

# CITY OF MERCER ISLAND

## COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | [www.mercerisland.gov](http://www.mercerisland.gov)



### CITY USE ONLY

PROJECT#

APPEAL#

FEE

Date Received:

Received By:

## APPEAL

SITE ADDRESS OF PROPERTY WHERE THE DECISION IS BEING APPEALED:

5236 West Mercer Way, Mercer Island, WA 98040

PROPERTY OWNER NAME: Pollie LLC	ADDRESS: 20935 S 6th Ave, Des Moines, WA 98198	PHONE: 206-849-8549 E-MAIL: jason@jasonandersonlaw.com
APPELLANT NAME (if different from property owner): Jason E Anderson	ADDRESS: 20935 S 6th Ave, Des Moines, WA 98198	PHONE: 206-849-8549 E-MAIL: jason@jasonandersonlaw.com
APPELLANT ATTORNEY INFORMATION (if applicable):	ADDRESS:	PHONE: E-MAIL:

### What is the decision that you are appealing? Include any applicable project file number.

Notice of Violation & Civil Penalties of November 15, 2022 and Supplemental Notice of Violation & Civil Penalties June 30, 2023  
File Project Number: CE21-0043

### What are your reasons for appealing this decision? (Attach additional pages if necessary)

*(You must indicate specifically that there were substantial errors, the decision is unsupported by the facts presented, the decision is in conflict with the standards for review of the action or there were irregularities in the procedure. Attachments or supporting information may be included.)*

See attached

### What is the outcome or changes in the decision that you are seeking? (Attach additional pages if necessary)

Clarification that Jason E Anderson is not a responsible party for Pollie LLC.  
That any penalties against Pollie LLC be reversed or halted because it no longer owns the property at issue.

DocuSigned by:  
*Jason Anderson*  
35ADD69DBA1D4FA...

Date: 7/12/2023

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BEFORE THE CITY OF MERCER ISLAND

In Re Pollie LLC

File Project Number CE21-0043

**APPEAL**

**I. INTRODUCTION AND RELIEF REQUESTED**

Pollie LLC appeals the imposition of additional fines and obligations against it for the condition of the property at 5236 West Mercer Way, Mercer Island, WA 98040 because it no longer owns the property. The property has been conveyed to Level Capital LLC pursuant to a deed in lieu of foreclosure.

Jason E Anderson appeals the finding that he is a responsible party for Pollie LLC because his sole role for Pollie LLC is as a registered agent, which is a purely administrative role for the company. He asks leave to file an untimely appeal because the Notice of Violation was never served on him in an individual capacity and did not learn of the November 15, 2022 Notice of Violation in time to appeal it.

**II. FACTS**

Pollie LLC is a Washington Limited Liability Company. As shown in the Annual Report filed May 11, 2022, Daniel Suciu is the sole Governor of Pollie LLC. He is also the sole

1 Manager of Pollie LLC. Jason E Anderson is the registered agent for Pollie LLC. His law  
2 firm, Emerald City Law Firm PC., maintained an office at 5355 Tallman Ave NW, Seattle,  
3 WA 98198.

4 Jason E Anderson moved to a new address at 20935 S 6<sup>th</sup> Ave, Des Moines, WA 98198  
5 on or about August 1, 2022. This address could be found by investigating the records through  
6 the King County Recorder, the King County Parcel Viewer, and the King County Tax  
7 Records.

8 He subsequently began moving his office from the 5355 Tallman location to his  
9 residence at 20935 S 6<sup>th</sup> Ave, Des Moines, WA 98198. He did not see the Notice of Violation  
10 from the City of Mercer Island until approximately the last week of December 2022 while he  
11 was cleaning the office to complete the move. The Notice of Violation was never mailed to  
12 his residential address.

13 Pollie LLC executed a deed in lieu of foreclosure in favor of Level Capital LLC on May  
14 15, 2023. This was recorded on June 15, 2023. Pollie LLC no longer owns the property at  
15 issue and does not have the ability to remedy any violations on the property.

### 16 **III. AUTHORITY AND ARGUMENT**

#### 17 **A. A REGISTERED AGENT IS NOT A RESPONSIBLE PARTY**

18 The Mercer Island Municipal Code section 6.10.110 defines a responsible party as  
19 follows:

20 Person responsible for the violation or person responsible or violator means  
21 any of the following: the person doing the work; a person who has titled  
22 ownership or legal control of the property or structure that is subject to the  
23 violation; an occupant or other person in control of the property or structure  
24 that is subject to the violation; a developer, builder, business operator, or  
25 owner who is developing, building, or operating a business on the property or  
26 in a structure that is subject to the violation; a mortgagee that has filed an  
27 action in foreclosure on the property that is subject to the violation, based on  
breach or default of the mortgage agreement, until title to the property is  
transferred to a third party; a mortgagee of property that is subject to the  
violation and has not been occupied by the owner, the owner's tenant, or a  
person having the owner's permission to occupy the premises for a period of at  
least 90 days; or any person who created, caused, participated in, or has  
allowed a violation to occur.

1 (emphasis added). In this case, the property owner is Pollie LLC. Pollie LLC is in turn  
2 operated by Daniel Suciu, the sole Manager. This is shown on the Annual Report which  
3 identifies the sole Governor of Pollie LLC as Daniel Suciu. The term Governor for purposes  
4 of a company's annual report is defined by RCW 23.95(12) to include "A manager of a  
5 manager-managed limited liability company." Thus, Daniel Suciu would be a business  
6 operator or person with legal control of the property at the time it was owned by Pollie LLC.

7  
8 A registered agent for a limited liability company has a very limited role. The duties of a  
9 registered agent are defined by RCW 23.95.455. These duties essentially provide only that the  
10 registered agent must provide notices to the party it represents. The role of registered agent  
11 does not grant a person any right to act on behalf of a company and is no indication the  
12 registered agent is a responsible person for the represented entity.

13 It is improper for Mercer Island to treat Jason E Anderson as the responsible party for  
14 Pollie LLC.

15 B. SERVICE OF THE NOTICE OF VIOLATION WAS NOT MADE ON JASON  
16 ANDERSON IN HIS INDIVIDUAL CAPACITY.  
17

18 A registered agent receives documents on behalf of represented parties. A registered  
19 agent is not required to review the internal allegations of documents he receives on behalf of a  
20 represented party. It would be extraordinary for a registered agent to have to review every  
21 document it receives on behalf of a represented party to determined whether there are  
22 allegations being made against the registered agent.

23 The City of Mercer Island mailed the Notice of Violation to 5355 Tallman Ave NW  
24 Ste 207, Seattle, WA 98107, which was the address of the registered agent for Pollie LLC.  
25 Jason Anderson, as the registered agent for Pollie LLC, had a duty to forward the Notice of  
26 Violation to Pollie LLC so it could not respond. However, there was no reason for Jason  
27 Anderson in his role as registered agent to review the document to see if there were individual

1 allegations against him as a responsible party since a registered agent would not normally  
2 have any authority to act for Pollie LLC.

3 The City of Mercer Island could have easily obtained the residential address for Jason  
4 E Anderson by reviewing King County tax records. It did not do so and never forwarded the  
5 Notice of Violation to his residence. Since appropriate service was not made on Jason  
6 Anderson in his individual capacity, he should be permitted to appeal the Notice of Violation  
7 and any Supplement to the Notice of Violation.

8 C. POLLIE LLC NO LONGER OWNS THE PROPERTY

9 Pollie LLC surrendered the property at issue to Level Capital LLC because it could  
10 not repay the loan encumbering the property. The deed was signed on May 15, 2023. The City  
11 of Mercer Island cannot continue to punish Pollie LLC with ongoing fines and demands  
12 regarding a property where Pollie LLC no longer has the right or the ability to resolve.

13 **IV. THE APPEAL FEE IS UNREASONABLE**

14 Most cities charge an appeal fee of between \$300 and \$500 to address a Notice of  
15 Violation. The City of Mercer Island Appeal fee of \$1590 is not reasonable for what is  
16 effectively a quasi-judicial proceeding.

17  
18 July 12, 2023

19 DocuSigned by:  
20 *Jason Anderson*  
35ADD69DBA1D4FA...

21 Jason E Anderson  
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**WASHINGTON**  
**Secretary of State**  
Corporations & Charities Division

Filed  
Secretary of State  
State of Washington  
Date Filed: 05/11/2022  
Effective Date: 05/11/2022  
UBI #: 604 740 287

## Annual Report

### BUSINESS INFORMATION

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Business Name:

**POLLIE LLC**

UBI Number:

**604 740 287**

Business Type:

**WA LIMITED LIABILITY COMPANY**

Business Status:

**ACTIVE**

Principal Office Street Address:

**5355 TALLMAN AVE NW STE 207, SEATTLE, WA, 98107-3954, UNITED STATES**

Principal Office Mailing Address:

Expiration Date:

**04/30/2023**

Jurisdiction:

**UNITED STATES, WASHINGTON**

Formation/Registration Date:

**04/15/2021**

Period of Duration:

**PERPETUAL**

Inactive Date:

Nature of Business:

**CONSTRUCTION**

### REGISTERED AGENT [RCW 23.95.410](#)

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Registered Agent Name	Street Address	Mailing Address
JASON ANDERSON	5355 TALLMAN AVE NW STE 207, SEATTLE, WA, 98107-3954, UNITED STATES	

### PRINCIPAL OFFICE

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Phone:

**2067062882**

Email:

**JASON@JASONANDERSONLAW.COM**

Street Address:

**5355 TALLMAN AVE NW STE 207, SEATTLE, WA, 98107-3954, USA**

Mailing Address:

## GOVERNORS

Title	Type	Entity Name	First Name	Last Name
GOVERNOR	INDIVIDUAL		DANIEL	SUCIU

## NATURE OF BUSINESS

- CONSTRUCTION

## EFFECTIVE DATE

Effective Date:

**05/11/2022**

## CONTROLLING INTEREST

- Does this entity own (hold title) real property in Washington, such as land or buildings, including leasehold improvements?  
**NO**
- In the **past 12 months**, has there been a transfer of at least 16-2/3 percent of the ownership, stock, or other financial interest in the entity?  
**NO**
  - If "Yes", in the **past 36 months**, has there been a transfer of controlling interest (50 percent or greater) of the ownership, stock, or other financial interest in the entity?  
**NO**
- If you answered "Yes" to question 2a, has a controlling interest transfer return been filed with the Department of Revenue?  
**NO**

You **must** submit a Controlling Interest Transfer Return form if you answered "yes" to questions 1 **and** 2a.

Failure to report a Controlling Interest Transfer is subject to penalty provisions of [RCW 82.45.220](#).

For more information on **Controlling Interest**, visit [www.dor.wa.gov/REET](http://www.dor.wa.gov/REET).

## RETURN ADDRESS FOR THIS FILING

Attention:

**JASON**

Email:

**JASON@JASONANDERSONLAW.COM**

Address:

**5355 TALLMAN AVE NW STE 207, SEATTLE, WA, 98107-3954, USA**

## UPLOAD ADDITIONAL DOCUMENTS

Do you have additional documents to upload? **No**

## AUTHORIZED PERSON

I am an authorized person.

Person Type:  
**INDIVIDUAL**

First Name:  
**JASON**

Last Name:  
**ANDERSON**

Title:  
**ATTORNEY**

This document is hereby executed under penalty of law and is to the best of my knowledge, true and correct.



Instrument Number: 20220603001338 Document:WD Rec: \$204.50 Page-1 of 2  
Excise Docs: 3193607 Selling Price: \$800,000.00 Tax Amount: \$13,345.00 Record Date:6/3/2022 4:57 PM  
Electronically Recorded King County, WA

**FIDELITY NATIONAL TITLE**  
611316528

**When recorded return to:**  
Jason Anderson and Danielle Anderson  
20935 6th Avenue S  
Des Moines, WA 98198

Filed for record at the request of:



16400 Southcenter Parkway, Suite 405  
Tukwila, WA 98188-2040  
Escrow No.: 611316528PM

**STATUTORY WARRANTY DEED**

THE GRANTOR(S) Karolyn M. Albrecht, an unmarried woman  
for and in consideration of Ten And No/100 Dollars (\$10.00) and other good and valuable  
consideration  
in hand paid, conveys, and warrants to Jason Anderson and Danielle Anderson, husband and wife

the following described real estate, situated in the County of King, State of Washington:

LOTS 13, 14, 15 AND 16, BLOCK 82, SOUTHERN PACIFIC LAND COMPANY'S SECOND  
ADDITION TO DES MOINES, ACCORDING TO THE PLAT THEREOF, RECORDED IN VOLUME  
4 OF PLATS, PAGE 49, IN KING COUNTY, WASHINGTON;

TOGETHER WITH THE EAST 8 FEET OF THAT PORTION OF THE STRIP OF LAND  
REFERRED TO AS "ALLEY" ADJOINING;

AND TOGETHER WITH THE NORTH 30 FEET OF "ARCH STREET" (NOW SOUTH 210TH  
STREET) ADJOINING; SAID "ALLEY" AND "ARCH STREET" BEING DESCRIBED IN SAID  
PLAT, SAID STREET AND ALLEY HAVING BEEN ATTACHED TO SAID PREMISES BY  
DECREE ENTERED FEBRUARY 26, 1971 UNDER KING COUNTY SUPERIOR COURT CAUSE  
NUMBER 728690.

SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Tax Parcel Number(s): 789380-6395-08,

Subject to:

1. RIGHTS, RESERVATIONS, COVENANTS, CONDITIONS, RESTRICTIONS, AGREEMENTS,  
NOTES, DEDICATIONS, ENCROACHMENTS, AND EASEMENTS PRESENTLY OF  
RECORD.

Instrument Number: 20220603001338 Document:WD Rec: S204.50 Page-2 of 2  
Record Date:6/3/2022 4:57 PM King County, WA

**STATUTORY WARRANTY DEED**  
(continued)

Dated: June 1, 2022

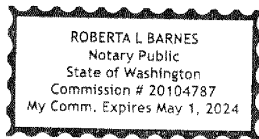
Karolyn M. Albrecht  
Karolyn M. Albrecht

State of WASHINGTON  
County of KING

I certify that I know or have satisfactory evidence that Karolyn M. Albrecht is the person who appeared before me, and said person acknowledged that she signed this instrument and acknowledged it to be her free and voluntary act for the uses and purposes mentioned in this instrument.

Dated: 6.2.2022

RLB  
Name: ROBERTA BARNES  
Notary Public in and for the State of WA  
Residing at: 2301 N 113th St  
My appointment expires: 5.1.2024



Official Copy

**Instrument Number: 20230615001076 Document:WD Rec: \$205.50 Page-1 of 3**  
**Excise Docs: 3241822 Selling Price: \$0.00 Tax Amount: \$10.00 Record Date:6/15/2023 4:38 PM**  
**Electronically Recorded King County, WA**

AFTER RECORDING RETURN TO:

LCRE Holdings I LLC  
ATTN: General Counsel  
11250 Kirkland Way, Suite 100  
Kirkland, WA 98033

**Document Title:** Warranty Deed (Non-Merger/In Lieu of Foreclosure)  
**Grantor:** Pollie, LLC  
**Grantee:** Level Capital LLC  
**Abbreviated Legal Description:** PARCEL A, MERCER ISLAND LLA# SUB08-003, REC #20090710900001  
**Tax Parcel No.:** 192405-9324-06

**WARRANTY DEED**  
**(Non-Merger/In Lieu of Foreclosure)**

Pollie, LLC, a Washington limited liability company ("Grantor"), for and in lieu of foreclosure of Grantor's interest in and to the real property described herein, hereby grants, sells, conveys and deeds to Level Capital LLC, a Washington limited liability company ("Grantee"), whose address is 11250 Kirkland Way, Suite 100, Kirkland, WA 98033, or its successors or assigns, the real property situated in King County, Washington, together with all after acquired title of the Grantor therein (the "Property"), and legally described in Exhibit "A" attached hereto.

This Deed is an absolute conveyance of title, in effect and in form. This Deed is not intended as a mortgage, trust, conveyance or security of any kind. The title and interest hereby conveyed shall not merge with the lien of those certain Deed of Trust dated May 17, 2021 and recorded May 21, 2021 under document numbers 20210521002352 in the records of King County, Washington and said Deed of Trust shall be released only by reconveyance at the

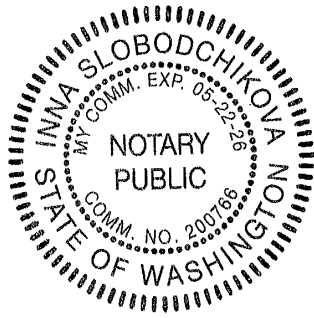
WARRANTY DEED - 1

Instrument Number: 20230615001076 Document:WD Rec: \$205.50 Page-2 of 3  
Record Date:6/15/2023 4:38 PM King County, WA

STATE OF WASHINGTON )  
 ) ss.  
County of King )

On this 15 day of May, 2023, before me, a Notary Public in and for said State, personally appeared Daniel Suci, personally known to me (or proved to me on the basis of satisfactory evidence) to be the Manager of Pollie, LLC, and the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same freely and voluntarily in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument, for the uses and purposes described therein.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.



*Inna Slobodchikova*  
PRINT NAME: Inna Slobodchikova  
NOTARY PUBLIC in and for the State of  
Washington, residing at Federal Way  
My appointment expires: 05-22-2026

WARRANTY DEED - 3

**Instrument Number: 20230615001076 Document:WD Rec: \$205.50 Page-3 of 3**  
**Record Date:6/15/2023 4:38 PM King County, WA**

**Exhibit "A"**

THAT PORTION OF THE SOUTH HALF OF THE NORTHWEST QUARTER OF THE  
SOUTHWEST  
QUARTER OF THE NORTHWEST QUARTER OF SECTION 19, TOWNSHIP 24 NORTH,  
RANGE 5 EAST, W.M., IN KING COUNTY, WASHINGTON, DESCRIBED AS FOLLOWS:  
COMMENCING AT THE SOUTHEAST CORNER OF SAID SUBDIVISION;  
THENCE NORTH 88°31'54" WEST 20.00 FEET;  
THENCE NORTH 01°13'54" EAST 117.77 FEET;  
THENCE NORTH 77°51'08" WEST 91.68 FEET TO THE TRUE POINT OF BEGINNING;  
THENCE NORTH 01°13'23" EAST 194.37 FEET TO THE NORTH LINE OF SAID  
SUBDIVISION;  
THENCE NORTH 88°28'25" WEST, ALONG SAID NORTH LINE, 259.63 FEET TO THE  
EASTERLY RIGHT-OF-WAY OF WEST MERCER WAY;  
THENCE SOUTHERLY, ALONG SAID RIGHT OF WAY, ALONG A CURVE TO THE RIGHT  
WHICH RADIUS BEARS NORTH 42°45'13" WEST AND HAS A CENTRAL ANGLE OF 5°14'28"  
AND A LENGTH OF 55.17 FEET AND A RADIUS OF 603.14 FEET;  
THENCE SOUTH 37°34'18" EAST 21.90 FEET TO A CURVE TO THE LEFT WITH A RADIUS  
OF 60.00 FEET;  
THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL  
ANGLE OF 52°25'42", 54.90 FEET TO A POINT OF REVERSE CURVATURE;  
THENCE SOUTHEASTERLY, ALONG AN ARC OF CURVE TO THE RIGHT WITH A RADIUS  
OF 90 FEET THROUGH A CENTRAL ANGLES OF 27°00'00", 42.41 FEET TO A CURVE TO  
THE RIGHT WITH A RADIUS OF 41 FEET;  
THENCE SOUTHEASTERLY, ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF  
28°30'00", 20.39 FEET;  
THENCE SOUTH 34°30'00" EAST 12.00 FEET TO A CURVE TO THE LEFT WITH A RADIUS  
OF 135.00 FEET;  
THENCE SOUTHEASTERLY, ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL  
ANGLE OF 26°15'00", 61.85 FEET;  
THENCE SOUTH 60°45'00" EAST 76.21 FEET;  
THENCE SOUTH 77°51'08" EAST 63.45 FEET TO THE TRUE POINT OF BEGINNING;  
(ALSO KNOWN AS REVISED PARCEL A, AS DELINEATED IN THE CITY OF MERCER  
ISLAND LOT LINE REVISION NO. SUB08-003, RECORDED UNDER RECORDING NO.  
20090710900001, CORRECTED BY AFFIDAVIT OF CORRECTION RECORDED UNDER  
RECORDING NO.  
20090901000805, RECORDS OF KING COUNTY, WASHINGTON).  
SITUATE IN THE COUNTY OF KING, STATE OF WASHINGTON.

Tax Parcel Nos: 192405-9324-06

WARRANTY DEED - 4