

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

BARCELO HOMES, INC.,

Petitioner,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL21-002

(Ref. No. CE20-0057)

CITY OF MERCER ISLAND’S  
REQUEST FOR ADMISSION OF  
ADDITIONAL EXHIBIT

In compliance with the City of Mercer Island Hearing Examiner Rules of Procedure Part 224(i), Respondent City of Mercer Island (The “City”) hereby requests admission of the following exhibit:

Exhibit No.	Description	Date
30	Permit Application to demolish existing single family home filed on behalf of Barcelo Homes	04/06/2021

The City recognizes that generally, exhibits not disclosed through the pre-filing process will not be considered, except at the Examiner’s discretion in extraordinary circumstances. Here, extraordinary circumstances support admission of this late submitted exhibit.

The proffered permit application was uploaded and cued up on the City’s FTP site by Appellant well after the City’s pre-filing of exhibits in this case on March 25, and it was not processed by the City until April 12, 2021. It directly rebuts Appellants’ assertions that Barcelo Homes, Inc. and Premium Homes of Mercer Island, LLC are completely separate

1 entities that never co-mingle projects, employees, funds, etc. Exhibit 30 is an application  
2 submitted to the City listing Barcelo Homes as the owner of 7216 93<sup>rd</sup> Ave SE, as well as the  
3 contractor for the proposed project. It also lists Bogdan Maksimchuk as the owner's contact.  
4 Therefore, Exhibit 30 is additional evidence that both Barcelo Homes, Inc. and Bogdan  
5 Maksimchuk are responsible parties with respect to the code violations occurring at 7216 93<sup>rd</sup>  
6 Ave SE.

7 DATED this 13th day of April, 2021.

8 MADRONA LAW GROUP, PLLC  
9

10 By: /s/ Eileen M. Keiffer  
11 Eileen M. Keiffer, WSBA No. 51598

12 *Attorneys for the City of Mercer Island*  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

1 **DECLARATION OF SERVICE**

2 I, Tori Harris, declare and state:

3 1. I am a citizen of the State of Washington, over the age of eighteen years, not a party  
4 to this action, and competent to be a witness herein.

5 2. On the 13th day of April, 2021, I served a true copy of the foregoing City of Mercer  
6 Island’s Request for Admission of Additional Exhibit on the following counsel of record  
7 using the method of service indicated below:

8 Dianne K. Conway, WSBA No. 28542 9 Gordon Thomas Honeywell LLP 10 1201 Pacific Avenue, Suite 2100 11 Tacoma, WA 98402  Counsel for Petitioner	<input type="checkbox"/> First Class, U.S. Mail, Postage Prepaid <input type="checkbox"/> Legal Messenger <input type="checkbox"/> Overnight Delivery <input type="checkbox"/> Facsimile <input checked="" type="checkbox"/> E-Mail: dconway@gth-law.com <input type="checkbox"/> EService pursuant to LGR
--	---

12 I declare under penalty of perjury under the laws of the State of Washington that the  
13 foregoing is true and correct.

14 DATED this 13th day of April, 2021, at Seattle, Washington.

15 **MADRONA LAW GROUP, PLLC**

16 *Tori Harris*

17 \_\_\_\_\_  
18 Tori Harris