



BOARD of CLALLAM COUNTY COMMISSIONERS MINUTES for the week of July 4 – 8, 2022

1b
7/12/22

WORK SESSION – 9 a.m.

The work session convened at 9 a.m., Tuesday, July 5, 2022. Present were Commissioners Ozias and Johnson and Administrator Sill. Commissioner Peach was excused.

Items of discussion per the agenda published June 30 were:

- Calendar/Correspondence
- Resolution extending acting County Engineer for an interim period, not to exceed six months
- Agreement with Prosecutors' Association for collective bargaining July 1, 2022-June 30, 2024
- Pre-application questionnaire with Olympic Community of Health for expanding the Olympic Community of Health Table Grant
- Letter of support for the Dungeness Off-Reservoir Project
- Agreement with Washington State Recreation and Conservation Office for the McDonald Creek Fish Passage Restoration Project
- Agreement amendment 1 with Department of Ecology for Marine Resources Committee Operations
- Resolution reappointing Roger Hoffman and appointing Peter Davis to the Park and Recreation Advisory Board
- Agreement with Olympic Peninsula Visitor Bureau for 2022 Hotel/Motel Tax Funds
- Agreement with Peninsula Trails Coalition for 2022 Hotel/Motel Tax Funds

Meeting concluded at 9:47 a.m.

REGULAR MEETING OF THE BOARD OF CLALLAM COUNTY COMMISSIONERS

Chair Ozias called the meeting to order at 10 a.m., Tuesday, July 5, 2022. Also present were Commissioner Johnson and Administrator Sill. Commissioner Peach was excused.

REQUEST FOR MODIFICATIONS/APPROVAL OF AGENDA

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

PUBLIC COMMENT

- Ed Bowen, commented on item 3d
- Randy Johnson, Jamestown S'Klallam Tribe, commented on item 4a Delhur Industries bid for Lower Dungeness River Floodplain Restoration & Levee Project

CONSENT AGENDA

- 1a Approval of vouchers for the week of June 27
- 1b Approval of minutes for the week of June 27
- 1c Letter of support for the Dungeness Off-Reservoir Project

ACTION TAKEN: CRJm to adopt the consent agenda, CMOs, mc

REPORTS AND PRESENTATIONS

- CRJ commented on his time away in Montana
- CMO commented on Sequim High School, Housing Solutions Committee Meeting, North Olympic Legislative Alliance Meeting

CONTRACTS AND AGREEMENTS

- 2a Agreement termination for Hood Canal Regional Septic Loan Program

ACTION TAKEN: CRJm to approve, CMOs, mc

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- 2b Agreement amendment 1 with Department of Ecology for Stormwater Discharge in Clallam County – Phase 1 Project

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2c Agreement with Lincoln Park BMX Association for 2022 Hotel/Motel Tax Funds

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2d Agreement with Forks Chamber of Commerce for 2022 Hotel/Motel Tax Funds

ACTION TAKEN: CRJm to approve, CMOs, mc

- 2e Agreement with Port Angeles Waterfront Center for 2022 Hotel/Motel Tax Funds

ACTION TAKEN: CRJm to approve, CMOs, mc

ADMINISTRATION

- 3a Resolution regarding maximum membership changes to the Homelessness Task Force

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3b Resolution appointing Susan Sullivan, Samuel Schroeder and Leonard Hitz to the Homelessness Task Force

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3c Resolution appointing Stephen Pendleton, Clea Rome and Chad Young to the Solid Waste Advisory Committee

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3d Resolution appointing Helen Ruth Kenoyer to the Clallam County Board of Health

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3e Resolution appointing Erika Lindholm to the Conservation Futures Program Advisory Board

ACTION TAKEN: CRJm to adopt, CMOs, mc

- 3f Resolution appointing Roger Hoffman and Peter Davis to the Parks and Recreation Advisory Board

ACTION TAKEN: CRJm to adopt, CMOs, mc

COMMUNITY DEVELOPMENT

- 4a Verbal approval to reject bids on the Lower Dungeness River Floodplain Restoration & Levee Project

BOCC, County Staff and Jamestown S'Klallam Tribe held discussion regarding the request to reject bids

ACTION TAKEN: CRJm to reject the bid, CMOs, mc

HEARING(S)

- H1 An ordinance adding a Chapter titled 27.11 County Forestry requirements for Conversion from Forestry to Non-Forestry Use, 6 year Development Moratoriums of harvested areas retained in forestry use, and Conversion Option Harvest Plans

- ARS read the agenda item summary into the record
- Greg Ballard, Department of Community Development, provided a staff report

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

- The following commented:
 - Ed Bowen, Clallam Bay

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

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PUBLIC COMMENT

- Ed Telenick, Sequim, commented on Department of Community Development (see attached)
- Kenneth Reandeau, Port Angeles, commented on Department of Community Development, Lower Dungeness River Floodplain Restoration & Levee Project, Forestry Ordinance
- Ed Bowen, Clallam Bay, commented on wildfires, Lower Dungeness River Floodplain Restoration & Levee Project

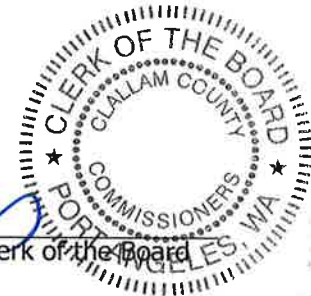
Meeting concluded at 12:38 p.m. and continued to 9 a.m., Monday, July 11, 2022.

There are no Zoom chat logs for the week of July 4.

The Board of Commissioners attended a WSAC Virtual update, Coffee with Colleen, KSQM Radio Show during the week of July 4.

PASSED AND ADOPTED this 12th day of July 2022.

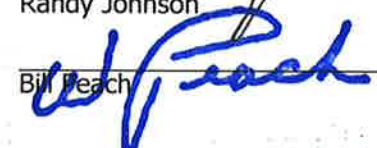
ATTEST:  Loni Gores, CMC, Clerk of the Board

 CLERK OF THE BOARD
CLALLAM COUNTY
COMMISSIONERS
PORT ANGELES, WA

BOARD OF CLALLAM COUNTY COMMISSIONERS

Excused
Mark Ozias, Chair


Randy Johnson


Bill Peach

KEY TO ABBREVIATIONS:

ARS Administrator Rich Sill
CMO Commissioner Mark Ozias
CRJ Commissioner Randy Johnson
CBP Commissioner Bill Peach

m moved
mc motion carried
s seconded

Public Comment
Ed Telenick
7/15/22

The following letter is in response to an internal email sent to the Director of Community Development by the County Risk Manager (T. Reyes) on Feb. 14, 2022 after we requested an ethics investigation into 3 areas in which we believe our rights as citizens and taxpayers are being violated.

The email was obtained through a public records request. The information contained within it was only partially shared with us in telephone conversations with Tom Reyes after he conducted his investigation.

We will share the email with responses to each of his findings (with supportive documentation) and respectfully request that it be given a second look by an independent third party as it is clear the County is not willing to evaluate the situation thoroughly or objectively.

1) No fines were levied against Mr. Fell by CE.

This statement is misleading and disingenuous at best. Jesse Major, a CE officer at the time, and authorized surrogate of the Director (**CCC 20.08.010 5A**) had taken this case to a Hearings Examiner on March 18, 2021 (**CMP2020--00130**) for repeated violations of two County Codes, junk vehicles (**CCC 19.6.040**) and Building code violations (**IBC 105.1**). Specific orders were given by Andrew Reeves regarding the fines that were assessed against Mr. Fell on April 8, 2021.

Information was provided to the Director as late as June 29, 2021 that Mr. Fell had accumulated \$2400 in fines for the JV violations alone. Because a second violation regarding the building code violation was unresolved, the fines were not collected at that time. An internal email chain makes it clear the Director was unaware of what her responsibilities were and asked the CE officer what the next steps were. (**emails dated June 28-29, 2021 Attachment A**)

Unfortunately Mr. Major was the last remaining member of the CE team. He quit within days of this email, partly because of the internal problems that the Director created within the Department. He later told us it was his intention to have these fines collected and had told the Director this prior to leaving.

A second CV for junk vehicles was issued on Sept. 23, 2021 (**CMP2021-00168**), with no Certificate of Correction issued for the initial complaint (**CMP 2020-00130**).

A third CV violation for JV has now been reported. As of this date more junk vehicles remain on the premises.

A recent dumped vehicle had Nazi symbolism and profanity directed at the occupant of the property. There have been approximately 9 CV complaints from neighbors on this property since 2021 but most have not been assigned case numbers. There have been at least 10 junk or stolen cars that have moved on and off the property since it was first occupied and over 60 Sheriff reports generated.

Once this case was brought before a HE, authority was transferred to this examiner (**CCC 20.33** and **CCC20.04.030(2)**).

There are no provisions that we can find authorizing the Director to override the HE orders or penalties. To date, there have been no Certifications of Correction issued to Mr. Fell for any of the open violations as far as we can determine so this CE case remains open and subject to fines (**CCC20.20.020(6)(15)**).

CCC 20.28.030 expressly prohibits the Director from waiving penalties that have been assessed, especially in lieu of the fact that we find no evidence that a Voluntary Compliance Agreement was ever signed and repeated violations of both the Junk Vehicle and Building Code violations continue to this day. Repeated occurrences and fines accrued in critical areas

are subject to more severe penalties.

Saying the fines were not “levied” seems to be a word game that Mr. Reyes is playing. All the Codes we reviewed speak of “accrued” fines and say nothing about “levying” them. It is abundantly clear from Andrew Reeves decision that he expected those fines to be meaningfully applied and it was the mechanism that would have incentivized Mr. Fell to clean up his mess.

2) The 2004 permit is expired and has never been finalized (failed inspection) The newest permit was issued in December 2021(applied for in Oct. 2021), a requirement of the HE order dated 4/8/21.

Again this statement is misleading. While it is true that the original permit was issued in 2004, failed and expired in 2006. It is clear to anyone seriously evaluating the case that Mr. Fell was continuing to work and cover up serious deficits to this dwelling despite having orders to obtain a permit and discontinue illegal work as early as February 16, 2021. To date there has only been one inspection of this dwelling since 2006 (Aug. 19, 2021) when it was once again tagged with deficits.

Issuing a second permit for a minor remodel on December 2021 that was the subject of repeated written warnings and two red tag warnings virtually guaranteed that this house would never be brought to compliance, despite what the stated intention of the Building Department and Director was. While the Director and staff should have some latitude in obtaining voluntary compliance, this situation clearly shows that the owner had no intention of repairing this structure to meet applicable codes.

Serious structural, plumbing and electrical issues have all been covered up. Because the 2004 framing permit inspection was approved in 2021, there is little chance that L&I will require uncovering walls that are hiding severe and dangerous damage, as they had no knowledge of the damage that occurred in the ensuing years between 2006 and 2021. (We are aware that the responsibility of electrical work is under the authority of a State agency but by bypassing the sequence of events and finalizing a framing inspection on 8/19/2021 the County became entangled in another mess).

The L&I permit Mr. Fell took out under his own name in Sept. 2020 (**3443870P**) but never had an inspection once the initial power was connected in November, 2020 so the entire electrical system is buried behind walls or underground with no inspections; yet it will appear to a future purchaser that the dwelling required only minor work to bring it into compliance. The same holds true for plumbing that was never inspected or properly pressure tested before covering as there was no potable water supply when the work was done.

Until the walls and insulation are completely removed so rodent damage, frayed wires and other safety hazards can be properly evaluated, this house will continue to pose a danger to it's occupants.

3)The Hearings Examiner's report specifically states “absent justifiable delays” fines will be levied, and it is not uncommon for DCD staff to work with citizens during the permitting process to obtain compliance.

Internal emails and screen shots of communications between Mr. Fell and staff clearly indicate that Mr. Fell was knowingly ignoring HE orders and their own requirements for obtaining compliance. He did not apply for a permit until Oct. 1, 2021. He continued to receive warnings past the HE date for obtaining a permit. He did not obtain a permit until Dec. 16, 2021. To date there have been no fines collected or Voluntary Compliance Agreements entered into that we can determine. The owner is now trying to sell this property.

Mr. Reyes statement does not accurately reflect the true intention of the HE order or accurately represent the situation. It was clear back in April, 2021 that the “work with the citizen” approach was not going to be successful. Mr. Reyes was aware of the reason that Mr. Fell was given 7 months to obtain the permit and yet disregarded the entire exhibit that Mr. Reeves used in granting this extension, focusing only on the verbiage in the Order.

In actuality, the reason Mr. Fell was given such latitude and an extended time frame was that a survey conducted prior to Mr. Fell's purchase of the property showed a property line bisecting the structure. The HE had been told by the Principal Planner (Donella Clark) that no permit would be issued until a BLA removed the encumbrance and relocated the property line to meet County setback requirements.

One month after the Hearing, Ms. Clark arbitrarily overrode her own requirement and said Mr. Fell would be allowed to move forward in obtaining a building permit despite having a property line bisecting the preexisting structure. She cited **CCC33.43.030** as her rationale. She completely ignored **CCC 33.43.080** which was far more applicable. We find no evidence that Mr. Reeves was ever notified of this change and Ms. Clark had no authority to override the HE orders.

There are two other important codes that are particularly relevant to this structure. Both have been ignored.

First, this structure was so badly damaged that it technically should have been abated under **CCC 21.01.080**. While we understand that this would have been a drastic action, it was not unreasonable to have required this structure to have been restored to a safe condition at the very minimum.

Second, because this dwelling is located within a Critical Area of the SMA, it was technically considered abandoned after one year and should have been abated or at the very least brought into compliance within 18 months (**CCC 35.55.010**).

Both of these codes provide the authority and responsibilities that the DCD and County Assessors office should have used to ensure this structure was brought into compliance with the laws. This was never done.

It is well known to the County, that despite our good faith efforts to provide the non contested BLA that would have met the setback requirements, Mr. Fell chose to pursue an unfounded adverse possession claim against us and has intentionally created a situation that has now hopeless entangled the County and has delayed possible resolution of this for all parties involved. Had the County followed the law and HE orders, much of this mess could have been settled long ago.

Mr. Fell has now apparently abandoned the remodel and is currently attempting to sell this encumbered property to a buyer who will inherit a huge mess that the County was complicit in covering up. Meanwhile the dwelling and illegal trailer occupants continue to create nuisances, safety concerns and environmental damage to a Critical Area and further contribute to the decline of our neighborhood.

4)Concerns were raised that CVE violations are not being enforced by DCD.

This statement is true but does not absolve the County from responsibility when codes and laws are broken. **Chapter 19.60.060(1)** states that **any** law enforcement officer and the Prosecuting Attorney have enforcement authority for junk vehicles..

Environmental Health can enforce codes involving on site septic violations under two provisions provided by J. Reed in an email dated 9/21/2021. (**CCC 41.20 and WAC 246-272A**).

Ultimately it appears that the Sheriff is responsible for law enforcement within our County.

(CCSO Policy Manual 100.1.1, RCW 36.28.010)

If the DCD is unwilling to follow the laws she swore to uphold there are mechanisms within the RCW and CCC that should be enforceable. The Home Rule Charter provides considerable authority for the Director to carry out her duties but there is nothing that absolves the Director from her responsibility following the laws.

5) Mr. Telenick has had no fines levied against him so as to show a property loss.

This is probably the most egregious statement of all in Mr. Reyes letter to the Director. Our concerns have absolutely nothing to do with material loss.

In our initial letter to Mr. Sill and Mr. Reyes, we included the email thread directly from Director Winborn (which was somehow missing from the public record file that was included in the original packet of information provided to them). *ATTACHMENT C*

This was not based on any statement by a CE officer, as Mr. Reyes states, but was part of an internal email sent to Ms. Winborn by A. Warren in the Building Department. Ms. Winborn's threat was made in response to several letters we wrote over a period of 9 months concerning the manner in which Mr. Fell was bypassing the entire building permit process.

The real issue is that rather than acknowledging the missteps her staff made in this case, Ms. Winborn took actions that were strictly used as a means to pressure us into silence.

Our properties have never been the subject of any CV complaints in the 31 years we have lived here. It was not the monetary loss that Mr. Reyes claims never occurred which troubled us, but the veiled threat about forcing us to remove a garage that was built in the 1960's; as well as several other false accusations that would be far more consequential than a mechanical permit for solar panels (that was a simple oversight by the contractor). The only reason the solar panel permit is relevant is that it showed this was more than an idle threat.

It is unconscionable that this County would spent so much time pursuing us when they should have been focusing on serious issues that were impacting the safety and property values of an entire neighborhood abutting a critical area.

Both the Administrator and Mr. Reyes were acutely aware of the vindictive and retaliatory nature of Ms. Winborn when this was brought to their attention, and long before we submitted our request for an ethics investigation. We can provide significant documentation that this has been her style of management and has resulted in significant morale, staffing and liability issues within several departments within the the County. **(Attachment B)**

The way this issue was handled had already done significant damage to our faith in the DCD. It also ruined a relationship with the Director that have known for 25 years and fully supported in two elections. We truly thought she was a positive force for the community until this happened. Now we are left with the sad realization that not only has she failed in the performance of her duties but County Administration is unwilling to honestly deal with it. We can fully appreciate the challenges that the Home Rule Charter poses for other elected officials regarding their ability to enforce actions against this Director; but refuse to believe that a citizen can be bullied into silence or selectively targeted for simply trying to shine a light into the misfeasance or nonfeasance that has, and continues to occur in our situation.

Unfortunately, we live in a County that provides more protections and options to it's employees through Labor Policies and Administrative Codes than it does for it's own citizens. The Sheriff, Commissioners and Administrator are ethically bound to protect such overreaches and should at the very least help expose them, versus defending, ignoring or covering them up.

6) EH is conducting their own investigation into this(assigned to Kevin by Rich Sill). This is in regards to the health violations, waste dumping, illegally occupied trailers,etc.

We have reached out to EH many times since Jan. 2021 regarding our concerns that public safety was in jeopardy and the environment were being damaged. Apparently, this has been assigned a low priority and to date has not been adequately addressed. Repeated requests to have Mr. LoPiccolo, to investigate this and speak with us, have gone unheeded for well over a year.

Recently, a juvenile at the residence (the owners grandson), who was living in the front seat of an abandoned SUV stabbed himself while threatening suicide. He had been drinking unfiltered water from Macdonald Creek and was defecating in buckets for months because there was no potable water on site as Mr. Fell had cut power to the property and removed a sanican. He had recently caught his clothes on fire while lighting a candle inside the vehicle in an attempt to keep warm.

This individual had been in repeated trouble with authorities and was awaiting a rehab bed. He already had a felony conviction as a minor but records have been redacted so it is hard to ascertain the nature of the crimes.

He was well known to authorities and CPS. He had been in detention but for some reason was released back to an unsafe environment and was using drugs that were readily available to him at that location. The day he stabbed himself his mother was screaming at him telling him how stupid he was for doing this. She did not seem to take his suicidal thoughts seriously. He was bleeding, filthy and yet he was afraid he would be arrested for another outstanding warrant so did not want us to call authorities. At some point his mother called CCSO after he reached out to us and they arrived on scene shortly thereafter.

CCSO confirmed that he was requesting help. After receiving assurances that he would not be arrested he agreed to be transported to the hospital via ambulance under an ITA order. His wounds were superficial but the knife was rusty. He was filthy and had evidence of prior cut marks on his arms. He said he had no real options as long as he remained on this property but wasn't able to move to his father's until after some court issues were resolved.

Five hours later he was sent home without a mental health evaluation or a shower by his own report. He was only given a tetanus shot. The living situation at the residence had not and still has not changed where his mother still resides.

Fortunately, a few days later he was arrested on the outstanding warrant and had turned 18 so he was jailed as an adult and doesn't appear to be living on premises at this time. At least there he was able to receive care and was temporarily removed from the unsafe situation.

This is only one example of what has occurred on the property but it provides a clear example of what can happen when rules are ignored. Just because there is no raw sewage bubbling up from the ground doesn't mean it shouldn't constitute a high priority to EH.

7) The “red tag” notice was posted as a result of code violations needing correction. Furthermore there is nobody living at the house at this time.

This statement is partially true but again misleading and incomplete. This house did have violations but also presented significant safety issues as much of the flooring was removed or rotting and black mold was present.

A notice was placed in a window in mid- February 2021 after Mr. Fell had repeatedly ignored warnings to stop working on the structure until he obtained a permit. It was one of the very reasons he was required to attend a Hearings Examination on March 18, 2021.

Mr. Reeves reiterated that Mr. Fell was not to do additional work until he obtained a building permit. The house was to be secured to prevent unauthorized entry which he agreed to.

Unfortunately significant work did continue without permits and there were occupants staying inside at night. Mr. Fell did not use licensed contractors or obtain the structural engineering report that should have been required, but instead used friends of his daughters who were

unskilled and willing to violate the red tag in attempts to cobble the structure back together. Mr. Fell eventually hired a licensed insulation company to work on the house but never told them he was under orders not to do so without a permit. He had partially obscured the tag so it was not visible to the workers, who promptly left upon discovering the situation.

Mr. Fell then approached the Building Department and was given permission to proceed with the insulation despite the HE orders, unbeknownst to the Director. This was done despite a failed expired permit from 2004 for a structure that was so seriously damaged that the BOE committee hearing revalued the dwelling as having zero value based upon photographs and Mr. Fell's own testimony. **(BOE 2020-167 Apr. 13, 2021)**

Ms. Warren avoided answering several emails with concerns as to how this could happen. She eventually responded and distorted the terminology stating Mr. Fell was not issued a "permit", but was allowed to proceed under the failed expired 2004 permit in order to insulate the floors and ceiling, completely disregarding the fact that both were irreparably damaged during the 17 years that had elapsed. She stated that there were only "minor corrections" required for the addition that failed in 2006 with a full understanding of how bad this dwelling was damaged during the following 15 years.

Once again, this decision was made without authority to do so and overrode the HE order.

At the time, Ms. Winborn said she believed Ms. Warren's strategy was to grant permission for minor work in order to allow an inspector to gain access to the home and evaluate the extent of damage. This was never done. Mr. Fell proceeded to enter and work on the house without a permit throughout the summer. He hired mostly untrained workers and continued covering up serious deficits throughout the summer as there were no CE inspectors. Ms. Winborn disingenuously complained that she had no CE officers to follow up when it was her unwillingness to support their efforts that caused the team to quit in the first place.

8) Permits are often issued for this very reason(i.e. repair a home to make it livable)

This statement is laughable in this case.

This dwelling was so seriously damaged that several contractors walked away from it and stated it should be torn down. This house and 2 acres sold for \$15000 in late Oct. 2020 in a handshake deal after being abandoned almost 4 years prior. It was heavily damaged from both vandalism, rodents, vermin and the natural elements. It should have been razed as an unsafe structure.

The DCD was well aware of the extent of the damage well before the HE case. There was no reason whatsoever to grant Mr. Fell the latitude they did in extending the 2004 permit, given both the degree of damage and his continued refusal to abide by the process that was required to repair it to any semblance of a safe structure. There are multiple state and local laws governing how this dwelling should have been dealt with, especially as it had been abandoned for 4 years and was a significant public safety risk.

Incredibly, a new permit (**BPT2021-00880**) was issued despite a second open permit for the failed 2004 room addition (**BPT2004-00413**) with multiple existing CV's, and an unresolved HE order. Only one building inspection has been conducted since 2006 (Aug. 19, 2021) where additional deficits were identified. **CCC 21.01.150(6)** prohibits reissuing of additional permits subject to enforcement orders. While this code may grant some latitude regarding correction of the building code deficits that were present, it has nothing to do with the JV enforcement order that has never been resolved.

Granting a permit in December, 2021 for a "minor alteration/addition" valued at \$22,000 dollars is not only fiscally irresponsible but unfair to every citizen that is required to follow a costly and time consuming process for obtaining a permit. It has allowed a fundamentally unsound structure to bypass critical steps that should have been done to bring this dwelling up to code.

9) Ms. Winborn is an elected official, thus she is accountable to the people (not Clallam County policies).

This statement is true only so far as it applies as to how she chooses to enforce policies from everything we have come to understand.

We are not lawyers but find no evidence that any Director, elected or appointed, is allowed to bypass RCW's, Codes, Ordinances or violate their Oath of Office.

It is clear that the County feels it no direct authority over her actions but both the Commissioners and Sheriff have a duty to uphold our laws. If she is unable or unwilling to do that job it should not be incumbent on individual citizens to seek legal relief or to take on the challenge required by using one of the 4 options outlined in the Charter.

No citizen should face intimidation for simply asking that laws be followed in order to protect their own safety, their property and their investments. This is a fundamental right we all have as citizens.

We have found several other options besides the provisions authorized under Article VIII that the Sheriff and County Administrator should have used in this situation.

There is a provision under state law authorizing lawsuits among elected officials after a mediation (**RCW36.46.010**) It should have been initiated once it was clear that private mediation was not resolving the situation, that she was not interested in working with the Administrator or Commissioners and the ongoing dysfunction within the DCD was continuing to effect critical County business and make employees jobs untenable.

RCW 36.16.125 addresses abandonment of responsibilities and being absent from the County, both of which are applicable in this case.

An internal investigation conducted as part of a grievance filed by an employee who had been subjected to abusive behavior determined that Ms. Winborn was not performing her duties in a professional manner. She made statements that should have been deeply troubling to anyone. A collection of those statements is included as a separate attachment.

CCC 19.60.060 grants enforcement authority regarding Junk Vehicles to both Law Enforcement and the PA office and restricts the Director from overriding fines imposed by a HE, under whose authority her powers were relinquished to (**CCC 26.04.030**).

This same restriction holds true for Building Code violations under **CCC 20.28.030**.

Under **CCC 26.01.020**, it appears that the Director of the Planning Department is responsible to both the County Administrator and Board of Commissioners.

Environmental Health has its own authority and mechanisms for enforcement (**CCC 41.20, WAC 246-272A**).

The Commissioners do have a responsibility to taxpayers if the HE's orders they fund, are not being honored .

We are happy to defer to those who have the legal expertise to fully investigate our concerns but do not feel this was done. At this time do not feel comfortable having the very people who are legally bound to protect the County's interests conduct an investigation regarding our concerns. We respectfully request that this be done

From: Reyes, Tom <treyes@co.clallam.wa.us>
Sent: Monday, February 14, 2022 5:42 PM
To: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Subject: Ed Telenick Letter

Mary Ellen,

Attached is a copy of a letter Mr. Telenick dropped off here at HR a little over a week ago now (yes, I know it is dated December 28 – that must be when it was drafted). As we discussed last week, this is why I was looking for the information you've provided. Annette added a little more information today. The following are my findings, which I have verbally stated to Mr. Telenick:

1. Mr. Telenick believes there are outstanding fines against Mr. Fell levied by code enforcement. He wants these fines collected. – Finding: Unfounded - No fines were levied against Mr. Fell by CE.
2. Mr. Telenick believes the 2004 building permit issued to Mr. Fell was recently finalized by DCD, thus allowing a new permit to be issued and exacerbating the boundary line dispute between Mr. Fell and Mr. Telenick. – Finding: Unfounded - The 2004 permit is expired and has never been finalized (failed inspection). The newest permit was issued in December 2021 (applied for in October 2021), a requirement of the Hearing Examiner's Order dated 4/8/2021.
3. Mr. Telenick believes fines should have been levied against Mr. Fell for failing to obtain a permit before October 19, 2021, as ordered by the Hearing Examiner. Further, by not pursuing fines it reflects a lack of fiscal accountability. – Finding: Unfounded - The Hearing Examiner's report specifically states "absent justified delays" fines will be levied. Mr. Fell's application for permit was submitted prior to the October 19 due date. The review process was occurring at the time of the deadline, thus creating a "justified delay." Furthermore, it is not uncommon for DCD staff to work with citizens during the permitting process, thus helping them to become compliant with whatever the building issue is.
4. Mr. Telenick believes Clallam County Code violations are not being enforced by CE. – Finding: Unfounded. DCD carries a full Code Enforcement case load and offers a Code Enforcement system that allows for voluntary compliance from the violator with a Hearing Examiner option encouraging compliance over fines, but will initiate fines when all other administrative measures are taken. ~~This is a DCD matter as CE is under the authority of Ms. Winborn.~~
5. Mr. Telenick alleges DCD (CE) is retaliating against him based on a statement made by a CE officer. This allegation stems from CE informing him that a building remodeled on his property and solar panels installed on his roof were both done without proper permits. – Finding: Unfounded - Mr. Telenick has had no fines levied against him so as to show a property loss. The fact is, Mr. Telenick's solar panels were installed by a company that did not obtain a permit as required. Note - Mr. Telenick states the remodel to the building in question occurred prior to his purchase of the property.
6. Mr. Telenick alleges Environmental Health is doing nothing about serious health violations occurring on Mr. Fell's property (i.e. waste dumping by people living in trailers/motor homes on the property). – Finding: EH is conducting their own investigation into this (assigned to Kevin by Rich Sill).
7. Mr. Telenick alleges a violation of a "Red Tag" notice posted on Mr. Fell's residence, which did not allow entry into, or occupancy of, the home. – Finding: Unfounded - The "Red Tag" notice was posted as a result of code violations needing correction. Furthermore, there is nobody living inside the residence at this time

ADDED BY
MEW AS A
CORRECTION
TO MR. REYES
FINDINGS

8. Mr. Telenick is upset that Mr. Fell's was allowed to successfully appeal to the County that his (Fell's) residence has no value, but yet the County issued permits to repair/remodel the home. – Finding: Permits are often issued for this very reason (i.e. repair of a home to make it livable).
9. Mr. Telenick does not believe Ms. Winborn is enforcing established Clallam County Code, and at best, there is only selective enforcement. – Finding: Ms. Winborn is an "Elected Official," thus she is accountable to the people (not Clallam County policies).

These conclusions stemmed in part from information you and your staff provided. If something appears to be inaccurate, please let me know and I will make the needed changes.

Thank you,

Tom

draft of letter to CC Administrator

1 message

Ed telenick <e.telenick@hotmail.com>

Tue, Dec 28, 2021 at 12:08 PM

To: ed telenick <etelenick@gmail.com>

Good morning Rich and Tom..

I've been wrestling with how to distill almost 18 months of what has happened to us into a digestible form and decided the best approach is to provide information that is relevant to you from a risk management standpoint.

There are three primary areas in which we believe that the County has violated laws. We are asking for an ethics investigation into the Department of Community Development for the following reasons regarding the 550 Sherburne Rd. address (parcel 04-30-20-23-0100)

1) Multiple building and environmental code violations have been allowed and methods for resolving them have further violated other statutes . In attempting to bypass the normal process to ensure a safe construction County employees Donella Clark and Annette Warren with the tacit approval of the Director (Mary Ellen Winborn) undermined several mechanisms that were in place to prevent a situation that should have not happened . Their decisions have hampered efforts by CE, EH and CCSO to do their jobs. This has jeopardized our safety, our property values, and allowed environmental protections to be ignored. This has created a situation where an entire neighborhood has been negatively impacted and our rights to enjoy our own property have been violated.

2) We are currently the victims of retaliatory and selective actions against our properties at 470 and 510 Sherburne Rd. for simply asking that the County follow the laws and building codes that we are all supposed to abide by. Instead of working with us to help improve a neighborhood that has been in decline it seems we are now considered to be the problem. Director Winborn has chosen to use public resources to carry out actions against us that feel like attempts to intimidate us into remaining silent about serious concerns we have about how the situation at 550 Sherburne has been handled.

3) Fiscal accountability. As taxpayers we have the right to expect responsible use of public monies by public employees. County employees from the DCD, CCSO,BOCC, the Assessor's Office, District Court 1, EH, and PR have spent hundreds of unnecessary hours on this case because the DCD chose to ignore or override reasonable solutions to problems that were largely avoidable. They had both the authority and obligation to do so.

Rather than attaching hundreds of documents and emails to substantiate our claims we will provide references to a small sample of the documents that are readily available within the Public Records department. Two former employees of CE who still work for the County (Jesse Major and Diane Harvey) both have considerable knowledge as to how this situation evolved and can provide valuable insights as to what transpired regarding this case. The references listed below are not the violations themselves but provide a reference for evaluating the pathways that have been followed by the DCD and EH

Violation of Building and**Environmental Codes**

CMP 2020-00130- This code violation is the initial complaint at 550 Sherburne Rd. filed by the County on behalf of Roger Fell on 6/29/2020 against a property he was attempting to purchase but did not own. He was seeking public assistance for junk car affidavits and a publicly funded dumpster.

This document was filed sometime after 11/5/2020 but was backdated to the 6/29/2020 date.

Although the County routinely considers us as the originators of this complaint, we have never filed a formal code complaint against this property to date. Multiple other neighbors have filed complaints against this property but

none have ever been assigned case numbers.

CMP 2020-00170- This code violation was initiated at 13 N. Maple Ln. Port Angeles and ultimately resulted in a Writ of Restitution against the owner's daughter (Jessica Fell and her juvenile son). It was the reason they moved themselves and their junk onto the Sherburne property. This arrangement is responsible for the majority of the nuisance and environmental issues that have plagued our neighborhood for over a year.

CMP-2021-00168- This code violation was also submitted by the County on behalf of Mr. Fell on 9/23/2021 despite ongoing unresolved violations regarding both junk vehicles and building codes.

BOE 2020-167 This hearing was conducted on April 13, 2021 after Mr. Fell (the owner of record) petitioned the County for a reduction in taxes. It provides powerful evidence about how badly the property was damaged. There is valuable information in Mr. Fell's own words and photographs in this document showing the extent of the damage which DCD was already aware of. At this hearing the value of the structure was reduced to zero. The building should have been abated as a public safety hazard.

By that time of this hearing Mr. Fell had already been required to attend a HE on March 18, 2021 for violating a red tag placed on Feb. 16, 2021 related to Building Code violations and violating the junk vehicle ordinance. The evidence presented by CE (Jesse Major) to Judge Reeves clearly outlines the early stages of what transpired and was the point at which the DCD should have acted to enforce the laws that were knowingly being violated.

BPT 2004-00413- This is the room addition permit that failed and expired in 2006 and is the basis for much of the malfeasance that has occurred throughout the year. Permission was granted to work on this house without permits despite ample evidence of the level of damage to the structure. There have been known repeated violations of orders to obtain permits before proceeding. This permit was signed off in fall of 2021 despite known deficits to both framing, insulation, electrical, plumbing and severe structural issues that still likely exist to this day under drywall and insulation.

BPT 2021-00880- This is a remodel permit was granted for the 550 Sherburne Rd. address on December 16, 2021 despite inadequate inspections and existing violations from the 2004 permit that have still not been rectified.

CCSO reports.- There are approximately 40 incidents that have occurred on this property since Jan. 2021 including felonies, theft, public nuisances, junk vehicles, and CPS contacts. The Sheriff's Department is very familiar with this address and has been unable to act in large part because of the fractured relationship between CE and CCSO; or lack of CE altogether.

We have considerable written and photographic evidence to support our claims but are reluctant to disclose some of them at this point. An independent review will certainly bring many of them to light.

Retaliation issue

We are currently the subjects of retaliatory measures and selective enforcement against our properties at 470 Sherburne Rd. and 510 Sherburne Rd. by the Director of DCD.

There are email communications with clear evidence that the County has been working behind the scenes in order to selectively build a case against us for code violations that are either spurious or targeted specifically against us.

The County is currently requiring the installers of our solar system to obtain mechanical permits for a system that was installed in 2014. A County employee was sent to our residence to photograph the roof on Sept. 2; one day after we sent a letter to the Building Dept. asking reasonable questions as to how the owner of the 550 Sherburne Rd. house was allowed to continue construction and allow occupation of the residence without sanitation. There are currently 424 solar installations in Clallam County. The PUD solar expert and two installers in Clallam County are unaware that the County has ever gone to such extents to pursue this type of action.

On November 23, 2021 we sent a second letter to CE requesting information regarding the status of the

CMP2020-00130 complaint; as ongoing violations were occurring including illegal construction, and occupation of trailers without sanitation. We also questioned the status of the thousands of dollars of uncollected fines that the owner had accrued because of these violations.

Instead of answering the questions, the following day we received a letter from Ms. Winborn asking us about our code violations. We were told that the County wanted to know when our violations would be corrected and has since reached out to our solar installer and required a mechanical permit.

Fiscal accountability

Both DCD and EH have allowed the owner to bypass many of the typical fees that should have been required with such a challenged property. Additionally, there are thousands of dollars of fines that to our knowledge have not been collected, further enabling a serial code violator to move forward with no apparent consequences.

Missteps by the County employees and the Director that overrode a well-prepared case that had solid enforcement potential has now entangled the County in a complex situation that is going to be exceedingly difficult to unravel.

My apologies that this letter is much longer than I intended it to be but this case is complex and doesn't lend itself to a brief overview...Sorry!

Gonzalez, Kelly - ATTACHMENT A

From: Major, Jesse
Sent: Monday, June 28, 2021 9:34 AM
To: Winborn, Mary Ellen
Subject: RE: Ed

Mary Ellen,

Roger has accrued \$2,400 in fines for the delayed removal of the junk vehicles. He was ordered by the Hearing Examiner to remove the vehicles by April 1, 2021 and they were removed April 24, 2021.

That fine has not been mailed as there is still another deadline related to his building permit. Roger is also required to obtain an approved building permit by October 18, 2021 or be fined \$100 per day up to \$5,000.

After that, I'm not sure what the next steps are.

-Jesse

Jesse Major

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

From: Winborn, Mary Ellen
Sent: Friday, June 25, 2021 4:23 PM
To: Major, Jesse
Subject: RE: Ed

Ok, thanks.
I also need to know the possible next steps.

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: Major, Jesse
Sent: Friday, June 25, 2021 3:31 PM
To: Winborn, Mary Ellen
Subject: RE: Ed

I just stopped by his neighbor's house and let them know to stop working without a permit, again.

Roger Fell's daughter Jessica Fell is back on the property, but she says she's finding a campsite in the next few days, and will probably be back and forth during the summer. She is dumping her sewage as Roadrunner and I told her to keep the receipts. She seems to be doing better and said she is working with various programs to find housing.

-Jesse

ATTACHMENT B

The following collection of statements are taken directly from Ms. Winborn's own notes as part of an investigation conducted by Mara Vinnedge, a labor dispute attorney working for Sebris Busto James. It is result of a grievance filed by a Senior Planning and Code Enforcement officer against the Director of Community Development in the fall of 2020.

"I do not want some on(sic) that is overweight advising me- They know no caution. Government is caution."

"She may be really smart, but doesn't realize that if it is true that she traded all of their money- maybe her judgment is not what it should be and if she gambles I need to keep a watch on that and I do not always want someone that gambles advising (sic) me".

"I think she may consider herself a witch: she has these animal cards she gave me; she talks about ruins(sic) and has rocks/ruins(sic) in her pocket with ancient inscriptions. She says she is a Christian but I don't see it."

This was further corroborated in the interview conducted by Ms. Vinnedge where Ms. Winborn further elaborated and stated that the complainant claimed **"she was a warlock"** and that **"she loves Harry Potter"**.

On 9/8/2020 Ms. Winborn had a meeting with the complainant who **"told me DCD was a mess- I told her I was done with Clallam Co. She thought I was bearing (sic)- I'm just done"**

Interestingly this is very similar to the feelings she expressed in a telephone call we had in late spring of 2021 when she stated she couldn't wait to be done with her job, expressing that she had been victimized by almost everyone within the County and they were all out to get her.

She has not meaningfully participated in County business for a year and recently moved out of state so this was apparently more than just a statement written during a moment of frustration.

"I ran on the issue of getting Code Enforcement back into the Department from the sheriff's office. I ran on that issue, because with code enforcement you could see instant results. I wanted to be able to have an immediate impact on people's lives. People want fair treatment and that's what I ran on".

Ironically, she was responsible for the entire CE team leaving last year because they were unsupported and treatment has been anything but fair to many law abiding citizens.

"I do say code enforcement is sexy- everyone likes code enforcement" There is considerable discussion regarding sexualized behaviors and completely inappropriate discussions regarding sexual orientation, manner of dress, stereotypical behaviors etc.

Ms. Winborn at one point also asked the compainant **"do you have Asperger's"?**

This mirrors a specific conversation we had regarding an ongoing CE case where she said **"don't you think he has mental health issues"?**

These are completely inappropriate diagnoses that she made regarding her own staff and members of the public as well and are serious violations of citizens civil rights.

Ms. Winborn referred to the County Administrator as the **"Homecoming queen with a gun"** and

defended this, stating **“he is an ex-cop and has a figurative gun and a real one”**. She said it was meant to be funny. In the same paragraph she states that **“I can be pointed and direct but never mean to hurt people's feelings”**. The Administrator and complainant apparently disagreed with her.

“Why did you describe (redacted) Greg and (redacted) as the Dark Triad? There are three of them and it was difficult to get them to do what I wanted. So I just came up with this term. It could have been the 3 stooges”.

“She doesn't understand that you can't receive the same level of care in public sector as you do in the private sector. She has very high standards. She is a perfectionist. What I was trying to tell her is government employees do not have that same high standard of care. They are there to get a paycheck”

These statements provide a brief snapshot into one employee's experience but are by no means exclusive of the pattern that is well defined. The full report gives troubling insights into the level of dysfunction that exists within all departments under this Director's leadership and clear evidence that the Director engaged in unprofessional if not illegal behavior as a general management style. Shouting matches, slammed doors, and vindictive behavior were also common behaviors as reported by employees.

While the exact number is difficult to quantify, one employee estimated that 16 people had left the Department by 2020 because of the Director's poor leadership skills and abusive behavior. Personal experience, discussions with the Administrator, Sheriff and all three Commissioners made it clear that this behavior was not restricted to subordinates.

The Home Rule Charter may not give specific powers for elected officials to directly discipline or remove this Director under Chapter 4.25, but there are other statutory mechanisms that elected officials should have taken to protect its citizenry and employees from the well established disregard for her responsibilities, violation of County codes, State statutes and her Oath of Office.

Waiting for the current term to end and hoping for the best in the next election does a huge disservice to the Community. The voters have repeatedly spoken that they support the idea of an elected official.

Until there is full transparency and the public understands what can happen under the current arrangement, they will never exercise their powers to remove an elected official who may prove to be unsuited to the position they were elected to.

Now is the time for this to be brought into the public spotlight!

**BEFORE THE HEARING EXAMINER
FOR CLALLAM COUNTY**

Clallam County, a Political)
Subdivision of the State of Washington)

Case No. CMP2020-00130

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.*
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 10, 2020, Jessica Fell moved into an RV at 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 in-person 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 1 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.*
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.*

Hearing

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.

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 IBVC 105.1 by performing repair work, construction, and/or alterations on the dwelling at the property without required permits. *Findings 1 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 1 through 11.*
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 11.*

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.

A handwritten signature in black ink, appearing to read 'Andrew M. Reeves', written over a horizontal line.

ANDREW M. REEVES
Hearing Examiner
Clallam County

3. A recent survey related to a neighbor's proposed Boundary Line Adjustment (BLA2020-00025) shows a property line going right through Roger Fell's House **[Exhibit 3]**. The Department of Community Development will not issue a building permit until the house is outside of the setbacks. Principal Planner Donella Clark informed Code Enforcement that Roger Fell could resolve this issue within six months if he were to pursue a Boundary Line Adjustment.
4. The Clallam County Assessor's Office documented the 548-square-foot addition in 2006 **[Exhibit 4]**.
5. On June 29, 2020, Clallam County Code Enforcement received a request from Roger Fell for assistance in removing junk vehicles from 550 Sherburne Road, which he was in the process of purchasing.
6. On November 30, 2020, Code Enforcement Officer Steve Burkhardt issued Junk Vehicle Affidavits for a 1993 Isuzu Trooper and a 1994 Isuzu Trooper and these vehicles were removed from the property.
7. On November 20, 2020, Clallam County Superior Court Judge Simon Barnhart granted a writ of restitution (Clallam County Superior Court Cause #20-2-00600-05) against Roger Fell's daughter, Jessica Fell, who lived at 13 N. Maple St, Port Angeles, WA, and was the subject of a Code Enforcement Complaint (CMP2020-00170) regarding solid waste, junk vehicles and multiple RVs at 13 N. Maple Ln. **[Exhibit 5]**.
8. On or about December 10, 2020, Jessica Fell moved into an RV at 550 Sherburne Road. At about this time, Roger Fell began removing Jessica Fell's solid waste from 13 N. Maple Street.
9. On December 12, 2020, Code Enforcement Officer Jesse Major issued a Junk Vehicle Affidavit for a 1990 Toyota Pickup (VIN JT4VN13D0L0013721) owned by Jessica Fell, Roger Fell's daughter. At this time the vehicle was at 13 N Maple Lane in Port Angeles and subject to CMP2020-00170 **[Exhibit 6 & 7]**.
10. On December 16, 2020, Jessica Fell informed Code Enforcement of her plans to remove the Toyota Pickup from 13 N. Maple Lane. The same day, Code Enforcement Officer Jesse Major and Acting Manager to Code Enforcement Diane Harvey contacted Roger Fell at 13 N. Maple Street, informing him during that in-person visit that he would be in violation of County Code if he allowed Jessica Fell to bring the Toyota Pickup junk vehicle onto his Sherburne Road property.
11. On January 5, 2021, Code Enforcement Officer Jesse Major conducted a site visit to 550 Sherburne Road and observed the Toyota Pickup that had previously been at 13 N. Maple Lane **[Exhibit 8]**.
12. On January 8, 2021, Code Enforcement Officer mailed a Warning of Potential Civil Code Violation to Roger Fell at 550 Sherburne Road and did not receive a response **[Exhibit 9]**.
13. On January 13, 2021, Code Enforcement Officer Jesse Major emailed the Warning of Potential Civil Code Violation to Roger Fell. Roger Fell responded, stating that "the vehicles are already in the process of being moved." Roger Fell stated that he is aware that the previous owner added an addition to the house and that he is currently repairing the house, which is "in need of a lot of repair." **[Exhibit 10]**

ATTACHMENT C

From: Winborn, Mary Ellen <mwinborn@co.clallam.wa.us>
Sent: Monday, November 29, 2021 12:05 PM
To: Ed telenick <e.telenick@hotmail.com>
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
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
The undersheriff and criminal Deputy are involved in this case but without CE's help they are somewhat limited to enforce the non-criminal aspects of this situation.

What is being done to deal with the trailers that are still being lived in at the 550 Sherburne house? They have been occupied for a year next week without water or septic hook ups.

Also, is the code enforcement case still open on the 550 house that had accrued the \$2400 in fines from defying the HE orders? Jesse said fines wouldn't be collected until the Building Code violation part of the

*email to a white, m. winborn
r. cameron, b. king
Sent Nov. 23, 2021*

order was also satisfied.

Regarding the lack of a building permit, as far as we can tell by looking at the County website, the remodel permit is still pending, and yet he has continued to work on the house without the necessary permits.

The hearing examiner had issued a decision after his court case in March that said he was to obtain a building permit by Oct 18, 2021 starting with a structural engineering survey because of the extent of the damage and fines would accrue at a rate of \$100/ day if that was not done. Can you clarify what the status is of this case and if that has been done?

Sorry you are inheriting this mess and that we keep asking questions, but we feel if we don't stay on it, Mr. Fell will just continue to do what he does.

Wishing you a great Thanksgiving, Mary.









1. Poached tree, garbage in Macdonald Creek...Round up herbicide and s



CURRENT STATE OF STRUCTURE
7/5/22



Photograph taken in early Dec 2021 of 365 Overburne rd building address showing disconnected gutter and no heat exchange