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BEFORE THE HEARING EXAMINER OF THE CITY OF MERCER ISLAND

In Re The Appeal of:

CUSHMAN AND WAKEFIELD,

Appellant,

v.

CITY OF MERCER ISLAND,

Respondent.

No. APL 23-002

CITY OF MERCER ISLAND’S FILE
PRODUCED UNDER HEARING
EXAMINER RULE 224

The City of Mercer Island submits the following exhibits in the above-referenced matter, currently set for hearing on April 26, 2023:

Exhibit No.	Description	Date	Bates No.
1	Email exchange S. Barlow and D. Cole re Question on a Building called 77 Central	11/30/22	MI_0001
2	Email exchange R. Day with D. Henderson and B. Cole re Mercer Island Multifamily Property Not Providing Heat to Tenants	12/5/22-12/6/22	MI_0002 - MI_0005
3	Email exchange D. Cole and R. Day re 77 Central Apartments – Not Providing Heat to Tenants	12/1/22-12/19/22	MI_0006 - MI_0010
4	Email exchange D. Cole and A. Litts re 3215 72 nd Ave. SE – Review of conditions in letter dated 10/24/22	11/4/22-12/16/22	MI_0011 - MI_0015
5	Email exchange D. Cole and R. Gilbert re Status of heating at 77 Central	1/10/23	MI_0016 - MI_0017

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Exhibit No.	Description	Date	Bates No.
6	Email exchanges J. Richards and A. Litts re Not Receiving Notices from 77 Management	1/10/23-1/11/23	MI_0018 - MI_0025
7	Email exchanges J. Richards and R. Gilbert re Not Receiving Notices from 77 Management	1/10/23-1/12/23	MI_0026 - MI_0034
8	Email exchange J. Richards and Ksenia B. re Not Receiving Notices from 77 Management	1/10/23-1/12/23	MI_0035 - MI_0043
9	Email exchange J. Richards and B. Gilbert re Update on Heating	1/20/23	MI_0044 - MI_0047
10	Email exchange J. Richards and D. Cole re Response to your latest update on lack of heat	1/22/23-1/23/23	MI_0048 - MI_0052
11	Email exchange J. Richards and R. Gilbert re Response to your latest update on lack of heat	1/22/23-1/23/23	MI_0053 - MI_0056
12	Email exchange J. Richards and R. Gilbert re Response to your latest update on lack of heat	1/22/23-1/24/23	MI_0057 - MI_0061
13	Email exchange D. Cole and J. Richards re Response to your latest update on lack of heat	1/22/23-1/24/23	MI_0062 - MI_0063
14	Email exchange J. Richards and D. Cole re Response to your latest update on lack of heat	1/22/23-1/25/23	MI_0064 - MI_0068
15	Email exchange J. Richards and R. Gilbert re Response to your latest update on lack of heat	1/22/23-1/25/23	MI_0069 - MI_0074
16	Voluntary Compliance Notice	1/25/23	MI_0075 - MI_0076
17	Voluntary Compliance Notice Transmittal Email	1/25/23	MI_0077 - MI_0079
18	Voluntary Compliance Confirmation Email	1/26/23	MI_0080 - MI_0083
19	Email exchange S. Casserd and J. Richards Re Thank You	1/22/23-1/26/23	MI_0084 - MI_0090
20	Email exchange N. Grant and B. Gilbert re Update on Questions from Last Week	1/27/23	MI_0091 - MI_0096
21	Email exchange D. Cole and S. Wheeler re One more email from a 77 Central Resident on Status here at 77 Mercer	2/2/23-2/4/23	MI_0097 - MI_0098
22	Email from D. Cole to Jenny Richards and Nora Grant re 77 RE Code Compliance Notice – 77 Central Apartments	2/21/23	MI_0099 - MI_0102
23	Email exchange N. Grant and D. Cole and J. Richards	2/22/23	MI_0103 - MI_0110

Exhibit No.	Description	Date	Bates No.
24	Email exchange D. Cole and J. Richards re Code Compliance Notice – 77 Central Apartments – Nora Still Contact	1/25/23-2/28/23	MI_0111 - MI_0117
25	Email exchange N. Grant, D. Cole, and J. Richards Re: Code Compliance Notice – 77 Central Apartments	1/25/23-2/28/23	MI_0118 - MI_0125
26	Tenant Certification Letters	Various Dates	MI_0126 - MI_0138
27	Notice of Violation	2/28/23	MI_0139 - MI_0144
28	Revised Notice of Violation	3/3/23	MI_0145 - MI_0150
29	Email from L. Shepherd re HVAC Coil Delivery Update	3/3/23	MI_0151 - MI_0152
30	Email T. Graham to D. Cole re 77 Central / HVAC Issues	3/6/23	MI_0153 - MI_0161
31	CE23-005 – 77 Central Apts Log notes	1/9/23-3/8/23	MI_0162 - MI_0163
32	Email exchanges D. Cole and M. Kent Re: Certification Letter – Lack of Permanent Heat in Dwelling Unit	1/10/23-3/20/23	MI_0164 - MI_0165
33	Email from S. Casserd to D. Cole re Units rented without heat at 77 central	3/31/23	MI_0166
34	Appeal Documents	3/14/23	MI_0167 - MI_0177
35	Email exchange D. Cole and M. Cozzitorto re Clarification regarding Appeal of CE23-005	3/16/23	MI_0178 - MI_0181
36	Email from S. Knirk to D. Cole re 77 Central- no heat	2/15/23	MI_0182
37	Email from J. Crase to D. Cole re 77 central No heat	2/15/23	MI_0183
38	Email from A. Litts to D. Cole re For those with no heat (or other safety issues)	11/9/23	MI_0184 - MI_0186
39	Email from A. Litts to D. Cole re Heat to be restored today	1/9/23	MI_0187 - MI_0194
40	Email from R. Gilbert to D. Cole re Response to your latest update on lack of Heat	1/22/23	MI_0195 - MI_0197
41	Email from Ksenia B. to D. Cole re Deadline for Heat Restoration is TODAY!	2/16/23	MI_0198 - MI_0199

Exhibit No.	Description	Date	Bates No.
42	Email from L. Shepherd to D. Cole Re Fwd HVAC Update	1/6/23	MI_0200 - MI_0201
43	Email from D. Przekop to D. Cole re Heat at 77 Central	2/15/23	MI_0202
44	Email from Ksenia B. to D. Cole re Lack of heat in 77 Central	1/5/23	MI_0203 - MI_0206
45	Email from S. Casserd to D. Cole re 77 Central Management Contact Information	1/19/23	MI_0207 - MI_0209
46	Email from A. Litts to D. Cole re 3215 72 nd Ave SE, Review of listed conditions in letter dated 10/24/2022	11/29/22	MI_0210 - MI_0216
47	Email from L. Vedrich to D. Cole re Certification Letter – Lack of permanent heat in dwelling unit – A420 –UPDATE 2/15/2023	2/15/23	MI_0217 - MI_0219
48	Email from M. Kent Re Certification letter – Lack of permanent heat in dwelling unit	2/15/23	MI_0220 - MI_0222
49	Email from Ksenia B. to D. Cole Re Lack of heat in 77 Central	1/8/23	MI_0223 - MI_0225
50	Email from L. Shepherd to D. Cole re Request for Verification of NO HEAT	1/5/23	MI_0226 - MI_0231
51	Email from C. Mann re Request for Verification of NO HEAT	1/16/23	MI_0232 - MI_0237
52	Email from R. Gilbert to D. Cole re Status of Heating at 77Central	1/6/23	MI_0238
53	Email from Ksenia B. to D. Cole re Deadline for Heat restoration is TODAY!	2/18/23	MI_0239 - MI_0240
54	Email from S. Knirk Re: 77 Central – No heat	2/18/23	MI_0241 - MI_0242
55	Email from J. Crase to D. Cole re 77 central No heat	2/18/23	MI_0243 - MI_0244
56	Email from L. Vedrich to D. Cole re Certification Letter- Lack of permanent heat in dwelling unit – A420 – UPDATE 2/15/23	2/18/23	MI_0245 - MI_0248
57	Email from C. Mann to D. Cole re Certification Letter – Lack of permanent heat in dwelling unit	2/18/23	MI_0249 - MI_0251
58	Email from J. and B. Potashnick to D. Cole	2/19/23	MI_0252 - MI_0253
59	Email from A. Litts to D. Cole Re: Public Records Request – 77 Central Apartments	2/18/23	MI_0254 - MI_0255

Exhibit No.	Description	Date	Bates No.
60	Declaration of Noticing	4/6/23	MI_0256 - MI_0259
61	Staff Report	To Be Filed 4/14/23	TBD

The City reserves the right to seek admission of rebuttal exhibits after review of the Appellant’s exhibits. The City further reserves the right to utilize documents identified by Appellant, and to rely on and elicit testimony concerning any provision of the Revised Code of Washington, Washington Administrative Code, or Mercer Island City Code.

DATED this 12th day of April, 2023.

MADRONA LAW GROUP, PLLC

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CITY OF MERCER ISLAND
OFFICE OF THE CITY ATTORNEY

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Attorneys for the City of Mercer Island

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DECLARATION OF SERVICE

I, Tori Harris, declare and state:

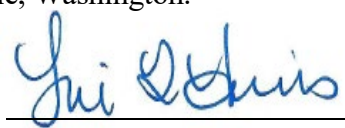
1. I am a citizen of the State of Washington, over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 12th day of April, 2023, I served a true copy of the foregoing City of Mercer Island’s File Produced Under Hearing Examiner Rule 224 on the following counsel of record using the method of service indicated below:

<p>William J. Edgar, WSBA NO. 46301 Andor Law, PC P.O. Box 8441 Portland, OR 97207</p> <p><i>Attorneys for Appellant Cushman and Wakefield</i></p>	<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: <u>William.edgar@andor-law.com</u> <input type="checkbox"/> EService pursuant to LGR
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I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 12th day of April, 2023, at Seattle, Washington.


Tori Harris