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July 28, 2021

Shane Miller  
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Mercer Island, WA 98040  
shanemillerus@gmail.com  
SERVICE BY E-MAIL (First class mail service if requested)

City of Mercer Island  
Anthony Myers, Code Compliance Officer  
C/o Bio F. Park, City Attorney  
9611 SE 36<sup>th</sup> Street  
Mercer Island, WA 98040  
bio.park@mercergov.org  
SERVICE BY E-MAIL (Signed copy by first class mail for official file)

Subject: Prehearing Conference for Notice of Violation & Order to Correct Appeal: APL19-002

Dear Principal Parties:

I write in my capacity as the City of Mercer Island Hearing Examiner (“Examiner”).

On December 12, 2019, I stayed the above-referenced appeal for one year at the mutual request of the parties. On December 11, 2020, I extended the stay for an additional six months at the mutual request of the parties. That extension expired on June 30, 2021. On July 22, 2021, I e-mailed a request for status to the parties. On July 26, 2021, Mr. Park e-mailed that settlement discussions had not been successful and asked me to convene a prehearing conference to set the matter for hearing.

The Hearing Examiner Rules of Procedure (“RoP”) provide for prehearing conferences. [RoP 208] The Examiner has sole discretion to convene prehearing conferences. [RoP 208(a)] Any principal party may request that the Examiner convene a prehearing conference; the Examiner may call for a prehearing conference on his own initiative. [RoP 208(c)] Unless waived by the principal parties, I am required to give not less than seven days notice of a prehearing conference. [RoP 208(c)] I conduct prehearing conferences remotely using the Zoom platform.

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I am available for a Zoom prehearing conference on the afternoon of August 5 (that date might require a notice waiver from the parties), afternoon of August 12, afternoon of August 18, and afternoon of August 19. (If none of those dates work for both parties, I can offer additional dates.)

**Please communicate your availability and date preference(s) directly to me by E-mail as soon as possible or by August 4, 2021, at the latest.** My E-mail address is “jegalt755@gmail.com”. The City’s response must consider the availability of needed staff. I will select a date and time based upon timely received responses.

Please be aware that *ex parte* communication with me is strictly limited. (See RoP 120.) You may communicate with me only on scheduling or other procedural matters. Whenever you communicate with me on such matters, you must cross-copy your communication to all other parties.

Last but by no means least, if you are willing to continue to accept e-mail service from me in this case, please so advise by sending me an e-mail at jegalt755@gmail.com. If you have key associates or assistants that I should include in e-mail service to you, please provide their names and e-mail addresses in your e-mail.

Sincerely,

\s\ *John E. Galt*

John E. Galt,  
City of Mercer Island Hearing Examiner