

From: [David Henderson](#)
To: [Nadia Maksimchuk](#); bogdan@barcelohomes.com
Subject: City of Mercer Island Notice of Violation CE20-0057; 7216 93rd Ave SE
Date: Monday, February 8, 2021 10:02:45 AM
Attachments: [CE20-0057 NOV Premium Homes of Mercer Island LLC and Barcelo Homes Inc.pdf](#)

Hello,

Please see the attached Notice of Violation being issued and mailed today. Please contact me with any questions via email.

Regards,
David

[David Henderson](#)

Code Compliance Officer

Plans Examiner

Building inspector

City of Mercer Island – Community planning & Development

206-275-7705 | C: 206-507-2064 | David.Henderson@mercergov.org

Schedule an inspection: [Inspection Scheduling](#)

If possible, please include within either the subject or body of your email one or more of the following to help me assist you efficiently: A contact telephone number; site address; assigned permit number; compliance case file number; King County parcel identification number. Thank you!

*Due to the COVID-19 outbreak, Community Planning and Development has modified our operations. The City Hall and the Permit Center are closed to the public as of Friday, March 13. There is no “walk in” permit service; staff are working remotely. **Please note** that the Governor has issued a Stay at Home order. More information is available on the City’s website: www.mercergov.org/cpd. Most services will be continuing via remote operations. We encourage customers to contact staff directly via email or their office number - phone lines are set up to forward calls to staff. Please contact us by phone or email for general customer support at 206-275-7605 or epermittech@mercergov.org.*

CITY OF MERCER ISLAND

COMMUNITY PLANNING & DEVELOPMENT

9611 SE 36TH STREET | MERCER ISLAND, WA 98040

PHONE: 206.275.7605 | www.mercergov.org



Notice of Violation & Civil Penalties

Pursuant to MICC 6.10.050, this Notice of Violation and Civil Penalties is issued as follows:

Date of Notice Issuance: February 5th, 2021

Location(s): 7216 93rd Ave SE, Mercer Island WA 98040

Subject Property: 7216 93rd Ave SE, Mercer Island WA 98040

King County Tax Parcel # 258190-0210

Mercer Island Compliance Case # CE20-0057

Notification is being given to the following responsible person or persons:

Premium Homes of Mercer Island LLC.

PO BOX 1639, MERCER ISLAND, WA, 98040-1639

1414 E YESLER WAY, SEATTLE, WA, 98122-5953

WA State UBI # 603 438 959

Nadezhda Maksimchuk

1414 E YESLER WAY, SEATTLE, WA, 98122-5953

PO BOX 1639, MERCER ISLAND, WA, 98040-1639

Barcelo Homes Inc.

1900 S PUGET DR #206, RENTON, WA, 98055

1414 E YESLER WAY UNIT A, SEATTLE, WA, 98122

PO BOX 1639, MERCER ISLAND, WA, 98040-1639

WA State UBI # 603 332 723; WA State Contractor License No. BARCEHI869J9

Bogdan Maksimchuk

1900 S PUGET DR #206, RENTON, WA, 98055

1414 E YESLER WAY UNIT A, SEATTLE, WA, 98122

PO BOX 1639, MERCER ISLAND, WA, 98040-1639

One or more of the responsible persons named above are believed to be responsible for the following violations that have occurred or are occurring at the location(s) identified above:

1) **Violation of MICC 17.14.10(105.1.2) – Grading Permit Required.** No person shall do any grading without first obtaining a grading permit from the building official.

2) **Violation of MICC 19.10.020 Applicability and permit required.**

A. Applicability. The provisions of this chapter shall apply to all property and public rights-of-way in the city.

B. Permit Required. A permit approval is required prior to removing any tree, except for trees that are exempt pursuant to MICC 19.10.030.

1. Permit approval to remove one or more nonhazardous trees may take the form of a tree removal permit or other construction permit approval.

2. Permit approval to remove one or more trees that pose an imminent threat to life or property, such as tree limbs or trunks that are demonstrably cracked, leaning toward overhead utility lines or structures, or are uprooted by flooding, heavy winds or storm events, in which event the permit must be applied for within 14 days of the removal. Permit applications shall be accompanied by documentation of the imminent threat to life or property, ideally in the form of a report by a qualified arborist, but at least in the form of photographs that clearly depict the threat. Prior notice of the impending tree removal should be provided to the city.

3. For the purposes of this section, tree removal includes the cutting or removing directly or indirectly through site grading of any tree, or root destruction that will result in a tree ultimately becoming a hazardous tree.

3) **Violation of MICC 8.24.020 Types of nuisances.** Each of the following conditions, actions or activities, unless otherwise permitted by law, is declared to constitute a public nuisance, and is subject to criminal enforcement and penalties as provided in this chapter. In addition, or in the alternative, whenever the enforcement officer determines that any of these conditions, actions or activities exist upon any premises or in any lake, river, stream, drainage way or wetlands, the officer may require or provide for the abatement thereof pursuant to this chapter:

A. The existence of any offensive or dangerous accumulation of weeds, trash, dirt, filth, waste shrubs, lawn or yard trimmings, the carcass of any animal or other offensive matter;

.....

G. The dumping or otherwise unlawful depositing of refuse, sawdust or any other material without a permit;

....

I. The erecting, maintaining, using, placing, depositing, leaving or permitting to be or remain in or upon any private lot, building, structure or premises, or in or upon any street, alley, sidewalk, park, parkway or other public or private place in the city, any one or more of the following disorderly, disturbing, unsanitary, fly-producing, rat-harboring, disease-causing places, conditions or things:

.....

6. Any inherently offensive or dangerous accumulation of bottles, cans, glass, ashes, paper or paper products, small pieces of scrap iron, wire, metal articles, household appliances, bric-a-brac or cement, broken concrete, broken glass, broken plaster and all such trash or abandoned material unless it is kept in approved covered bins or appropriate containers.

- 4) **Violation of MICC 6.10.070 (D). Removal of a Stop Work Order.** When a stop work order has been posted in conformity with the requirements of this chapter, removal of such order without the authorization of the city, or the hearing examiner if the matter has been heard by the hearing examiner, is unlawful and a violation. The director will remove the stop work order and write a letter of authorization to resume work only when the director finds that the reason for the order has been resolved or abated.
- 5) **Violation of MICC 6.10.070 (B). Effect.** When a stop work order has been issued, posted and/or served pursuant to this section, it is unlawful to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the director has removed the copy of the order, if posted, and issued written authorization for the activity or work to be resumed. Any violation of a stop work order is hereby declared to be a nuisance and the director is authorized to enjoin or abate such nuisance by any legal or equitable means available. The costs, specifically including reasonable attorney and expert witness fees, for the injunction or abatement, shall be recovered by the city from the person responsible for the code violation in the manner provided by law. Failure to comply with the terms of a stop work order subjects the person responsible for the code violation to civil penalties and costs as set forth in this chapter, including a monetary penalty that shall accrue for each day that a violation of a stop work order occurs.
- 6) **Violation of MICC 6.10.050 (D)(3). Repeat Violations.** A repeat violation is a violation that has occurred on the same property, or that has been committed by the same person responsible elsewhere within the city, for which voluntary compliance previously has been agreed to or any enforcement action taken that was not timely appealed or, if appealed, the appeal was dismissed, within the previous 36-month period. (For purposes of this subsection, repeat violation does not include each day in violation being counted as a separate violation.) To constitute a repeat violation, the violation need not be the same violation as the prior violation. Violation of a written order of the hearing examiner that has been served as provided in this chapter shall also constitute a repeat violation. Repeat violations will incur double the civil penalties set forth in subsections (D)(1) and (2) of this section. If violations are repeated a third or subsequent time within a 36-month period, the penalties will be five times those set forth above. The city also has authority to suspend or revoke a business license when a responsible party is repeatedly doing work in violation of city regulations (Chapter 5.01 MICC).
- 7) **Violation of MICC 6.10.050 (D)(4). Deliberate Violation.** If a violation was deliberate, the result of blatant disregard for direction from the city or knowingly false information submitted by the property owner, agent or their contractor, civil penalties will be incurred at double those set forth above in subsections (D)(1) through (3) of this section.
- 8) **Violation of MICC 8.24.030 Prohibited Conduct.**
- A. It is unlawful for any responsible person or owner to permit, maintain, suffer, carry on or allow, upon any premises or in any lake, stream, drainage way or wetlands, any of the acts or things declared by this chapter to be a public nuisance.
- B. It is unlawful for any person to create, maintain, carry on or do any of the acts or things declared by this chapter to be a public nuisance.

Facts Supporting Violation(s):

- On October 6, 2020, the City received a complaint that trailers loaded with construction demolition debris and soil had been dumped onto 7216 93rd Ave SE, Mercer Island WA 98040 (“Subject Property”).
- On October 6, 2020, the City Code Compliance Officer, David Henderson, performed a site investigation at the Subject Property and confirmed soil mixed with broken concrete, broken asphalt pavement, bricks, block,

asbestos concrete tile, plastic material, broken hand tools, and similar refuse/construction debris, had been dumped onto the subject property in multiple piles ranging 2 feet to 4 feet in height and that several piles were located within the drip lines of several regulated and/or exceptional trees. **The failure to obtain the required grading permit and tree permit, and the dumping of construction debris are violation(s) of city code as follows:**

- **MICC 17.14.10 (105.1.2)** - The person(s) responsible did not obtain the required grading permit, which constitutes a code violation.
- **MICC 19.10.020** - The person(s) responsible did not obtain the required tree permit, which constitutes a code violation.
- **MICC 8.24.020** - The person(s) responsible dumped contaminated soils containing refuse/construction debris, which constitutes a public nuisance and code violation.
- On October 7, 2020, pursuant to MICC 6.10.070(A)(1), the City Code Compliance Officer, David Henderson, posted a stop work order at the subject property to cease dumping waste fill material, and to stop grading, including stoppage of grading within the dripline of regulated trees. See copy of Stop Work order (attached as Exhibit A-1).
- On October 9th, 2020, without City authorization the person(s) responsible removed the posted Stop Work Order and continued dumping additional soil and construction debris in violation of the stop work order and in continued violation of MICC 17.14.10(105.1.2) and MICC 8.24.020. **The failure to obtain the required grading permit and tree permit, the dumping of construction debris, the unlawful removal of Stop Work order, and the unlawful continuance of work in violation of a Stop Work order are violation(s) of City code as follows:**
 - **MICC 17.14.10 (105.1.2)** - The responsible parties did not obtain the required grading permit, which constitutes a code violation.
 - **MICC 19.10.020** - The responsible parties did not obtain the required tree permit, which constitutes a code violation.
 - **MICC 8.24.020** - The responsible parties dumped contaminated soils containing refuse/construction debris, which constitutes a public nuisance and code violation.
 - **MICC 6.10.070 (D)** – The responsible person(s) removed the Stop Work order without authorization from the city, which constitutes a code violation.
 - **MICC 6.10.070 (B)** – The responsible person(s) continued working in violation of a Stop Work order, which constitutes a nuisance and a code violation.
- On October 9, 2020, the City received a complaint that the Stop Work order had been removed at the Subject Property and trailers continued to dump loads of soil and construction debris onto the Subject Property in violation of the posted Stop Work order. A video of the dumping was provided to the City.
- On October 9, 2020, the City Code Compliance Officer, David Henderson, performed a site investigation and confirmed the Stop Work order had been removed (see attached photo showing posted Stop Work order and photo at the same location with Stop Work order removed, Exhibit B) and confirmed dumping continued by the presence of additional loads of soil mixed with broken concrete, broken asphalt pavement, bricks, block, asbestos concrete tile, plastic material, broken hand tools, and similar refuse/construction debris. Also, the City Building Official, Don Cole, called Nadia Maksimchuk, a listed contact person for Barcelo Homes Inc., to discuss the unauthorized removal of the Stop Work order and unlawful continuance of work in violation of a Stop Work order. Ms. Maksimchuk confirmed removal of the Stop Work order and the continued dumping, stating her belief that only dumping within the drip line of the trees was prohibited. The Building Official emphasized that all work and grading must stop and she agreed to comply. **The failure to obtain the required grading permit, tree permit, dumping of construction debris, removal of a Stop Work order, and the unlawful continuance of work under a Stop Work order are violation(s) of city code as follows:**
 - **MICC 17.14.10 (105.1.2)** - The responsible person(s) did not obtain the required grading permit, which constitutes a code violation.

- **MICC 19.10.020** - The responsible person(s) did not obtain the required tree permit, which constitutes a code violation.
- **MICC 8.24.020** - The responsible person(s) dumped contaminated soils containing refuse/construction debris, which constitutes a public nuisance and code violation.
- **MICC 6.10.070 (D)** – The responsible person(s) removed the Stop Work order without authorization from the city, which constitutes a code violation.
- **MICC 6.10.070 (B)** – The responsible person(s) continued working in violation of a Stop Work order, which constitutes a nuisance and a code violation.
- On October 14, Code Compliance Officer David Henderson contacted a person known to him as a representative of Barcelo Homes as seen in Exhibit E. During this phone conversation between the City Code Compliance Officer, David Henderson, and Nadia Maksimchuk, Ms. Maksimchuk stated while representing Barcelo Homes Inc., that they had dumped the soil seen in Exhibit C mixed with construction debris at the subject property on October 9th, 2020, which was prohibited by a Stop Work order. She also stated that Barcelo Homes Inc. had been using the property to dump materials hauled from several of their other projects located in Seattle over a period of years.

Barcelo Homes Inc. has the following multiple documented code violations within the last 36 months, which is a violation of MICC 6.10.050(D)3 for violations repeated a third or subsequent time.

- CE 20-0057, 10/7/2020, 7216 93rd Ave SE, the subject code enforcement case when a stop work order was issued for site grading and grading within the dripline of regulated tree without required permits, the unauthorized removal of a Stop Work order, and the continuance of work in violation of the stop work order.
- CE18-0140, 11/21/2018, 7223 93rd Ave SE, Stop Work order issued for construction of retaining walls within drip lines of trees and in the public right of way without required permits.
- CE19-0007, 01/30/2019, 9104 SE 50th Street, Unauthorized removal of a Stop Work order. Unlawful Continuance of work in violation of Stop Work order. NOV issued and civil penalty fee paid.
- CE19-0023, 04/01/2019, 9104 SE 50th Street, Violation of Voluntary Compliance Agreement, driving machinery within the drip lines of protected trees, NOV issued and civil penalty, priority violation, fees paid, monitoring tree survival for 5 years.
- CE20-0017, 02/13/2020, 4719 90th Ave SE, Interior remodel, and addition without permit. Stop work posted. Unauthorized removal of a Stop Work order. Unlawful Continuance of work in violation of Stop Work order.

The Responsible Person(s) deliberately removed the posted Stop Work order and deliberately continued work in violation of a Stop Work order, which is a violation of MICC 6.10.050(D)(4). The removal of the Stop Work order and continuance of work was a blatant disregard for City direction that the stop work order was to remain in place until the required corrective actions were taken. Thus, the violation of the stop work order was knowingly committed and is a deliberate violation. In addition to written information on the posted stop work order that notifies the removal of a Stop Work order is unlawful and the continuance of work is unlawful, the responsible person Barcelo Homes was made aware of Stop Work order regulations during previous code enforcement cases.

For Responsible Person Barcelo Homes, prior cases that included the responsible parties' unlawful removal of a Stop Work order and unlawful continuance of work in violation of a Stop Work order. This includes the following:

- Subject Address: Barcelo Homes Inc. 7216 93rd Ave SE; Stop work order posted. Unauthorized removal of a Stop Work order on 10/9/2020. Unlawful Continuance of work in violation of Stop Work order on 1/28/2021.
- CE19-0007, 01/30/2019, Barcelo Homes Inc. : 9104 SE 50th Street Unauthorized removal of a Stop Work order. Unlawful Continuance of work in violation of Stop Work order. NOV issued and civil penalty fee paid.

- CE20-0017, 02/13/2020, Barcelo Homes Inc. : 4719 90th Ave SE, Interior remodel, and main floor addition without permit. Stop work order posted. Unlawful Continuance of work in violation of Stop Work order.

The Responsible Person(s) are Ordered to Complete the Corrective Actions as Follows:

- The responsible person(s) shall immediately cease and desist the dumping of material and construction debris. The responsible person(s) shall begin immediate removal of the material from the property in compliance with following:
 - Fill Removal: Apply for and obtain the required grading permit by February 19th, 2021. The soils and construction debris/refuse dumped on the subject property is required to be removed under required permit by May 6th, 2021. Materials dumped within the drip line of the trees must be removed under Certified Arborist direction and supervision. A Certified Arborist shall be onsite while the work is conducted. The arborist shall identify the location of the impacted tree driplines. All machinery needs to be outside regulated tree driplines to minimize impact. If feasible, keep machinery on the existing driveway. If a machine with a bucket is allowed by the Arborist, the Arborist shall be in control of equipment and only a flat bucket without tines/teeth may be used. The city may require soil testing at the responsible party(s) cost after removal of the dumped material if the city believes soil contamination remains e.g., oil, construction debris, chemicals, garbage, etc.
 - Arborist Inspection: After fill is removed, the Arborist shall inspect the trees for damage and soil within the tree driplines for new compaction.
 - For any trees that have potentially been damaged by construction or grading activities, the arborist shall evaluate and assess each tree for damage, investigate how the trees were damaged and provide an appraisal of the tree value.
 - Arborist Report and Mitigation Plan: A report from the certified arborist must be provided by March 4th, 2021 and include their findings, conclusions, recommendations regarding tree health and a mitigation plan with recommendations to mitigate potential damage to the trees.
 - At a minimum, the mitigation plan shall require course woodchips to be placed up to the trees dripline in the impacted area at a depth of 4". This placement of woodchips shall also be done in a manner minimizing soil compaction (no machinery, installed by hand, etc.) and no wood chips or fill should touch the trunk of the tree. In addition, the arborist shall recommend other measures necessary to mitigate any potential damage to trees or compaction of the soil within tree driplines.
 - The mitigation plan shall be implemented under the direction of a certified arborist. The certified arborist shall be onsite to monitor implementation of the mitigation measures. The certified arborist shall provide a letter certifying the mitigation work was carried out in accordance with the mitigation plan. Mitigation work shall be completed by May 6th, 2021.
 - The responsible party shall provide written affirmation within seven (7) days which affirms their intent to comply with the stop work order and that do additional dumping will occur at the subject site unless authorized by the city in writing.

The compliance date for completion of the Corrective Actions above is May 6th, 2021.

If the violation is not corrected on or before May 6th, 2021, and this notice is not appealed, the determination is final, and penalties are due and additional daily penalties shall begin to accrue.

Pursuant to MICC 6.10.050, penalties for noncompliance with this Notice and Order shall be as follows:

Exhibit 15 - Page 8 of 28

- Civil penalty in the amount of One Hundred dollars (\$100) per day for each violation listed herein is hereby imposed and shall begin to accrue if Corrective Actions are not completed and the violations are not abated by the compliance date established above.
- Thirty days after the compliance date, civil penalty will increase to a rate of Two Hundred Fifty dollars (\$250) per day for each unabated violation.
- Sixty days after the compliance date, civil penalty will increase to a rate of Five Hundred dollars (\$500) per day for each unabated violation, up to a maximum total penalty of \$50,000 for each violation.
- Hold on Future Permits. The director may place a hold on the issuance of future permits on a property if:
 - A notice of violation or stop work order has been issued; and
 - The appeal period has passed, or an appeal was brought but it was dismissed; and
 - The violation has not been corrected and/or penalties or fines have not been paid; and
 - The permits relate to the violation.
- A hold on future permits will prevent the issuance of any land use or building permit for the subject property, and for the person responsible on any other property within the City, until the violation is resolved, corrective actions are taken, and penalties are paid. The director may use their discretion to issue exceptions to this subsection for emergencies or hazardous situations, or other situation they deem reasonable.

Distinguished from the penalties above, the Person(s) Responsible are ordered to pay civil penalties for the unlawful removal of a Stop Work order and the unlawful continuance of work in violation of a Stop Work Order as follows:

- The City finds that the unlawful removal of a Stop Work order and unlawful continuance of work in violation of a Stop Work order occurred for the duration of 2 days, on 10/9/20 and 01/28/2021. The responsible parties are required to pay civil penalties pursuant to MICC 6.10.050(D) and 6.10.070(B). These penalties include:
 - A civil violation with penalties that accrue at the rate of \$100 per day.
 - A priority violation for the continuance of work in violation of the stop work order, with an additional penalty up to \$10,000. MICC 6.10.050(D)(2) provides 3 criteria for setting the penalty within this range; based on these criteria, the City sets the penalty at \$2,500 for the following reasons:
 1. The significance and severity of the violation: Any violation of a stop work order is considered very significant to the City. That said, the severity of the effects of this violation may be low with respect to environmental damage and impacts to neighbors.
 2. Difficulty and time to resolve the violation: City staff time expended in monitoring/inspecting the stop work order and corresponding with neighbors related to the violation is low.
 3. Resulting ill-gotten financial benefit to the person responsible: While the persons responsible for this violation did receive a financial benefit, it is difficult to quantify the exact amount of the benefit from performing this work. The benefit is likely low.
- Violations Repeated a third or subsequent time - The City finds that this violation meets the criteria in MICC 6.10.050(D)(3) for violations repeated a third or subsequent time by Responsible Person Barcelo Homes. Enforcement action was taken on 10/7/20 when a stop work order was issued for grading without required permit and within the dripline of a tree. Thus, the continuance of work in violation of the stop work order is a repeat violation. Furthermore, the supporting facts document the following violations by Barcelo Homes to constitute repeated, third and subsequent violations within the last 36 months, which is subject to five time the civil penalties listed above:

- CE18-0140, 11/21/2018, 7223 93rd Ave SE, Stop Work order issued for construction of retaining walls within drip lines of trees and in the public right of way without required permits.
- CE19-0007, 01/30/2019, 9104 SE 50th Street, Unauthorized removal of a Stop Work order. Unlawful Continuance of work in violation of Stop Work order. NOV issued and civil penalty fee paid.
- CE19-0023, 04/01/2019, 9104 SE 50th Street, Violation of Voluntary Compliance Agreement, driving machinery within the drip lines of protected trees, NOV issued and civil penalty, priority violation, fees paid, monitoring tree survival for 5 years.
 - CE20-0017, 02/13/2020, 4719 90th Ave SE, Interior-remodel, and addition without permit. Stop work posted. Unauthorized removal of a Stop Work order. Unlawful Continuance of work in violation of Stop Work order.
- Deliberate Violation - The City finds that removal of a stop work order and continuance of dumping is a violation which meets the criteria defined in MICC 6.10.050(D)(4) for a deliberate violation. The continuance of work was a blatant disregard for City direction that the stop work order was to remain in place until the required corrective actions were taken. Thus, the violation of the stop work order was knowingly committed and is a deliberate violation. As a result, the civil penalties are doubled.

Calculation of Civil Penalty

Civil Penalty – Removal of Stop Work order.	\$100
<u>Priority Violation – Stop Work order violation.</u>	<u>\$2,500</u>
Subtotal	\$2,600
Repeat Violation (3 rd /subsequent) x5	\$13,000
Deliberate Violation x2	\$26,000
Total Civil Penalty Ordered to Pay	\$26,000

Payment of the Civil Penalties is Due 14 days from the Service of this Notice. The date of service by first class mail is 3 business days after the date this notice was issued and mailed.

Appeal Procedure:

- Pursuant to MICC 6.10.050(B)(5), you have the right to appeal this Notice of Violation & Civil Penalties before a hearing examiner. An appeal must be filed within 14 days of the service of this Notice. Failure to appeal within 14 days shall render this Notice a final determination that the conditions described therein existed and constitute a code violation, that assessed and accrued civil penalties are due, and that the named party is liable as a person responsible. An Appeal form can be found at:
<https://www.mercerisland.gov/cpd/page/appeals>

If you would like to discuss the resolution of this code case or schedule a compliance inspection, please contact me by email at David.Henderson@mercergov.org. Thank you for your cooperation.

Sincerely,

David Henderson
Code Compliance Officer
City of Mercer Island

Exhibit A:
Initial Investigation Response
Photo taken 10-06-2020.



10/06/2020 1

Exhibit 1-A:
Initial Investigation Response
Photo taken 10/06/2020.



10/06/2020 2


Exhibit 2-A:
Initial Investigation Response
Photo taken 10/06/2020.



10/06/2020 3

Exhibit B:
Stop Work Order posted.
Photo taken 10/07/2020.

CITY OF MERCER ISLAND
 COMMUNITY PLANNING & DEVELOPMENT
 9611 SE 36TH STREET | MERCER ISLAND, WA 98040
 PHONE: 206.275.7605 | www.mercergov.org



STOP WORK ORDER

Property Address: 7216 93rd Ave SE

This order is issued because: Grading within a critical Area, piling waste fill material within a watercourse buffer and within the drip lines of native trees. Grading of material without required permit. Resolution shall be contact City of Mercer Island Building Official and obtain all required permits.

DO NOT work at this address until you:

Obtain the Required Permit(s)
 Building Electrical Plumbing Right-of-Way Tree Removal
 Other Grading

WARNING! DO NOT REMOVE THIS NOTICE

It is unlawful to conduct the activity or perform the work covered by the order, even if the order has been appealed, until the director has removed the copy of the order. Removal of such order without the authorization of the city, or the hearing examiner if the matter has been heard by the hearing examiner, is unlawful and a violation. Failure to comply with the terms of a stop work order subjects the person responsible for the code violation to civil penalties and costs as set forth in MICC 6.10, including a monetary penalty that shall accrue for each day that a violation of a stop work order occurs.

Right to Appeal

Pursuant to MICC 6.10.090(A), you have the right to appeal this Stop Work Order before a hearing examiner. Persons named in a notice of violation or stop work order, or any owner of the land where the violation for which such a notice or order is issued, may file with the city clerk a notice of appeal within 14 days of the service of the notice or order. Failure to appeal within 14 days shall render this Notice a final determination that the conditions described therein existed and constitute a code violation. Appeal forms can be found at <http://www.mercergov.org/files/AppealForm.pdf> or by visiting the Permit Center at the Mercer Island City Hall.

Posting Time/Date: 1:50 pm ; 10-7-2020

Issuing City Official: Dave Halverson Phone: (206) 502-2064

10/07/2020 1

Exhibit 1-B:
Condition of site at time of SWO
Photo taken 10/07/2020.



10/07/2020 2

Exhibit 2-B:
Condition of site at time of SWO
Photo taken 10/07/2020.



10/07/2020 3

Exhibit 3-B:
Debris in soils
Photo taken 10/07/2020.



10/07/2020 4

Exhibit 4-B:
Grading within drip lines of trees; Debris in soil.
Photo taken 10/07/2020.



10/07/2020 5

Exhibit C:
Stop work order removed; Additional grading.
Photo taken 10/09/2020.



10/09/2020 1

Exhibit 1-C:
Stop work order removed; Additional grading.
Photo taken 10/09/2020.



10/09/2020 2

Exhibit D:
Second Stop Work Order Posted
Photo taken 10/19/2020.



10/19/2020 1

Exhibit 1-D:
Second Stop Work Order Posted
Photo taken 10/19/2020.



10/19/2020 2

Exhibit 2-D:
Second Stop Work Order Posted
Photo taken 10/19/2020.



10/19/2020 3

Exhibit 3-D:
Second Stop Work Order Posted
Photo taken 10/19/2020.



10/19/2020 4

Exhibit 4-D:
Construction Debris
Photo taken 10/19/2020.



10/19/2020 5

Exhibit E:
Evidence of employment at Barcelo Homes, Inc.

Nadia Maksimchuk Office Manager

E. nadia@barcelohomes.com

Nadia Maksimchuk is the Office Manager for Barcelo Homes. She has been in the lumber and construction industry for 10 years. She has a wealth of knowledge in the building process for both residential and commercial residential construction. Although she is not the project designer, she has an eye for design and makes sure that the homes built have finishes she would be proud to have in her home. She is the owner's representative and will be the lead on approving and reviewing budget items and reviewing draws

Barcelo Homes Website, About-Barcelo Homes, as of 01/21/2021

Erik Maksimchuk Material Management

Erik knows his way around a construction site. For the last eight years he has been an asset to the company by helping to make sure that the final project is presentable to the clients. He provides tremendous support at various Barcelo projects. For this project he will be responsible for material management (garbage and recycling), small deliveries and making sure that the site is clean.

Barcelo Homes Website, About-Barcelo Homes, as of 01/21/2021

Exhibit 1-E:
Barcelo Homes Trailer
Photo taken 10/12/2020.



10/12/2020 1

Exhibit 2-E:
Barcelo Homes Trailer
Photo taken 10/12/2020.



01/12/2021 2

10/12/2020
Exhibit 3-E:
Violation of Stop Work Order
Barcelo Homes Trailer
Taken 1/28/2021



1/28/2020