: Ed telenick <e.telenick@hotmail.com>; White, Anastasia <awhite@co.clallam.wa.us>; Cameron, Ron <rcameron@co.clallam.wa.us>; King, Brian <BKing@co.clallam.wa.us>
Subject: RE: Requesting update on CMP 2020-00130

Hi Mary and Ed,

Thank you for keeping us posted on code enforcement and other issues surrounding Mr. Fell's property. Could you please give us a time line on when you plan on addressing your code violations on your property(s)?

Have a wonderful Thanksgiving,
Mary Ellen

Mary Ellen Winborn, Director
Clallam County Dept. of Community Development
E. 4th Street, Suite 5, Port Angeles, WA 98362
Phone: 360-417-2323 Fax: 360-417-2443
mwinborn@co.clallam.wa.us
<http://www.clallam.net/dcd/>

From: Ed telenick <e.telenick@hotmail.com>
Sent: Tuesday, November 23, 2021 4:04 PM
To: White, Anastasia <awhite@co.clallam.wa.us>; Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>; Cameron, Ron <rcameron@co.clallam.wa.us>; King, Brian <BKing@co.clallam.wa.us>
Subject: Requesting update on CMP 2020-00130

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hello Anastasia,
Janine and Pam Rushton recently advised us that now you have more enforcement help. That is great.

We also see that Mary Ellen had been forwarding specifics of this situation since August so hopefully you have a good grasp of what has been happening in our neighborhood by now.

What you may not be aware of is that there have been over 35 Sheriff calls to that residence since January and more than half of them have been filed by Mr. Fell or his family (you have been involved in the most recent complaint about the junk car that is sitting in front of his house) Some of these complaints involve felonies and theft and almost all of them are related to the presence of people who are living in the illegally occupied trailers that they have tucked into the back of the lot.

Unfortunately, now the property to the south is equally challenged because they have witnessed what has been allowed at the 550 address and have set up an encampment as well

EXHIBIT Z9A - EMAIL FROM
DIRECTOR WINBORN RE WARREN
DRAFT EMAIL

From: Winborn, Mary Ellen
Sent: Monday, November 29, 2021 12:05 PM
To: Ed telenick
Subject: RE: Requesting update on CMP 2020-00130

Hi,

→ From a cursory view, it appears that you have done extensive work to your rental and there was not a building permit application for that work. It also appears, that your rental garage was not permitted. Although a utility building this size does not require a building permit, it is required to be built to code and it appears to be built in the road right of way or hopefully for your sake the setback.

Also, your primary residence appears to have solar panels and a building permit is required for solar panels.

Again, just a cursory review, but code violations, none the less.

Hope your Thanksgiving was life giving.
Mary Ellen

Mary Ellen Winborn, Director
Clallam County Dept. of Community Development
E. 4th Street, Suite 5, Port Angeles, WA 98362
Phone: 360-417-2323 Fax: 360-417-2443
mwinborn@co.clallam.wa.us
<http://www.clallam.net/dcd/>

From: Ed telenick <e.telenick@hotmail.com>
Sent: Wednesday, November 24, 2021 5:24 PM
To: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Subject: Re: Requesting update on CMP 2020-00130

*** EXTERNAL EMAIL *** This message was sent from outside our County network.

Hi Mary Ellen...

We are out of town for the holiday and will check in next week...

You mentioned code violations on our property but not sure what you meant??

We have hired Froelich and Dickson and will be filing a countersuit but this nightmare never seems to end....

Have a great T day...

e&m

From: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Sent: Wednesday, November 24, 2021 3:26:35 PM

EXHIBIT 29B- EMAIL FROM
DIRECTOR WINBORN RE: WARREN —
DRAFT EMAIL

From: richard.sill@clallamcountywa.gov
To: mark.ozias@clallamcountywa.gov
Cc: tom.reyes@clallamcountywa.gov
Subject: RE: Thanks..
Date: Monday, May 23, 2022 10:07:35 AM

Hello Mark,

Yes, I have had visits with Ed and Tom has worked with him as well. In my thinking about this issue it seems that some process relief short of litigation is presented with the presence of a new incoming elected DCD director and/or that Director's work with the allied departments working together in the future. So much of this situation goes back to the personality issues involving Mary Ellen and Ed that her ultimate absence may help greatly in moving forward. This may be an issue we just have to logically wait out.

Thanks

Rich

From: Ozias, Mark <mark.ozias@clallamcountywa.gov>
Sent: Friday, May 20, 2022 10:29 AM
To: Sill, Richard <richard.sill@clallamcountywa.gov>
Subject: Fw: Thanks..

Hi Rich,

I think you have been loosely tracking on this case - if not, let me know and I can fill in a few details - but this resident poses a valid question. What is the appropriate recourse - short of filing suit - when one believes they have been treated unfairly by a county official when there is not already a proscribed process like BOE?

I am not sure what to tell this gentleman but I sure don't want it to be "tough luck." Thank you in advance for your thoughts and advice.

Mark Ozias

Clallam County Commissioner

** Please note my new email address: mark.ozias@clallamcountywa.gov*

** This correspondence may be subject to disclosure under the Public Records Act.*

From: Ed telenick <e.telenick@hotmail.com>
Sent: Monday, May 16, 2022 10:40 AM

EXHIBIT 30 - EMAILS BETWEEN
COMMISSIONER OZIAS AND
ADMINISTRATOR SILL RE: WINBORN

22-1270 - thanks

50 Sherburne Rd. Photo taken 8/3/2020 in front yard near well casing looking south shows some of the debris that had been accumulating for years. Mr. Fell was not the owner of the house at this time.

EXHIBIT 31 - PHOTO OF
DISCARDED WATER HEATER +
APPLIANCES IN YARD



0 Sherburne Rd. Photo taken 8/3/2020 showing state of interior prior to Mr. Fell's purchase. These freezers were left full of rotting meat which was dumped outside by Mr. Donald Ingles who had considered purchasing the house. The stench from the rotting meat was noticeable for months and attracted all kinds of scavengers to the entire neighborhood. Mr. Fell's children also dumped garbage and human waste in buckets for almost 2 years after he purchased the property. He was required to have a sanican placed, but had it removed within 2 months. Note charred outlet plug and open wiring from water heater feed.

EXHIBIT 32 - PHOTO OF
MISSING WATER HEATER + ELECT.

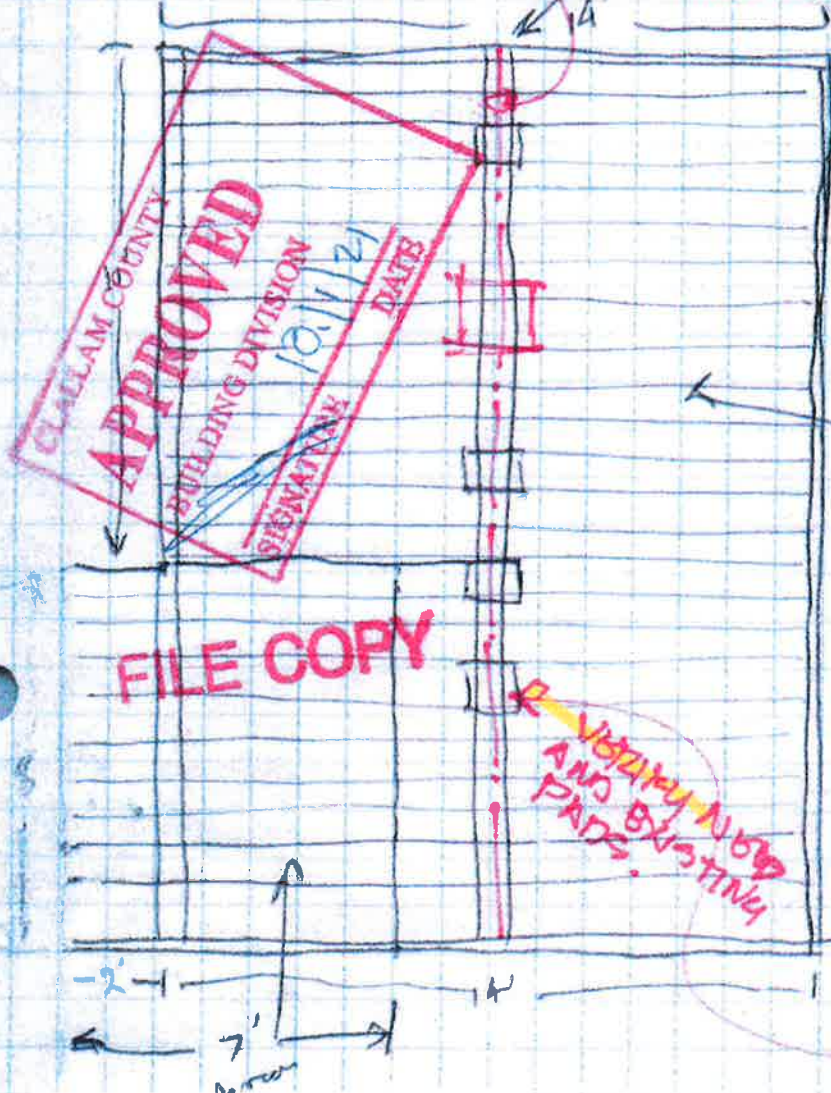


EXHIBIT 33 - PHOTO OF NEW
PUMP HOUSE - BURIED PIPE -
ELECTRICAL WITH NO INSPECTION

PROVIDE 6 MIL
BLACK POLY VAPOR
BARRIER AT CRAWL

existing beam
6x6

6x6 OF NO.2 FLOOR GIRDER
MAXIMUM SPAN 5'-0" -
VERIFY ADD POSTS AND PADS
AS NEEDED



Concrete
Foundation

Floor Joist 2x6 NO.2
16" on center
REPLACE DAMAGED
JOISTS AS NEEDED
VERIFY-

REPLACE FLOOR SHEATHING
TO MATCH EXISTING
VERIFY-

3/4" sub floor
then 5/8" particle Board

2x6 pyramid Blocks
with 6x6 post on top
to Beam

PROVIDE MIN.
18"x18"x8"
CONCRETE PADS W/
4x6 P.T. POSTS
WITH POSITIVE
CONNECTION TOP AND
BOTTOM - MAXIMUM
SPACING 5'-0" o.c.

Provide post-to-beam connections
at the top & bottom of the post.

R317.3.1 Fasteners. 2012 IRC
Fasteners for pressure treated wood shall
be of hot dipped galvanized steel, stainless
steel, silicone bronze or copper.
Exception: One-half inch diameter or
greater steel bolts.

Concrete Strength:
Foundation and footings 2500psi

PROVIDE R-30 FLOOR INSULATION
AT FLOOR JOISTS, SUPPORT
24" o.c.

BPT 2021-880 FELL
0430 20 23 0100

EXHIBIT 34 - FOUNDATION PLAN
FOR IMPROPER SECTION OF HOME
BPT-2021-00000

From: swaldrip@co.clallam.wa.us
To: nurseryguy@olypen.com
Subject: RE: Hauling Potable Water
Date: Wednesday, October 27, 2021 4:23:05 PM

Mr. Fell,

This is to formally inform you that the I met with the Health Officer regarding the situation with the seasonal well at 550 Sherburne Rd and your request to haul in water, and the decision is that you need to determine if a permanent source of water is available, i.e. a drilled well. We have on file your water availability application with a proposed well site downhill closer to the stream.

If you have any questions, please contact me.

Sue Waldrip, EHS - Water Lab
360-417-2334; 360-417-2313 (fax)
swaldrip@co.clallam.wa.us

Physical Address:

Clallam County Courthouse, 223 E. 4th, Room 130, Port Angeles

Mailing Address:

Clallam County Health & Human Services/Environmental Health
111 E. 3rd St. Port Angeles WA 98362

"Always working for a healthier Clallam County"

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

From: nurseryguy@olypen.com [<mailto:nurseryguy@olypen.com>]
Sent: Monday, October 11, 2021 4:31 PM
To: Waldrip, Sue
Subject: Re: Hauling Potable Water

On 2021-10-11 10:11, Waldrip, Sue wrote:

- > Mr. Fell,
- >
- > I did some research on this parcel and found file notes dated 1/14/21
- > that the well pump and casing had been pulled by the previous owner
- > and a new well would need to be drilled. This implies there currently
- > is no well on the property, so I am a bit confused by our conversation
- > on Friday.
- >
- > You stated that there is a well on the property that is influenced by
- > irrigation ditch water and goes dry October to April when the ditch is
- > turned off. This likely means the well is a shallow dug well. Wells
- > that are seasonal and subject to fluctuations in water table are
- > generally more susceptible to contamination. In this case a drilled
- > well would be the best solution. Another option would be checking
- > with a neighbor on sharing a well.
- >
- > Before the process to approve the remodel permit could begin I would
- > need
- >
- > 1. a plot plan showing the location of the existing water
- > supply,
- >
- > 2. an inspection of the well by a licensed driller or one of the

EXHIBIT 35A - EMAIL RE:
WELL PROBLEMS

p 225/310 PRR 12873 - Sue W. / R. Fell well

> pump companies that can testify that it meet the current standards for
> a dug or drilled well, and

>
> 3. I also need some water samples (bacterial and nitrate) if
> there is any water flowing at all.

>
> Since you asked about the hauling of potable water, I have attached
> several documents. Hauling water is generally for emergency
> situations and is not meant to be used as a permanent source of water.
> In order to final the building permit you would need to find a
> permanent source of water for the home. All of the required
> information would need to be submitted prior to the building permit
> being issued.

>
> Let me know if you have any questions.

Just to let you know, my neighbor has to haul water when the ditch is dry also. A second well was dug by Louie's well Drilling. It went 300 feet and the result was no water. I am going to stop at Oasis Well Drilling in the morning about drilling a new well on another part of the property if that is possible. Otherwise, my house will be like the one I had at Naches Heights outside of Yakima. When the irrigation ditch across the road ran, we could fill out cistern. When the ditch was shut down, we had to hire someone to haul in water. We put a purification system in after we bought the house. In Blyn, I had a cistern that had water piped from a spring up on the mountain behind the house, but the water ran all year around.

I can not get any water samples for you until April when the ditch is running again, unless I can find a working well.

Also, to correct your info, there are 2 wells. The one that goes dry and is 36 feet deep. I had Oasis come and clean it out. The 2nd, as I stated above is 300 ft and no water. If i can not haul water, I will have no water until April. I planned on having drinking water purchased in 5 gallon bottles.

EXHIBIT 35B - EMAIL DISCUSSING
FAILED/SEASONAL WELLS

p226/310 PRR 12073 - R. Fell admitting failed well

From: "Griffith, Douglas (LNI)" <grii235@LNI.WA.GOV>
Sent: Tue, 23 Nov 2021 00:34:27 +0000
To: "e.telenick@hotmail.com" <e.telenick@hotmail.com>; "Micheau, Clay (LNI)" <MICC235@LNI.WA.GOV>
Cc: "Hoskins, Dwayne (LNI)" <HOSD235@LNI.WA.GOV>
Subject: FW: 550 Sherburne Rd. Sequim, WA
Attachments: 1-20210921_072306.jpg, 2-P8030033-002.jpg, 3-P8030028-002.jpg, 4-P8030030-002.jpg, 5-P8030032-002.jpg, 6-P8030040-002.jpg, 1-roger fell petition letter p1.jpg, 2-roger fell petition letter p2.jpg, 3-550 Code Violation Hearings Examination Letter 550 Sherburne Rd..jpg, 4-Warning letter CE 6292021.jpg

Gentlemen,

Judging from these photos there appears to be reason for concern regarding structural and/or electrical integrity of this structure. That said, is it possible that this wiring has already been de-energized, so as not to be an immediate concern?

Clay, as we discussed earlier today, if Mr. Fell chooses to complete this electrical work himself, and knows what he's doing, then that is allowed. If he doesn't, he should hire a licensed electrical contractor to take care of it.

In any case, if any of these circuits are energized, the circuit breakers should be de-energized, logged out, and tagged as "De-energized" until such time as they are properly repaired, inspected, and approved by the department. An electrical permit needs to be purchased immediately, and all non-compliant circuits, feeders, and/or service either repaired and inspected, or disconnected from power, so as to not create or perpetuate a dangerous situation.

If Mr. Fell decides to hire a contractor, the contractor needs to add a note to the **Description of Work** that says "Taking responsibility for the repair and completion of previously installed non-compliant electrical wiring and equipment performed by others."

If Mr. Fell chooses to perform the electrical work himself (as the property owner), that would be acceptable, as long as he understands and is fully capable of completing this electrical work in keeping with, and according to, the 2020 National Electrical Code and 2021 WAC 296-46B electrical standards.

No matter which path he chooses, the electrical permit needs to be purchased right away. Specifically, no later than the last day of this month. Prior to next Tuesday, December 1st, 2021.

Clay please keep me informed as to what Mr. Fell and how this progresses.

Thank you.

Doug Griffith

Electrical Inspection/Compliance Field Supervisor
Department of Labor and Industries
Olympic & Kitsap Peninsulas
360-308-2854 (Silverdale)
grii235@lni.wa.gov

Renew your license: <https://www.lni.wa.gov/TradeTest/Licensing/LicensingInfo/Leads.cfm>

From: Ed telenick <e.tele
Sent: Monday, November

EXHIBIT 36 - EMAIL FROM
L&I DISCUSSING ELECTRICAL
ISSUES



would need at least until the first week of June to prepare proper applications. He noted in response to inquiry by the Hearing Examiner, however, that he could submit "rough draft" applications on much shorter notice if need be to initiate the review process.
Testimony of Mr. Unger.

12. Mary Ellen Winborn, the County's Director of Community Development, testified that the County does not accept "rough draft" permit applications and it is unfortunate that the Vaughans did not begin the permitting process sooner. She also stressed that there is no "middle ground" when it comes to large groups of people gathering – structures must be safe. *Testimony of Ms. Winborn.*
13. Ms. Warren provided additional, clarifying testimony and stressed that the building code does not distinguish between public and private, or for-profit and not-for-profit spaces. Buildings must be inspected and verified as structurally sound no matter what purpose they serve. *Testimony of Ms. Warren.*
14. Officer Harvey recommended that a \$3,000 fine be levied, with \$1,500 suspended, if all necessary permit applications were submitted within two weeks of the hearing. *Testimony of Officer Harvey.*

CONCLUSIONS

Jurisdiction

The Administrative Hearing Examiner has jurisdiction over this matter and parties, pursuant to Chapter 20.33 of the Clallam County Code.

Conclusions Based on Findings

1. Ms. Vaughan has violated the Examiner's decision. Specifically, Ms. Vaughan has failed to obtain after-the-fact permits for several structures that have been altered, installed, or built – including a new barn, tent structures, a modified shed, a modified garage, and an underground propane tank. Ms. Vaughan has also allowed the venue to be used for events without having obtained all necessary permits. *Findings 1 through 14.*
2. Under Clallam County Code ("CCC") Chapter 26.10.700 Performance monitoring: "[a]ny permit or other approval issued under authority of this chapter as a Type I, II or III permit, and containing conditions for such approval such as an approved mitigation plan, habitat management plan, certificate of compliance, or other special report, is subject to the following permit condition monitoring procedures, unless otherwise specified in the relevant permit, plan, certificate, or report: . . . (5) Failure to comply with all the terms and conditions of a permit decision is also subject to enforcement to the provisions of CCC Title 20, Code Compliance."
3. Ms. Vaughan received reasonable notice of the Notice of Code Violation and Notice of Administrative Hearing at her address at P.O. Box 610 Carlsborg, WA 98324. "Notice of

*Clallam County Hearing Examiner
Findings, Conclusions & Order*

Page 4 of 6

EXHIBIT 38-TESTIMONY OF
A WARREN RE STRUCTURE SAFETY

Appendix A

Excerpts from Clallam County Administrative Policy

Section .235, Administrative Policies, Investigation of Complaints and Discipline.

.3 COMPLAINTS AGAINST EMPLOYEES TO BE THOROUGHLY INVESTIGATED

It is both necessary and desirable that Clallam County consistently and critically examine all actions of employees that represent a liability to either the County, the community or the employee. Complaints must be professionally and thoroughly investigated in order to:

- a. To ensure the public confidence, trust, and cooperation in the County.
- b. Protect Department employees unjustly accused.
- c. Preserve morale.
- d. Discover misconduct so that corrective action or discipline may be quickly and fairly administered.

Complaints which are investigated in a diligent and impartial manner are less likely to cause citizens or employees to be antagonized.

.4 NOTIFICATION OF DIRECTOR

The Director has oversight responsibility for all investigations involving employee misconduct. Prior to commencement of any investigation into allegations of a serious nature involving misconduct, violations of policy or law, the County Official and/or his designee shall notify the Director of the allegations. The Director is vested with authority to determine whether the investigation will be performed by County staff or referred to outside investigator(s).

10.1 Processing Complaints

Complaints against employees (originating from a citizen, a fellow employee, another agency, or serious violations as determined by the County Official) will be thoroughly reviewed. Assuming that the complaint does not involve illegal activity, the employee will be informed of the charges prior to any disciplinary action and permitted to provide an explanation or comment on the charges. Where possible illegal activity is involved, employees will be given every right due any other person in the context of a criminal investigation. Interviews of employees will comply with procedures outlined in these policies unless addressed otherwise in an appropriate labor contract. Employees involved in the investigation of complaints should always consider the appearance of fairness in their investigations. No employee will initiate internal investigations without proper authority.

10.5 County Official Responsibilities

The County Official shall cause an investigation of the complaint to be made. County Officials are responsible to ensure that County, department, and labor agreement procedures are adhered to by supervisors assigned to investigate and for the coordination, proper investigation, and documentation of complaints within their departments. County Officials are responsible to ensure that appropriate discipline, counseling, or corrective action resulting from sustained complaints occurs and that it is proper, fair, and consistent.

If it appears the complaint may reasonably result in disciplinary action, County Officials shall notify the Director. In such cases the Director will assist in the coordination of the investigative and disciplinary process and ensure that procedures regarding investigation and discipline are followed.

10.6 Notification Of Employee Complained Against

In all complaints, the County Official shall cause notification of the employee complained against of the existence and nature of the complaint unless there exists an investigatory reason for withholding such timely notification. The affected employee shall also be notified of the disposition of any complaint investigation. Failure to provide notification shall not affect the disposition of the complaint or any discipline which may result.

.12 DISPOSITION OF INTERNAL INVESTIGATIONS

Upon conclusion of the investigation, the investigating member shall make a determination as to his findings. Upon completion of the review of the charges in a complaint, the matter will be classified as:

- a. Exonerated - the alleged conduct occurred but it was lawful and proper.
- b. Unfounded - the complaint was false or unfounded.
- c. Not sustained - there was insignificant evidence to prove or disprove the allegation.
- d. Sustained - The allegation was supported by proper and sufficient evidence.

The investigating supervisor shall submit to the County Official all reports, documentation, and findings. Included in the file shall be a narrative of recommendations which shall consider the findings of the current investigation, mitigating circumstances, other violations or deficiencies, and disciplinary factors.

The County Official shall review the investigative file and may elect to:

- a. Cause disciplinary or corrective action to be taken as appropriate.
- b. Cause further investigation to take place, either by himself or his assigned supervisor.
- c. Dispose of the investigation without disciplinary action.

Upon conclusion of the action, the County Official will cause the investigative file, to include any documented disciplinary action, to be filed with the Director. Any documented disciplinary action will be directed to the affected employee's personnel file.

Appendix B Exhibit List

In addition to Clallam County Policy, Section .235 (Appendix A), The following exhibits were considered during the investigation of this complaint:

Exhibit 1: Emailed complaint, as received June 14, 2023

Exhibit 2: Hearing Examiner's Order concerning CMP2020-00130, dated April 8, 2021.

Exhibit 3: Notice of Correction by Building Inspector Steve Wyman, indicating framing had been approved and authorizing insulation installation, dated March 8, 2006.

Exhibit 4: Notice of Correction by Building Inspector Bill Faulk, indicating additional items to be completed prior to final approval, dated August 19, 2021.

Exhibit 5: Letter from Building Official Annette Warren to Roger Fell, indicating that a new building permit would be required for work completed outside of the scope of the original permit, dated September 3, 2023.

Exhibit 6: Assessor records showing field assessment sheet dated October, 2005, and photo of Telenick's home on their south parcel.

Exhibit 7: Assessor records showing photograph of Telenick's home on their south parcel, dated March 28, 2016.

Exhibit 8: Sheriff incident report dated 1/16/2023 where owner reported theft of his truck by his son and girlfriend and stated they live at 550 Sherburne Rd.

Exhibit 9: Notice of correction dated 12/14/2022 hand delivered by Building Inspector C. Smith to couple living at 550 Sherburne Rd.

Exhibit 10: Violation of Hearings Examiner Order issued on May, 4, 2023 for occupation of Building without a Certificate of Occupation.

Exhibit 11: Photo of interior of residence as it appeared in August of 2020 showing foundation, exposed wiring and plumbing.

Exhibit 12: Photo of kitchen as it appeared in August of 2020 showing black mold, wiring and accumulated garbage.

Exhibit 13: Photo of entrance as it appeared in August of 2020. The foundation beneath this entrance was replaced with 3 2x6's stacked horizontally and covered with concrete.

Exhibit 14: Photo of missing flooring that was present throughout the house as it appeared in August of 2020.

Exhibit 15A: Expired building permit 2004:00413 with framing signed off on one time inspection dated August 19, 2021 despite no electrical or wall insulation inspections.

Exhibit 15B: Notice of Violation left as a result of August 19, 2021 one-time final inspection of Building Addition.

Exhibit 16: Email from A. Warren to the Telenicks dated September 1, 2021 discussing water tank, Labor and Industries and lack of Code Enforcement.

Exhibit 17: Certificate of Insulation dated August 19, 2021 showing no wall insulation or air seal work was done.

Exhibit 18: Summary of BPT 2004-00413 showing open wall insulation, new drywall inspection requirement and prior history of failed framing permits from 2004-2006.

Exhibit 19: Photo of west side of 550 Sherburne Rd. taken in December of 2022 showing unfinished rear deck, unfinished gutters and general condition of Room Addition permitted under 2004-00413. Of note, the actual condition is now worse than this photo as all vinyl siding has been removed from original structure that is the subject of the 2021-00880 permit.

Exhibit 20: Photo of first red tag placed by CE on February 16, 2021. Owner had obliterated this tag on more than one occasion and it was taped back in place by CE.

Exhibit 21A,B: Definitions of Dangerous Building under Section 302 of Abatement of Dangerous Building Code.

Exhibit 22: Enforcement authority pertaining to Abatement of Dangerous Buildings.

Exhibit 23: Case activity log showing conversation between A. Warren and Mr. Fell discussing NOV, lack of permit, completed plumbing and threat to contact L and I as documented by CE Administrator A. White on October 26, 2021, 7 days after HE fines were to be initiated for noncompliance.

Exhibit 24: Permit application 2021-00880 of kitchen and bath for damage due to frozen pipes in original structure. These rooms were not included as part of the 2004 Room addition.

When this permit was issued the kitchen and bath had already been replumbed, rewired, sheet rocked and cabinetry installed without inspection. Until mid-December of 2021, there was no potable water available and plumbing inspections were never part of the requirements, despite the entire permit being issued as a result of frozen pipes.

Exhibit 25: Email from DCD Director Emery to CE Officer Sager dated April 10, 2023, admitting that no electrical permits were ever issued for the interior remodel of structure.

Exhibit 26: Email from Telenicks to CE Officer Major dated April 27, 2021 documenting our attempt to meet with A. Warren and Ms. Clark regarding our efforts to understand why the original requirement to remove the Boundary from within the structure was changed.

Exhibit 27A,B: Email thread from Telenicks to A. Warren dated Aug. 5th, 2021 requesting a meeting to discuss the situation and obtain answers to unanswered questions posed in a July 16, 2021 email we sent.

Exhibit 28: Draft of email prepared by Ms. Warren to ourselves and Ms. Winborn that was prepared on September 3, 2021. It contained false information and was ultimately used by Ms. Winborn to intimidate us regarding our own properties and used to pursue the olar contractor for a mechanical permit on an 8-year-old installation, despite no complaints ever having been filed.

Exhibit 29A: Email from M. Winborn to Telenicks dated November 24, 2021 one

day after we reported the ongoing problems that were occurring at 550 Sherburne Rd. This email questioned Code violations on our properties that we were unaware even existed.

Exhibit 29B: Email from Director Winborn to Telenicks dated November 29, 2021 outlining Code violations that were provided by Ms. Warren in her unsent draft email of September 3, 2021. It contained intimidating language regarding a garage, a reference to unpermitted building and solar panels.

Exhibit 30: Email thread between Commissioner Ozias and County Administrator Sill, dated May 20-23, 2022 where the actions of Director Winborn and Mr. Telenick were simply attributed to a personality conflict.

Exhibit 31: Photo of discarded appliances and solid waste in front yard at 550 Sherburne Rd. taken in August of 2020.

Exhibit 32: Photo of laundry room built as part of expired 2004-00413 permit taken in August of 2020 showing missing water heater, exposed wiring, and blackened outlet.

Exhibit 33: Photo of recently buried supply line and electrical work to water storage tank. Note: The well cap and new wiring that is in conduit in the foreground was permitted and inspected by L and I after the owner was threatened with a service disconnect by L and I. Nothing in the buried trench was ever visualized or tested prior to covering and the open well remained uncapped for years.

Exhibit 34: Foundation plan that was submitted by Mr. Fell and modified by C. Smith as part of the 2021-00880 building remodel is not for the damaged foundation beneath the rotted flooring. That section of the house is inaccessible from the exterior. Verification requirements identified on the remodel foundation plan were not accessible unless an inspector visualized the crawl space from inside the house

Exhibit 35A,B: Email thread dated October 11-27, 2021 between Mr. Fell and S. Waldrip discussing the seasonal and failed wells, the need to locate and drill a new well, the plans to haul water, and why a storage tank was installed.

Exhibit 36: Email from L and I Field Supervisor D. Griffith to field inspectors

dated November 23, 2021 discussing the concerns about the electrical requirements at 550 Sherburne Rd.

Exhibit 37: Photo taken mid-summer 2021, showing excavator removing old well house and preparing to install water tank over legal property boundary.

Exhibit 38 Testimony of A. Warren presented during a 2019 CE case before the HE discussing the need to inspect and verify structural stability of a Building.

Emery, BruceDATE 6/30/2023

From: Ed telenick <e.telenick@hotmail.com>
Sent: Wednesday, June 14, 2023 12:39 PM
To: Sill, Rich; Reyes, Tom
cc: Emery, Bruce; Warren, Annette; Boughton, Dee; web_Commissioners
Subject: Formal investigation requested

We are filing a formal complaint against Clallam County Building official Annette Warren for the following reasons. We believe her actions have allowed an unsafe structure to bypass safe building standards, jeopardized our safety, created ongoing nuisance in the neighborhood, caused unnecessary stress for ourselves, our tenants and has generated considerable expense for ourselves.

Over the past two years she bypassed or overlooked many mechanisms that could have reduced the Counties exposure to liability and that could protected our neighborhood and property values. She, in turn, selectively favored the very person who created the problems in the first place and then distorted the truth of what was occurring. Her and her Staff ignored well documented building code violations and knowingly made concessions that allowed the process to continue when they should have been corrected.

More importantly, Ms. Warren also provided inaccurate information to the then Director of Community Development which resulted in retaliatory actions that were taken against us. This has damaged our reputation and fostered a situation that continues to jeopardize our safety and created stress that is now manifested in medical problems for both of us.. We live in daily fear of being robbed, having our property damaged and have lost two years of our planned retirement travel because of her missteps.

Her actions included providing false information that was relayed to the Principal Planner and is now documented as part of a legal BLA application that misrepresents the truth. We have no idea what consequences this may create for us down the road. We have corroborating documentation for each and every claim we are making (as does the County) and we are asking for a formal investigation into her actions.

- 1) Ms. Warren knowingly and arbitrarily overrode a Hearings Examiner's orders that allowed the homeowner of 550 Sherburne Rd. to continue work on a house that was not supposed to be occupied until a permit was obtained. (CMP 2020-00130). The original permit (BMP 2004-00413) failed in 2004, expired in 2006, was then extended in 2021. It remains open and failed in 2023, well past the allowable one year extension and 19 years after issuance. The Building Department later attempted to comingle a failed room addition permit with a completely different remodel permit (BMP2021-00880) while failing to adequately address the serious damage that had occurred to the entire structure.
- 2) Ms. Warren falsely stated that the structure needed only minor work to meet codes when she overrode the HE orders, when it was abundantly clear the house was so severely damaged that it was valued at \$0. (BOE Hearing April 18, 2021) The owner himself stated the house was virtually destroyed and yet continued to work without permits for months in clear violation of the HE orders and a red tag that she allowed to be removed. The purchase price of \$15,000 was paid for this house plus 2 acres in late 2020 when property values in Clallam County were nearing an all time high. That fact itself should have been indicative as to the extent of the damage.
- 3) The home had not been inspected since 2006 despite photographic evidence presented by CE at the CV hearing that it had been gutted. This included unpermitted electrical work, plumbing, serious foundation and structural problems that should have required a physical inspection and structural engineering before proceeding according to both the owner himself and the CE officer who was working on the case and presented it to HE Judge Reeves. Ms. Warren told the previous Director of DCD that her motivation for granting the extension was to gain access to the interior of the house, when the deficits could be more fully

investigated. That was never done because by that time most of the damage had been illegally covered with insulation, drywall, and cabinetry.

- 4) Ms. Warren repeatedly ignored written and in person requests by us for a meeting and failed to respond to our concerns ever a period of several months, despite both neighbors and CE continuing to report ongoing construction without permits.
- 5) Ms. Warren distorted many facts and Codes in an attempt to minimize the situation when it was her poor decisions that created the situation in the first place. She tried to deflect her responsibilities and poor decisions to Labor and Industries, Clallam County Sheriffs office and the lack of CE; who had provided her with extensive documentation of these violations before they resigned their positions.
- 6) In December of 2021 the County issued a second permit for a remodel of the residence (BMP2021-00880) that was supposedly limited to the original structure, although it is clear from the permitting and foundation drawings that it also encompassed the failed 2004 building addition permit. That permit was granted without ANY required plumbing inspections when the very purpose of the remodel was to repair the failed plumbing that had caused some of the damage in the first place. Ms. Warren had written and photographic evidence that the plumbing was done without a permit and no potable water. She had even issued a threatening letter to the homeowner, asked CE to issue a second Stop Work order while the property was supposed to be accruing daily fines for non compliance of the HE orders. At the same time this was occurring Ms. Warren tried to make it appear that she was working with a cooperative homeowner and that granting the remodel permit was permissible as such. It was clear that this was not the case and County records clear show that the owner was not cooperating or keeping the County informed as to the status of the permit that was supposed to be obtained by October 19, 2021 according to the HE.
- 7) In one email Ms. Warren suggested that we should contact L and I if we had concerns about electrical issues, stating it was their jurisdiction; but at the same time she was also threatened the owner with contacting them herself for working without the proper permits. Despite that, her Staff had already signed off signed off on the 2004 framing permit which confirmed electrical inspections were completed. There were still electrical issues with that house because the contractor rescinded his permit and refused to work on 6 branch circuits that were required. Somehow the Building Staff also signed off on the framing for the remodel permit so wiring is now buried deep in insulated finished walls with cabinetry installed because of her actions and no electrical inspections. This is not our responsibility but Ms. Warren's.
- 8) On December 12, 2022 the County fully signed off on the 2021 remodel permit despite clear evidence that the structure had no gutters, failed windows, destroyed siding, a water storage tank that was illegally installed above grade (and likely over a disputed property line), and was being occupied without a Certificate of Occupation It remains illegally occupied to this day. It was only as a result of EH flagging the septic situation that resulted in the County rescinding the final approval.
- 9) Between July 16 and September 1, 2021 we sent additional emails to Ms. Warren asking for clarification as to why construction was still being allowed on this home without a permit and provided additional photographic evidence of the activity that extended well beyond the scope of the "permission" she granted. Prior to that we had inquired as to how a Building permit was granted on a house that had no plumbing, septic, electrical, uncollected JV fines, a property line bisecting the house, etc. etc. when we had been guaranteed by the Director, EH CE and the Building desk Staff that this house would be required to undergo the same permitting process that every one else was required to follow for similar properties. She later distorted the situation by stating that no permit was granted and ongoing construction was allowable because only "minor" repairs were necessary to finalize the original permit. That was 2 years ago!
- 10) Ms. Warren was aware that a water tank had been installed and stated in writing that it would require permitting if it was set above grade. She said she was sending an inspector to the site and obtained

photographic evidence that it was indeed set above grade. Those photos are now part of the County records.. We find no evidence that a permit was ever requested or obtained.

While the items enumerated above show her role in bypassing a safe building that is now virtually approved, it is not the primary reason we are filing this complaint. We fully believe Ms. Warren used her position of power to target us for daring to question her authority and for simply trying to protect our neighborhood. That information was later used by Ms.

Winborn to threaten us and has now encumbered our property with recorded code violations that are untrue. We will not submit specific documentation of what occurred in this email but will provide a summary of the chain of events that occurred.

- 1) Throughout the summer of 2021 we had requested to speak with Ms. Warren in a good faith effort to understand how the situation at 550 Sherburne was being allowed when it was clear there was ongoing illegal construction and criminal activity occurring on the property. She failed to respond until September 1st when we reached out and provided additional evidence of what was occurring. In that email she failed to address our specific concerns so we replied in an attempt to more accurately represent the truth.
- 2) On September 2nd someone from the County took photographs of the water storage tank and of our solar panels and rental property. A Staff member or Ms. Warren herself also marked and internally circulated aerial photography documentation of our rental garage as well as an awning over the rental home deck. Apparently they used a very old photo from the Assessors office that was likely taken in the 1980's or early 1990's to compare the current appearance of our rental house.
- 3) Neither of our homes have ever been the subject of a Code Complaint in the 32 years we have resided on Sherburne Rd. That is still true as of June 14, 2023.
- 4) On September 3rd, 2021 Ms. Warren sent an email to Ms. Winborn and Ms. White notifying them that the 470 and 510 homes were in violation of several codes and intimated that this was done as part of an investigation into the "neighbor dispute" Although our name was on the email we never received it. Instead we received a two sentence reply thanking us for submitting our complaint and that they would be working with the homeowner to reach code compliance. The email we never received contained several false assertions that we were never given the opportunity to defend. We only learned of contents of this email as a result of a PRR.
- 5) In late November and in mid December of 2021 we received two emails from the Director of DCD asking us when we were going to correct our Code violations. In one of them she included a veiled threat that for our sakes we better hope that our garage doesn't lie within the County road ROW. This was done one day after we wrote another email questioning what was happening with the property next door that was still the subject of ongoing illegal construction, occupation of RV's, solid waste, illegal activity and nuisance. It was exactly the same information that Ms. Warren had share in her email to Ms. Winborn and Ms. White.
During that same email exchange we were also notified that our solar panels were installed without a mechanical permit. The County actually pursued the solar installer who failed to obtain a mechanical permit for the installation in 2013, 8 years prior. We believe this information was provided to Ms. Winborn by Ms. Warren as a result of the September 3, 2021 internal email. It was a minor issue but it proved that the County was willing to pursue a minor oversight by a contractor, while ignoring serious and significant damage that was being covered up on the adjacent property.
- 6) In Ms. Warren's email she made assertions that we installed new windows without a permit, which is false. The windows were installed in December of 2002 according to Everwarm Hearth and Home under a PUD sanctioned rebate program. That was 3 years before we purchased the home. We have no idea when the Assessors photo was taken that shows the old windows but we estimate it was taken in the late 1980's or early 1990's. We have photographic proof that this installation was done well before we purchased the home in 2005. We also contacted Everwarm last year as well as the previous owner, and were told that a permit was not required for those replacement windows.
- 7) The covered patio that was referenced and circled in the aerial photograph the County has on file is less than 200 square feet. It was constructed for less than \$1500 (for which we have receipts) and was installed by ourselves around 2010. The deck had been installed in 1993 or 1994 by a contractor hired by the previous owner. We saw no need to obtain a permit for the patio cover which actually sits above the current

roof and is not part of the existing home. Apparently the County didn't have any problems with this patio cover either, until we raised questions about the property next door in 2021.

- 8) The remodel that was referenced in the email is misleading. It was done in 2005 or 2006 and was simply to correct the chimney that is visible in the old Assessor photo which was leaking when we purchased the house. It posed a safety risk because it was crumbling. It had been attached to an illegal trash burner that had been used by the previous owner. (We still have this unit). There were also two front entrances to the home. The one most clearly visible in the photo was actually nailed closed because there was a refrigerator located behind it so we simply removed it, closed off that entrance and replaced the front door. We believe The back of the refrigerator is visible behind the glass panel in the Assessors photograph. The fiberglass awning that is visible was also leaking and had become a hazard to people entering the home as it was unsupported and was drooping to the point where anyone over 6'2" was at risk for hitting their head when stepping on the porch. We also have photographs of that awning and how badly it was damaged when we bought the house. We simply reconfigured the roofline, removed the leaking chimney and closed off the unused door. The entire square footage does not exceed 400 sq. foot and the cost was well below \$1500 as we used shingles provided by the previous owner. Regardless, the County has ample evidence of thousands of unpermitted construction projects within Clallam County that are far more extensive than this and yet this one is so serious that it now codified as a violation included in BLA 2023-00011.

Of note, the property owner next door stated under oath that he had spent \$4000 dollars on roof repairs and yet that there is no mention of a permit being required for that "repaid" or Code Violation attached to that same BLA. The roof repair was actually witnessed by D. Harvey and J. Major who were acting CE officials at the time.

- 9) The garage that is apparently in violation of County Road setbacks was likely constructed in 1960 at the same time as the house but we have no records to prove when it was erected. County aerial photos only go back as far as 1990 where it is clearly visible. We have no idea what the significance of this observation is or if it is even a violation. If it was problematic surely it would have been identified in the 2020-00025 BLA application that we eventually rescinded. This is a Planning issue as far as we can determine so we're not even sure why Ms. Warren identified it in her email to Ms. Winborn.

Had Ms. Warren, who had also been the Fire Marshall at one time, reached out and worked with to us to discuss ANY of the above issues we would have been happy to do so Instead she chose to treat us like the problem and has made no effort to work with us over the past 30 months. Instead, she has overlooked serious issues in favor of the very person who was responsible for creating this mess in the first place and we are now trapped in a very difficult situation that we had no part in creating. We feel our rights for equal protection under the law have been violated and that we have been targeted for simply trying to protect those rights.

There is more but is surely this is enough to generate concern about what the County has done to us. We believe Ms. Warren's actions are unprofessional, unethical, illegal and have done significant damage to us. We are asking for it to be thoroughly investigated and believe we have the right to do so as citizens under the Clallam County Administrative Policy.

Ed and Mary telenick

Sent from Mail for Windows

BEFORE THE HEARING EXAMINER FOR CLALLAM COUNTY

Clallam County, a Political
Subdivision of the State of Washington

Case No. CMP2020-00130

State of Washington

nt,

Respondent,

vs.

Roger Fell
550 Sherburne Road
Sequim, WA 98382

Appellant

ORDER OF THE HEARING EXAMINER

This matter having come before the Clallam County Hearing Examiner on March 18, 2021, and the testimony of witnesses having been heard, the Hearing Examiner makes the following findings and order:

FINDINGS

Background

- 1 . Roger Fell is the owner of record of the property located at 550 Sherburne Road in Sequim, Washington, which he purchased in the latter half of 2020. *Staff Report, pages 1 and 2.*
2. The 2.05-acre property includes a dilapidated single-family dwelling that is currently unfit for habitation. Clallam County (County) records show an expired building permit (BPT2004-00413) related to the addition of a family room and laundry room. The County Assessor's Office documented the 548 square foot addition in 2006. Mr. Fell bought the property with the intent of repairing/remodeling the dwelling. A recent survey related to a neighbor's proposed boundary line adjustment (BLA2020-00025), however, shows the property line separating the Fell property from the neighboring property runs directly through the single-family dwelling. Accordingly, the County will not issue new building permits to repair/remodel the dwelling until a boundary line adjustment occurs that places the structure outside of required setbacks (and wholly within the Fell property). *Staff Report, pages 1 and 2; Exhibits 1 through 4; Testimony of Mr. Fell.*

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3. On November 20, 2020, the Clallam County Superior Court granted a writ of restitution (Cause #20-2-00600-05) against Mr. Fell's daughter, Jessica Fell, who lived at 13 N. Maple Street in Port Angeles. That property was the subject of a separate code enforcement complaint (CMP2020-00170) regarding solid waste, junk vehicles, and the presence of multiple RVs. On December 2020, Jessica Fell moved into an RV at the

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the
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- 550 Sherburne Road property and Mr. Fell began removing solid waste and junk vehicles from the 13 N. Maple Street property. *Staff Report, page 2; Exhibit 5.*
4. As part of the clean-up process associated with 13 N. Maple Street property, Clallam County Code Enforcement issued a Junk Vehicle Affidavit for a 1990 Toyota Pickup owned by Jessica Fell, at Mr. Fell's request, on December 12, 2020. Then, on December 16, 2020, Code Enforcement Officer (CEO) Jesse Major warned Mr. Fell during an inperson visit that he would be in violation of the municipal code if he allowed Jessica Fell to move any of the solid waste or junk vehicles (including the Toyota Pickup) associated with the 13 N. Maple Street property to the new property at 550 Sherburne Road. Staff Report, pages I and 2; Exhibits 5 through 7.
5. On January 5, 2021, CEO Major conducted a site visit to 550 Sherburne Road and observed the Toyota Pickup belonging to Jessica Fell. On January 8, 2021, CEO Major mailed a warning to Mr. Fell that he would receive a violation related to the junk vehicle if it was not removed. CEO Major received no response and, on January 13, 2021, emailed Mr. Fell the same information. In response, Mr. Fell noted that the vehicles are already in the process of being moved and that he was currently working on repairing the dilapidated residence on the Sherburne property. *Staff Report, page 2; Exhibits 8 through 10.*
6. CEO Major. visited the Sherburne property again on January 26, 2021. He spoke with Jessica Fell at that time and she informed him that the Toyota Pickup would be removed from the property within 72 hours, During a site visit on February 5, 2021, CEO Major again observed the Toyota Pickup at the Sherburne property. In addition, on February 16, 2021, CEO Major posted the dwelling at 550 Sherburne Road with a "Building Permit Required" notice. He also observed a Subaru Outback with expired tabs that appeared to have been recently towed to the property. Exhibits 10 through 12.
7. Ultimately, Code Enforcement issued a Notice of Violation (NOV) on February 26, 2021. The NOV alleges several violations of the municipal code, including violations of Section 105.1 of the International Building Code (IBC), requiring the need for permits prior to the repair of a building or structure; and Clallam County Code (CCC) 19.60.040(1), related to storing or keeping one or more junk vehicles on private property of less than 2.5 acres. The NOV required all junk vehicles on the property to be removed by March 17, 2021, and requires Mr. Fell to obtain a building permit for the dwelling by October 18, 2021. Notice of Violation and Hearing, issued February 26, 2021.

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8 Mr. Fell was duly notified of the violations via certified mail to his mailing address at 110 Prater Place in Sequim, and at the subject property. The NOV materials noted that a hearing on the matter would be scheduled for March 18, 2021. Notice of Violation and Hearing, issued February 26, 2021; Testimony of CEO Major.

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9. CEO Major testified at the scheduled hearing on this matter as to the facts detailed above. He stressed that Mr. Fell has been working with Code Enforcement, especially in relation to addressing the junk vehicle issues, but Jessica Fell bringing additional junk vehicles and other solid waste to the property remains a concern. CEO Major noted that County social workers are attempting to help her move to a new living situation and that this should ameliorate the junk vehicle issues. He noted that Mr. Fell requested that Junk Vehicle Affidavits be issued for five vehicles on the property and that Code Enforcement did so, allowing for the removal of said vehicles after March 24, 2021. In regard to the building permit, CEO Major testified that Mr. Fell informed him that he has hired an attorney to deal with the boundary line issue. No significant work on the dwelling should occur until permits are issued, however, and nobody should be allowed to use the dwelling, especially overnight. In addition, CEO Major stressed that engineered plans will be necessary for work on the dwelling and that Mr. Fell should begin the process of obtaining these drawings while awaiting resolution of the boundary line issue. *Testimony of CEO Major.*
10. Roger Fell testified that he purchased the Sherburne Road property without knowing about the boundary line issue and without knowing that building permits would be required to perform repair work on the dwelling. He testified that he has hired local attorney Craig Miller to address the property line issue through a boundary line adjustment or, alternatively, an adverse possession claim. Mr. Fell also stressed that he has secured the dwelling now so that others cannot enter the home without him allowing it (i.e., Jessica Fell and her son) and that he is hopeful his daughter will soon find a new living situation. Mr. Fell testified that he has not done significant work on the dwelling since being made aware of the need for permits and will refrain from doing any work requiring permits until such permits are obtained. Finally, Mr. Fell testified that he would ensure that all the junk vehicles are removed from the property by April 1, 2021, and that he would obtain building permits for the dwelling by October 18, 2021, absent issues with the legal process. *Testimony of Mr. Fell.*
11. In response to Mr. Fell's testimony, CEO Major testified that Code Enforcement understands Mr. Fell's efforts to abate the violations and solve the boundary issue but would like set deadlines to ensure that progress occurs. Testimony of CEO Major.

CONCLUSIONS

Jurisdiction

The Hearing Examiner has jurisdiction over this matter and parties, pursuant to Chapter 20.33 of the Clallam County Code.

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Conclusions Based on Findings

1. Roger Fell has violated CCC 19.16.040 by allowing one or more junk vehicles to be stored and/or accumulate on the property. He has also violated 1BVC 105.1 by performing repair work, construction, and/or alterations on the dwelling at the property without required permits, Findings I through 11.
2. Roger Fell received reasonable notice of the Notice of Violation and opportunity for hearing at his address at 110 Prater Place, Sequim, WA and at the subject property. Findings I through II.
3. Mr. Fell did not contest the violations at the hearing but did participate and emphasize that he would work with Code Enforcement to abate the violations in a timely manner, as required by CEO Major. Findings 9 through 1 L

ORDER

Based on the above Findings, the following Order is issued:

1. Roger Fell shall abate all violations of the Clallam County Code and International Building Code, including CCC 19.60.040(1) and IBC 105.1 on the property at 550 Sherburne Road, in Sequim, Washington.
2. Mr. Fell shall be fined \$100 per day, effective April 1, 2021, that any Of the violations associated with junk vehicles on the property remain, with a maximum fine of \$5,000 for said violations. Mr. Fell shall inform Code Enforcement, in writing, when the junk vehicles have been removed by email to CodeEnforcement@co.clallam.wa.us.
3. Mr. Fell shall obtain building permits to repair the dwelling on the property by October 18, 2021, and shall ensure that the property remains secured and uninhabited prior to a certificate of occupancy being issued. Mr. Fell shall keep Code Enforcement updated on the status of the dwelling, especially if delays in the legal process or permitting process make the October deadline infeasible. Absent justified delays, however, Mr. Fell shall be fined \$100 per day, effective October 19, 2021, that any violations of IBC 105.1 remain on the property, with a maximum fine of \$5,000.
4. This written Order shall be controlling over any conflicts with oral Orders issued at the Public Hearing.
5. The County may schedule a compliance hearing to review the efforts made by Mr. Fell to comply with this order, The Hearing Examiner may take further action at the compliance hearing as appropriate.
6. Subsequent violations of County Code or the failure to comply with an order of the Administrative Hearing Examiner after receipt of written notice of such order may lead to

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the Prosecuting Attorney pursuing other civil or criminal remedies, including, but not limited to, filing misdemeanor charges for knowingly violating the County Code.

Entered this 8th day of April, 2021.



ANDREW M. REEVES

Hearing Examiner

Clallam County

*Clallam County Hearing
Examiner of the
Hearing
c. MP2020-0000*

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BUILDING
DIVISION of
Clallam County
Correction Notice

PERMIT NO. 3PTzc04-ecq (3

OWNER Schroepfer

JOB LOCATED AT 550 Sherbourne

I have this day inspected this structure and these premises and have found the following violations:

- 1) Provide 4" fresh air portal
- 2) Install bath fan duct
- 3) Airtight exterior wall elec. boxes

OK Air
Code changed
2015

ltJSu-

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

*24 hour Inspection Request line: 417-2518 or 417-2548

Date 3-28-06

S. L. Williams
Inspector

DO NOT REMOVE THIS TAG

CLALLAM COUNTY DCD

EXHIBIT

DATE

4
6/30/2023

BUILDING
DIVISION of
Clallam County

NO. 04-413

Fall

JOB LOCATED AT 550 Sherbourne

Correction Notice.

PERMIT NO.

OWNER

I have this day inspected this structure and these premises and have found the following violations:

- 1) 3x3 Landing + steps at S.G.D
- 2) Gutters + Downspouts To 29 rd drywell
- 3) Insulation Cert.

You are hereby notified that no more work shall be done upon these premises until the above violations are corrected. When corrections have been made, call for inspection.

24-hour inspection request line: 417-2518 or 417-2548

Date 8/19/21 BS
Inspector



DO NOT REMOVE THIS TAG
CLALLAM COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT
BUILDING DIVISION
COUNTY COURTHOUSE
223 E. 4TH ST., SUITE 5
PORT ANGELES, WA 98362-301 5
PHONE: (360) 41 7-23 14 FAX: (360) 41 7-2443
AWARREN@CO.CLALLAM.WA.US

September 3, 2021

Roger Fell
1 10 Prater PI

CLALLAM COUNIY DCD EXHIBIT 5
DATE 6/30/2023

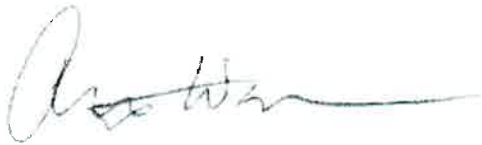
Mr. Fell,

I am writing to you regarding the construction that is occurring at 550 Sherburne Rd. [have received a complaint that you are actively doing construction on your property identified above. I am aware that I granted you approval to insulate the floor and ceiling of the addition on your home that was originally permitted under BPT2004-00413. However, no approval was given to make any improvements to the existing portion of the home.

Bill Faulk, County Building Inspector was on site to inspect the insulation for the addition on August 19, 2021. He left a correction notice to submit the insulation certificate so that he could sign off this inspection. We received the certificate from C & F Insulation for the floor and ceiling insulation however, the wall insulation was not included on the certificate. In our conversation that we had at the Building Department counter in the courthouse we had concluded that you would expose a portion of the wall insulation to verify that the correct R-value insulation had been installed since it was not inspected previously This will still need to be done.

Additionally, during the inspection noted above, it was noticed that work was being done and/or will need to be done to make the house habitable. These improvements will need a building permit.

Please submit a building permit application and a detailed floor plan outlining the improvements that you are making to the existing home. Kind regards,



Annette Warren, CBO
Clallam County Building Official
awarren@co.clallam.wa.us
(360)417-23 14

CLALLAM COUNTY DCD

DATE 6/30/2023

[illegible]

CLALLAM COUNTY DCD
EXHIBIT 7
DATE 6/30/2023

