

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF CLALLAM

SAVE OUR SEQUIM, a Washington  
501(c)(4) corporation; and  
  
PARKWOOD MANUFACTURED  
HOUSING COMMUNITY, LLC, a  
Washington Limited Liability Company.  
  
Plaintiffs,

vs.

CITY OF SEQUIM, a Washington  
Municipal Corporation; and  
  
JAMESTOWN S'KLALLAM TRIBE,  
  
Defendant.

NO. 20-2-00304-05

SUPPLEMENTAL DECLARATION OF  
MICHAEL SPENCE

Michael Spence declares under penalty of perjury under the laws of the State of Washington  
that the following is true and correct:

1. I am over the age of 18 years and have personal knowledge of the matters set forth herein.
2. I am the attorney for co-Plaintiff Save our Sequim in this action.

- 1 3. Attached as **Exhibit A** is a true and correct copy of the letter I sent to the Sequim City  
2 Council on October 10, 2019, stating our concerns regarding claims made by the Applicant  
3 and City employees months before the Application was filed that the Project was a  
4 "medical clinic" rather than an "essential public facility", as that term is defined in RCW  
5 36.70A.200(1).
- 6 4. Attached as **Exhibit B** is a true and correct copy of a letter I sent to the Sequim City  
7 Council on January 15, 2020, requesting that the City Council instruct the Planning  
8 Department to process the Application as a quasi-judicial C-2 project rather than as an  
9 administrative A-2 project.
- 10 5. Attached as **Exhibit C** is a true and correct copy of the letter I received from the City  
11 Attorney on January 23, 2020, claiming that statements I made in my January 15, 2020  
12 letter are "simply false, unprofessional and irresponsible".
- 13 6. Attached as **Exhibit D** is a true and correct copy of a letter I received from the City  
14 Attorney on March 23, 2020, characterizing our earlier claims as "irresponsible and  
15 unprofessional", and "absurd", and demanding that my clients cease further  
16 communications with the City Council.
- 17 7. Attached as **Exhibit E** is a true and correct copy of a letter I sent to the City Attorney on  
18 March 31, 2020, responding to her claims, and pointing out that both the Rules of  
19 Professional Conduct and the Revised Code of Washington allow me to communicate with  
20 the City Council on my clients' behalf, and that my clients cannot be prohibited from  
21 communicating with the City Council.
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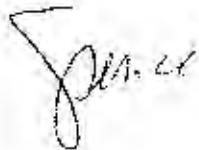
1 8. Attached as **Exhibit F** is a true and correct copy of the City's seventh and final response  
2 to our public records requests, received only five days ago, on August 13, 2020. This is  
3 the first time the responses have contained redactions, and the privilege log attached  
4 thereto does not identify the date, the number of pages, the topics or the sender or recipient,  
5 as required by applicable law.

6  
7 9. The timing of this lawsuit had nothing to do with candidate filing week, despite what the  
8 City alleges. I did not even know that Ms. Wilke had filed for public office.

9  
10 10. In their Motion for Sanctions, the City claims that unidentified counsel stated that "we  
11 don't believe there is I.U.P.A. jurisdiction". To the extent that that statement applies to  
12 me, I do not recall saying that. What I do recall saying is that "we are not in I.U.P.A.  
13 jurisdiction yet", which is the gravamen of this lawsuit.

14 11. For the record, I wish to clarify again that Save our Sequim is not opposed categorically  
15 to the siting of a drug rehabilitation facility in Sequim, and that our objections are only  
16 related to this specific application, and to the specific site. I also wish to clarify that my  
17 above-referenced communications and statements regarding City employees are not  
18 intended to be personal in nature, rather they are directed at them in their professional  
19 capacities.  
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EXECUTED: August 19, 2020, at Seattle, Washington.



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Michael A. Spence, Declarant

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# Exhibit A

October 10, 2019

Michael A. Spence  
Attorney at Law  
EMAIL: mspence@helsell.com  
DIRECT DIAL: 206.699.2167

**VIA HAND DELIVERY, ELECTRONIC AND REGULAR MAIL**

Sequim City Council  
152 West Cedar Street  
Sequim, WA 98382

***Re: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center***

Dear Mayor Smith and Members of the Council:

This firm represents Save Our Sequim (SOS), a large and growing group of citizens who are concerned with the location of the drug treatment/detoxification center being proposed by the Jamestown S'Klallam Tribe. As you know, the proponents of this project are proposing to locate this facility on 18.6 acres of property recently purchased by the Tribe at 526 S. 9<sup>th</sup> Ave, located in the RREOA District.

As you also know, the proponents have also been promoting an inpatient evaluation and treatment psych hospital in a "second phase" of this project. Collectively, the proposed facility will use a "comprehensive treatment strategy" to "serve the health care needs of the North Olympic Peninsula Community" by providing "physical, mental and dental services" and "chemical dependency counseling, behavioral health, primary care and childcare assistance".<sup>1</sup>

Although no formal application has yet been filed, the proponents of this project have provided a significant amount of detail to you and the public about what they are proposing. Project proponent W. Ron Allen described the proposed project as follows in a July 22, 2019 op-ed appearing in the Peninsula Daily News.

- "a clinic that addresses this (opioid) problem and serves the health care needs of the North Olympic Peninsula community ..."
- "the clinic will serve Clallam and Jefferson counties and will use a comprehensive treatment strategy that will include physical, mental and dental services"

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<sup>1</sup> SOS questions the validity and legality of "phasing" this project. See *Murden Cove Pres. Ass'n v. Kitsap Cty.*, 41 Wn. App. 515, 526, 704 P.2d 1242 (1985), holding that "... piecemeal review is impermissible where a 'series of interrelated steps [constitutes] an integrated plan' and the current project is dependent upon subsequent phases".

- "includes a Phase I MAT Clinic to be operated by the Jamestown Tribe and Phase II (yet to be funded) a 16-bed inpatient evaluation and treatment psych hospital that will be managed by OMC"
- "the goal of the Phase I MAT Clinic is to decrease opioid overdoses and the illegal diversion of prescription drugs into the community"
- "the property ... is zoned for medical use"
- "The MAT clinic is not an inpatient facility. Strict Drug Enforcement Administration guidelines do not permit loitering at a MAT program facility"
- "The Healing Campus will offer the best opportunity for sustaining recovery by providing chemical dependency counseling, behavioral health, primary care and childcare assistance"
- "The MAT program will provide transportation to the facility for those who need it in Clallam and Jefferson counties. This service is not provided within the Olympic Peninsula counties."
- "We intend to establish strict rules to prevent loitering after their appointment"

To summarize these points, Mr. Allen believes that the proposed project is a "clinic" that: (1) addresses Clallam County's opioid problem; (2) uses a comprehensive treatment strategy including physical, mental and dental services; (3) includes a MAT clinic and a 16-bed inpatient psych hospital; and (4) provides chemical dependency counseling, behavioral health, primary care and childcare assistance. Based on this description, we understand that the proponents and the City believe that the proposed project is a permitted use in the RREOA District, and that it qualifies for the Type A-1 permitting process, which allows the proposed project to be administratively approved without a City Council hearing.

SOS strongly disagrees with this position and is fully prepared to take legal action if necessary to require the City to follow the proper entitlement process. A facility designed to address the "opioid problem" using "comprehensive treatment strategies" and that provides "chemical dependency counseling", including a "MAT Clinic" and an "inpatient psych hospital" is much more of a "alcoholism or drug treatment center or a detoxification center" than it is a "clinic", a "medical facility" or anything else that would be considered a permitted or conditional use in the RREOA District.

Specific language in Sequim Municipal Code (SMC) Section 18.56.030(J) states that group homes, alcoholism or drug treatment centers or detoxification centers can only be permitted by the City Council. SMC 18.56.030 reads in full as follows:

**18.56.030 Permitted uses.**

The council may permit the following uses in districts from which they are now prohibited by this title:

- a. Airport and airfields.
- b. Government buildings.



- c. Educational institutions.
- d. Hospitals and sanitariums (except animal clinics and hospitals).
- e. Nursing homes and boarding homes for the aged.
- f. Correctional institutions.
- g. Towers and antennas over 100 feet in height, subject to the requirements of Chapter 18.61 SMC.
- h. Essential public facilities and utilities.
- i. Parks, playgrounds, recreation or community centers.
- j. Group homes, alcoholism or drug treatment centers, detoxification centers, work release facilities for convicts or ex-convicts, or other housing serving as an alternative to incarceration with 12 or more residents.
- k. Energy facilities.
- l. Hazardous waste treatment and storage facilities.
- m. Shelters for the transient or for the homeless.
- n. Master planned resorts.
- o. Solid waste facilities.
- p. Sewage treatment facilities.
- q. Bus stations and transit facilities. (emphasis added)

It is well established that specific land use regulations control over more general ones, and in this case, the terms "alcoholism or drug treatment centers" or "detoxification centers" are much more specific than the general terms "clinic" or "medical facility".<sup>2</sup>

Although it is not clear from the record at this point, SOS believes that the City and the applicants may believe that the proposed project qualifies as either a "Medical Facility" or an "Essential Public Facility", and as such is either a permitted or a conditional use in the RREOA District. If this is in fact the City and the Applicant's position, it is also incorrect.

**Medical Facilities:** The term "medical facility" appears only once in the description of the Economic Opportunity Area (EOA) districts contained in SMC 18.33.010, and that is only in the general description for these Districts rather than in the specific description for the RREOA District. The general description appears in SMC Section 18.33.010, which provides as follows:

**18.33.010 Establishment of zoning districts.**

The city's comprehensive plan establishes three land use designations that support the business and employment goals and policies of the city of Sequim. The three land use designations will also serve as titles of zoning districts on the city's zoning map, and are identified as:

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<sup>2</sup> "When a general and a specific ordinance cover the same subject matter, the specific controls over the general to the extent that the two conflict." *State ex rel. Lige & Wm. B. Dickson Co. v. City of Pierce*, 65 Wn. App. 614, 620 n.6, 829 P.2d 217 (1992)



- A. Bell Creek economic opportunity area (BCEOA).
- B. River Road economic opportunity area (RREOA).
- C. High tech light industrial (HTLI).

The three business and employment districts are intended to enhance Sequim's economic base by providing suitable areas to support the employment needs of the community. The business and employment districts provide for the location of manufacturing, product processing, research and development facilities, assembly, warehousing, distribution, professional services, corporate headquarters, medical facilities and complementary educational and recreational uses among others. Limited retail, business and support services that generally serve the needs of the districts' tenants and patrons as well as limited multifamily mixed residential/commercial uses are also allowed. All three districts are intended to expand and diversify the city's economic base and increase the number and range of living-wage jobs. (emphasis added)

The specific description of the purpose of the RREOA District is contained in SMC 18.33.020(B). Notably, this description does not contain the phrase "medical facilities", or anything else reasonably resembling the proposed project. SMC 18.33.020(B), provides as follows:

**18.33.020 Purposes.**

B. The River Road economic opportunity area (RREOA) district is intended to enhance the city's economic base by providing for an integrated grouping of businesses and buildings of a larger size and scale than the BCEOA and HTLI districts may support. The RREOA district supports a variety of uses, such as light manufacturing, professional office buildings, retail, commercial, multifamily residential and warehousing and distribution.

Essential Public Facility: If on the other hand the City and the applicants believe that the proposed facility qualifies as a "essential public facility", a hearing in front of the City Council is mandated.

Essential Public facilities are defined in the Growth Management Act as:

"... those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020.RCW." RCW 36.70A.200(1). (Emphasis added)

Clearly the legislature did not intend for this list to be exhaustive, given the phrase "such as", thus the distinction between an inpatient and an outpatient facility is not relevant. In addition, the applicants have made it crystal clear that this project includes an inpatient treatment facility in Phase II.

SMC Chapter 18.56 governs the siting of essential public facilities within the City. SCC Section 18.56.040 requires an "essential public facilities and special property use permit" which is granted by the City Council before one can be sited in the City:

**18.56.040 Permit required.**

Essential public facilities and special property uses shall be allowed within certain use zones after obtaining an essential public facilities and special property use permit granted by the city council. (Emphasis added)

The criteria for Council approval of an essential public facilities and special property use permit are contained in SMC 18.56.060, which reads in full as follows:

**18.56.060 Permit – Criteria.**

An essential public facilities and/or special property use permit granted by the council shall be subject to the following criteria:

A. There shall be a demonstrated need for the essential public facilities and/or special use within the community at large which shall not be contrary to the public interest.

B. The essential public facility and/or special use shall be consistent with the goals and policies of the comprehensive plan, and applicable ordinances of the city.

C. The council shall find that the essential public facility and/or special use shall be located, planned and developed in such a manner that the essential public facility and/or special use is not inconsistent with the health, safety, convenience or general welfare of persons residing or working in the city. The council's findings shall address, but not be limited to the following:

1. The generation of noise, noxious or offensive emissions, or other nuisances which may be injurious or detrimental to a significant portion of the city.

2. The availability of public services which may be necessary or desirable for the support of the special use. These may include, but shall not be limited to, availability of utilities, transportation

systems, including vehicular, pedestrian, and public transit systems, and education, police and fire facilities, and social and health services.

3. The adequacy of landscaping, screening, yard setbacks, open spaces or other development characteristics necessary to mitigate the impact of the special use upon neighboring properties.

4. Proposed uses which exceed the bulk, dimensional, height, density and/or use standards of the zoning district within which they propose to locate, must demonstrate that the proposed variance is essential to the establishment of the public facility and/or special use; i.e., a variance in height may be granted for a water tower, but not to provide an architectural element. (Ord. 97-019 § 4, Exh. B) (emphasis added)

Clearly, the siting of an essential public facility in the City of Sequim requires you, the City Council, to conduct the rigorous and robust public process mandated by SMC 18.56.060 while considering this project as Mr. Allen has described it. And since phasing is inappropriate, and since the proposed Phase II also qualifies as an 'essential public facility', the entire project must meet these criteria. At an absolute minimum, you must therefore find: 1) that there is a demonstrated need for this facility within the community at large; 2) that it is not contrary to the public interest; 3) that it is consistent with the comprehensive plan and city code; 4) that it is not inconsistent with the health safety convenience or welfare of the residents of Sequim; 5) that it does not create a nuisance injurious or detrimental to the residents of Sequim; 6) that necessary public services are available; and that 7) the impacts on neighboring properties are properly mitigated. It is farcical to think that the Type A-1 process can satisfy these thorough and exhaustive requirements.

To summarize, neither phase of this project as described constitutes a "clinic" or a "medical facility", the facility is more accurately described as a comprehensive "alcoholism or drug treatment center" or "detoxification center". As such, it falls foursquare within the Growth Management Act's definition of an "essential public facility". And essential public facilities can only be cited in Sequim after the applicant has received an Essential Public Facilities and Special Property Use Permit, which can only be granted by the Sequim City Council under SMC 18.56.040, and only after the robust and rigorous public process described in SMC 18.56.060 has been conducted and appropriate, justifiable and defensible findings of fact have been made.

SOS is fully cognizant of the need for addiction treatment facilities in Clallam County, however SOS also firmly believes that the subject property is not the appropriate site for such a facility, especially when there is unused treatment capacity nearby. SOS therefore strongly

October 10, 2019  
Page 7

suggests that you advise the Applicants to site this facility at a more appropriate location than is currently proposed.

Thank you for the opportunity to comment on this critically important issue. I may be reached at [mspence@helsell.com](mailto:mspence@helsell.com) or at (206) 689-2167 with any questions or comments.

Very truly yours,

HELSELL FETTERMAN LLP

  
Michael A. Spence

MAS:ahc  
cc: SOS

# Exhibit B

**HELSELL  
FETTERMAN**

January 15, 2020

Michael A. Spence  
Attorney at Law  
EMAIL: mspence@helsell.com  
DIRECT DIAL: 206.889.2167

Sequim City Council  
152 W. City Cedar St.  
Sequim, WA 98382

VIA REGULAR AND ELECTRONIC MAIL

**Re: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center**

Dear Councilmembers:

Thank you for listening to our concerns at your January 13 meeting regarding the proposed Jamestown - S'Klallam drug rehabilitation center. To restate our position in writing for the record, we are concerned that the Applicant and your Planning Director either misunderstand or are consciously ignoring express language in the Sequim Municipal Code requiring City Council review of this project in favor of administrative review under the A-2 process.

As we pointed out in our October 10, 2019 correspondence to you, this project falls foursquare within the Growth Management Act's definition of "essential public facility", which appears in RCW 36.70A.200(1). That definition is as follows:

*"Essential public facilities include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, and secure community transition facilities as defined in RCW 71.09.020."*

As we also pointed out, the City of Sequim has a separate permitting process for Essential Public Facilities. That process is codified in SMC 18.56, which has been a part of the Code since 1997. Section 18.56.040 clearly and unequivocally states that these facilities can only be approved by you, the City Council:

**18.56.040 Permit required.**



*Essential public facilities and special property uses shall be allowed within certain use zones after obtaining an essential public facilities and special property use permit granted by the city council. (Ord. 97-019 § 4, Exh. B)*

In claiming that this project qualifies for Sequim's A-2 permitting process, the Applicant and your Planning Director are asking you to completely ignore this undisputable and unequivocal language.

They are also asking you to ignore SMC Section 20.01.040(B), which requires the Planning Director to use the "higher procedure type letter" in the event of any question:

***20.01.040 Determination of proper type of procedure.***

*B. Determination of Director. The director shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the director shall resolve it in favor of the higher procedure type letter as defined in SMC 20.01.030. (Ord. 2000-006 § 3)*

This will be the first Assignment of Error in our litigation, and we are extremely confident that a LUPA court will agree with our assessment of this situation, and will at a minimum remand the application back to you for review under the C-2 process. As I mentioned on the 13<sup>th</sup>, it's hard to imagine a court allowing the public process to be suppressed in this manner, especially given the Growth Management Act's mandate for "early and continuous public participation". For these reasons, the threats of litigation from the Tribe ring very hollow to us.

As I imagine you know, there are allegations of complicity between your Planning Director and the Tribe. At this point, they're anecdotal and unverified, however it is unusual that the Director and/or the City Manager would; 1) state publicly that the project meets the definition of 'outpatient clinic' months before the application was even filed; 2) state publicly before it is filed that the project can be processed under the A-1 permitting process, only recently stating that A-2 will be used instead; 3) completely fail to respond publicly or directly to our October 10, 2019 correspondence pointing out that City Council involvement is mandatory under SMC 18.56.040 (cited above); and 4) tell the Applicant that their application is complete the same day it was filed, and that it will be processed as an A-2 project, as Mr. Simcosky stated to his supporters in an email sent on Friday, January 10, 2020.

January 15, 2020  
Page 3

Because of this, we filed a public records request seeking all communications between Mr. Berezowski and the Tribe and are awaiting receipt of the second installment of the City's response. If we find evidence of complicity, we will share it with you immediately, but whether or not complicity exists, the fact remains that the Applicant and your Planning Director are steering you into litigation in which your legal position will be that it is appropriate to suppress public participation in the permitting process for a highly controversial drug rehabilitation facility, ignoring clear and unequivocal code mandates in the process. As elected officials, I cannot imagine that you would enjoy being placed in this position by parties who are not themselves directly accountable to the public.

Legally, there is no reason why you cannot instruct Mr. Berezowski to process this application through the C-2 permitting process and to require that the Applicant obtain an Essential Public Facilities Permit, as mandated by SMC 18.56.040. If you do that, you will avoid our above-referenced litigation and will be on the side of more, rather than less, public participation on a very controversial project.

Thank you for the opportunity to comment on this critically important issue. I may be reached at [mspence@helsell.com](mailto:mspence@helsell.com) or at (206) 689-2167 with any questions or comments.

Very truly yours,



Michael A. Spence

MAS: ahc

Cc: SOS

Barry Berezowski, Planning Director  
Kristina Nelson-Gross, City Attorney

# Exhibit C



187 West 22nd Street, Sequim, WA 98282  
City Hall (360) 681-4150 FAX (360) 681-3138  
Public Works (360) 681-4008 FAX (360) 681-4552

Kristina Nelson-Gross, City Attorney  
[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov) Tel: 360-681-6611

January 23, 2020

Michael A. Spence, Attorney at Law  
Helsell Fetterman LLP  
1001 Fourth Avenue, Suite 4200  
Seattle WA 98154-1154

**Re: Jamestown S'Klallam Permit Application**

Dear Mr. Spence:

I am in receipt of your January 15, 2020 letter to the Sequim City Council<sup>1</sup>, with a copy to me. In that letter you assert a variety of issues as follows: 1) the Community Development Director must resolve any "question" as to the appropriate procedure in favor of the higher procedure type, 2) the Jamestown S'Klallam Tribe's application "requires" City council review and approval, and 3) the Community Development Director is "misunderstanding or ... consciously ignoring express language" in the Sequim Municipal Code. I will address them in order.

First, as you correctly state, SMC 20.01.040(f) requires the Community Development Director to follow the procedure for a higher permit type review process if there is a "conflict" as to the proper procedure for processing a permit application. This code language is a common provision in local government regulation and is meant to apply when there is an internal inconsistency or conflict within the code.<sup>2</sup> In such cases, the director is obligated to follow the higher procedure to ensure adequate procedural due process. Contrary to your assertion, merely claiming a different process should be used does not qualify as a "question" or conflict under this code, or frankly any. If, as you claim, the higher procedure must be followed anytime someone "questions" or disagrees with a process, applications would be hindered by unnecessary delay tactics and subject local jurisdictions to delay claims leading to an absurd result and potential municipal liability for delay damages.

<sup>1</sup> I am sure that you are aware of RCW 35A.13.120 regarding council interference with administrative functions and that you are not encouraging Council to interfere with administrative operations.

<sup>2</sup> As you should be aware, this is a common provision in local government regulations and if you can identify jurisdictions that interpret the cited code in the way you describe, I would appreciate seeing that information.

Second, you claim that the Tribe's application requires City Council review, and I respectfully disagree. Staff and I, with other legal consult, have carefully vetted this issue and your arguments, and we are confident that the only appropriate process for the Tribe's application is the A-2 process – an administrative decision made by the Community Development Director. As you know, the City views this application as administrative because it consists of a building permit<sup>3</sup> and SEPA<sup>4</sup> with design review<sup>5</sup> and, therefore, considering the mandates under the Americans with Disabilities Act (ADA) and the Rehabilitation Act (RA), cannot be treated any differently than any other commercial building permit processed by the City. Despite the language in our code, which was last updated in 1997, case law has made clear that singling out certain people because of the type of their ailment or facilities based on the ailments they treat is prohibited under the above-referenced acts. See, e.g., *New Directions Treatment Services v. City of Reading*, 490 F.3d 293 (3d Cir. 2007) (statute unlawfully singled out methadone clinics – and thereby patients – for different treatment); *Comprehensive Addiction Treatment Services, Inc. v. City and County of Denver*, 795 P.2d 271 (1999) (addiction treatment center was an “office” under zoning ordinance like other medical offices and permit could not be denied on theory that the “primary purpose” was dispensing methadone). To date, you have not responded to the City's ADA/RA concerns, and these concerns are one strong reason why the City cannot apply a C-2 (council) process for evaluating the Tribe's permit.

Finally, I am disappointed in your admittedly unfounded allegations that City staff are “misunderstanding or ... consciously ignoring express language in the code”. These statements are simply false, unprofessional and irresponsible. As you are aware, planning officials routinely speak with applicants regarding potential projects, often as “drop-in” or other unscheduled contact long before a formal application comes in. The Tribe is no different. City staff treated the Tribe with the same courtesy and respect as we treat all applicants. No one other than your clients are making such allegations<sup>6</sup> and I believe it is inappropriate for you to do so given you have no basis for those statements. If you do in fact get actual information demonstrating such bias or other improper behavior, thank you for agreeing to promptly turn it over to me so I can address it accordingly; but frankly, I am surprised that you would make such remarks without one shred of evidence. Be advised I have no patience for such behavior.

Regarding our alleged failure to respond to your October 10, 2019 letter, as you are well aware, we do not “formally” commit to a particular process for a specific project

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<sup>3</sup> Building permits are an A-1 one process.

<sup>4</sup> SEPA is an A-2 process

<sup>5</sup> Design review is not a permit type, but instead an administrative process to ensure good site design and building design are considered in the review process.

<sup>6</sup> Save Our Sequim Facebook members are routinely making baseless accusations regarding the professional integrity of City staff.

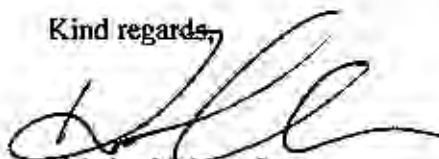


until the application has been formally submitted.<sup>7</sup> The reasons for this are obvious: What is actually submitted may be different than what staff expected. If we formally commit to a process, we run the risk of identifying – and being committed to – an inappropriate process in relation to the project as actually submitted. Surely you understand that it would be easy for an unscrupulous developer to present a project during a pre-application meeting, get approval for a less formal procedure, and then actually submit a project that would have required a more formal procedure. Here, Mr. Simkosky reasonably believes the application will be processed as discussed in the pre-application conference because, presumably, the project is consistent with what was discussed at that meeting. As you know, there is nothing improper about an applicant expressing confidence in the procedure under such circumstances, which is at the heart of Washington's vesting laws.

Because of the preceding, I find it difficult to believe that a judge would ignore federal ADA/RA/discrimination law in favor of State Growth Management policies, or that our process is unlawful. If you have on-point case law supporting your propositions, I would like to see it so we could discuss the issue further and perhaps come to an amicable resolution.

Enclosed, please find Mr. Berezowsky's written determination as to the process that will be applied to the Tribe's application. It provides a more thorough analysis of the issues than was discussed here. If you would like to discuss this further, please feel free to contact me at 360.681.6611.

Kind regards,



Kristina Nelson-Gross  
City Attorney

KNG:clh

Enc: as stated

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<sup>7</sup> Despite City staff stating that the *expected* procedure will be an A-2 process based upon conversations with the applicant, we have consistently held the position that the procedure cannot be confirmed until we receive an actual application.



# Exhibit D



112 West Cedar Street, Sequim, WA 98281  
Tel: 360-681-6611 FAX: 360-681-6618  
Public Works 360-681-1003 FAX: 360-681-9853

Kristina Nelson-Gross, City Attorney  
[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov) Tel: 360-681-6611

VIA E-MAIL AND U.S. MAIL

March 23, 2020

Michael A. Spence, Attorney at Law  
Helsell Fetterman LLP  
1001 Fourth Avenue, Suite 4200  
Seattle WA 98154-1154

**Re: "Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center"**<sup>1</sup>

Dear Mr. Spence,

It is with great dismay and displeasure that I find myself admonishing you again as to inappropriate contact with my client, the Sequim City Council. You have been advised to stop contacting my client directly on multiple occasions via telephone and in writing; yet you persist. Thus, I can only conclude that you are trying to induce my clients to violate the law<sup>2</sup> – namely RCW 35A.13.120, which specifically **prohibits Councilors from meddling in administrative decisions**. You have been previously advised of this concern as well. I will not tolerate continued violations of the RPC's and this level of unprofessionalism.

In my January 23, 2020 letter, I specifically asked you to send me any information you may have that supports your allegations. You intentionally omitted me from this most recent correspondence, which has been your practice to date, in clear violation of RPC 4.2<sup>3</sup>.

Turning now to the allegations at hand, I again find myself in the position of pointing out your irresponsible and unprofessional behavior regarding my other clients, the City Manager and the

<sup>1</sup> This is in quotes because it demonstrates a repeated bias against people with disabilities as defined under the Americans with Disabilities Act, which may also be a violation of RPC 8.4(f): knowingly – (h) in representing a client, engage in conduct that is prejudicial to the administration of justice toward... other parties... that a reasonable person would interpret as manifesting prejudice or bias on the basis of... disability....

<sup>2</sup> You may also want to review RPC 8.4 – It is professional misconduct to: (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another; (c) state or imply an ability to influence improperly a government agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law.

<sup>3</sup> See also, RPC 4.2 cmt 7 and WSBA Advisory Opinion 201803.

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DCD Director. You now loudly proclaim that they are somehow biased or prejudicial regarding processing required permits for the Tribe's clinic, and point to a few comments – "super project" "great deal of benefit" and "awesome" – as the damning evidence<sup>4</sup>. This position is absurd. With the literally **hundreds, if not thousands of documents** your firm has received from the City, a few innocuous emails are the basis for your allegations?<sup>5</sup>

In fact, your allegations demonstrate a gross lack of understanding of the appearance of fairness doctrine. The appearance of fairness doctrine applies to quasi-judicial decisions – not administrative decisions. RCW 42.36.010.

Moreover, your client conveniently ignores the appearance of fairness doctrine through their near constant barrage of written and oral communications to the City Council. If the City Council suddenly decided to hear any part of the proceeding on this matter, I would hope that you would properly advise your clients to ask the Council members to turn the matter over to an impartial hearing body. Failing to do so may present additional ethical issues.

Even if you did find even moderately compelling evidence of bias or prejudice, which you have not, your obligation is to turn the information over to me. *See generally*, RPC 1.13. You did not do so and expressly omitted me from the communication, instead going directly to the City Council. If your client continues to believe it has evidence demonstrating prejudice or bias, it can make its case to a hearing examiner or judge as the case may be. Without any legitimate evidence of actual bias or prejudice, *do not send me or any member of my City Council any further communication on this subject.*

Finally, it is completely inappropriate for you and your client – who is an appellant on this matter – to continue to communicate with my clients on this issue. I am profoundly disappointed that you, as an experienced attorney, have engaged in such unbecoming conduct. I can only conclude that you suspect your client cannot prevail on this matter<sup>6</sup>, thus justifying the red herrings being thrown about. *In case I was unclear before, any further communications from your office must go through me.*

Kind regards,



Kristina Nelson-Gross  
City Attorney

KNG:elh

---

<sup>4</sup> RPC 4.1 cmt 1: "A misrepresentation can occur if the lawyer incorporates or affirms a statement of another person that the lawyer knows is false. Misrepresentations can also occur by partially true but misleading statements or omissions that are the equivalent of affirmative false statements. *See also*, RPC 4.2 cmt 3.

<sup>5</sup> While I do not represent councilors and staff in their individual capacities, it doesn't take a genius to see that they may have claims against you and your client for your unfounded allegations. *See also*, RPC 4.4(a) "In representing a client, a lawyer shall not use means that have no substantial purpose other than to embarrass, delay, or burden a third person". *See also*, RPC 4.4 cmt 1; *16A WAPRAC § 20:4; Oct. 2019 Update.*

<sup>6</sup> Thus, raising RPC 2.1 implications.

# Exhibit E

March 31, 2020

Michael A. Spence  
Attorney at Law  
EMAIL: mspence@helsell.com  
DIRECT DIAL: 206.689.2157

**VIA ELECTRONIC AND REGULAR MAIL**

Kristina Nelson-Gross  
Sequim City Attorney  
152 West Cedar Street  
Sequim, WA 98382  
knelson-gross@sequimwa.gov

***Re: Proposed Jamestown S'Klallom Drug Treatment/Detoxification Center***

Dear Kristina:

I must regretfully respond to your March 23, 2020 letter accusing me of violations of RPC 4.2, RCW 35A.13.120, RCW 42.36.010 and RPC 1.13. I must also point out a significant legal misunderstanding on your part regarding your demand that I and my clients cease and desist from further direct communications with the Sequim City Council.

**RPC 4.2:** RPC 4.2 [5] expressly allows communication on behalf of a client who is exercising a constitutional or legal right to communicate with the government. In this case, the Constitutional right is contained in Article I Section 4, which guarantees Washington citizens the right of petition and assemblage. There are also numerous statutory rights, most notably the Growth Management Act's mandate for 'early and continuous public participation', SEPA's public commenting mandates under WAC 197-11-502 (adopted in SMC 16.04.130) and numerous subsections of Section 20.01 of your own Code. RPC 4.2[5] reads as follows:

***RPC 4.2***

***COMMUNICATION WITH PERSON REPRESENTED BY A LAWYER***

*[5] Communications authorized by law may include communications by a lawyer on behalf of a client who is exercising a constitutional or other legal right to communicate with the government. Communications authorized by law may also include investigative activities of lawyers representing governmental entities,*

March 31, 2020

Page 2

*directly or through investigative agents, prior to the commencement of criminal or civil enforcement proceedings. (emphasis added)*

In fact, your demand that we cease and desist from further communications with the City Council in itself may well constitute a violation of the above-referenced provisions.

**RCW 35A.13.120:** In your letter, you also claim that my communication to the City Council violates RCW 35A.13.120, which prohibits Councilmembers from "meddling in administrative decisions". First of all, we do not believe that this matter constitutes an administrative decision for reasons that you and the Council are well aware of by this point. Second, the purpose of the letter was to notify the City Council of possible ethical and legal lapses by the City's Planning Director, whether intentional or accidental. I would agree with you that employment matters can be administrative in nature, however our concern here is that these actions deprive the citizens of Sequim of their right to a fair hearing, which is guaranteed by RCW 43.36.110. Public hearings by definition are not administrative in nature, they are quasi-judicial.

Your letter goes on to claim that the statements "super project", "great deal of benefit" and "awesome", written by your Planning Director months in advance of the actual application do not rise to the level of damning evidence of prejudgment and bias, because they are only a few "innocuous emails" contained in the "hundreds, if not thousands" of documents my firm has received. We respectfully disagree. These are statements indicating significant bias and prejudgment made by a person purporting to be the decisionmaker, who is legally and ethically required to remain neutral throughout this process, and to administer the Code properly and fairly, and who we believe has improperly and intentionally keeping this matter away from the City Council and public review.

**RCW 42.36.010:** Your letter next claims that we have a "gross lack of understanding of the appearance of fairness doctrine" and that our "constant barrage of written and oral communications" constitutes a violation of it. But as I imagine you know, the Appearance of Fairness Doctrine does not apply to private citizens, it applies to elected officials. In this regard, see RCW 42.36.010, quoted in full below:

**RCW 42.36.010**

***Local land use decisions.***

*Application of the appearance of fairness doctrine to local land use decisions shall be limited to the quasi-judicial actions of local decision-making bodies as defined in this section. Quasi-judicial actions of local decision-making bodies are*



March 31, 2020

Page 3

*those actions of the legislative body, planning commission, hearing examiner, zoning adjuster, board of adjustment, or boards which determine the legal rights, duties, or privileges of specific parties in a hearing or other contested case proceeding. Quasi-judicial actions do not include the legislative actions adopting, amending, or revising comprehensive, community, or neighborhood plans or other land use planning documents or the adoption of area-wide zoning ordinances or the adoption of a zoning amendment that is of area-wide significance.*

**RPC 1.13:** RPC 1.13 applies to attorneys representing organizations who acquire knowledge of wrongdoing by the organization that they represent. I therefore am not sure how this RPC requires me to notify you of possible wrongdoing within the organization that you represent first before notifying the City Council. I also believe that RPC 1.13 may not apply to attorneys challenging a local land use decision, but I have not researched that issue. If you have any authority on your position on this issue, I would appreciate it if you would share it with me.

Kristina, our previous dealings have been professional, courteous and substantive, and I was saddened and surprised by your defensive and accusatory response. I was simply trying to point out what we see as a potentially very serious legal problem for your clients in the hope that you would conduct an investigation and take whatever steps are necessary to ensure that this project (and the process by which it is reviewed) complies with the applicable regulatory scheme. I meant no disrespect to you, personally or professionally.

Very truly yours,



Michael A. Spence

MAS: mas

cc: Save Our Sequim

# Exhibit F

**Sara McMillon**

---

**Sent:** Monday, October 28, 2019 2:55 PM  
**To:** Kristina Nelson-Gross, Barry Berezowsky  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

Nope

Thanks,

Charlie Bush

*City Manager*



152 W. Cedar Street  
Sequim, WA 98382  
(360) 681-3440 office  
(360) 565-6415 cell  
[www.sequimwa.gov](http://www.sequimwa.gov)

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Monday, October 28, 2019 2:50 PM  
**To:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

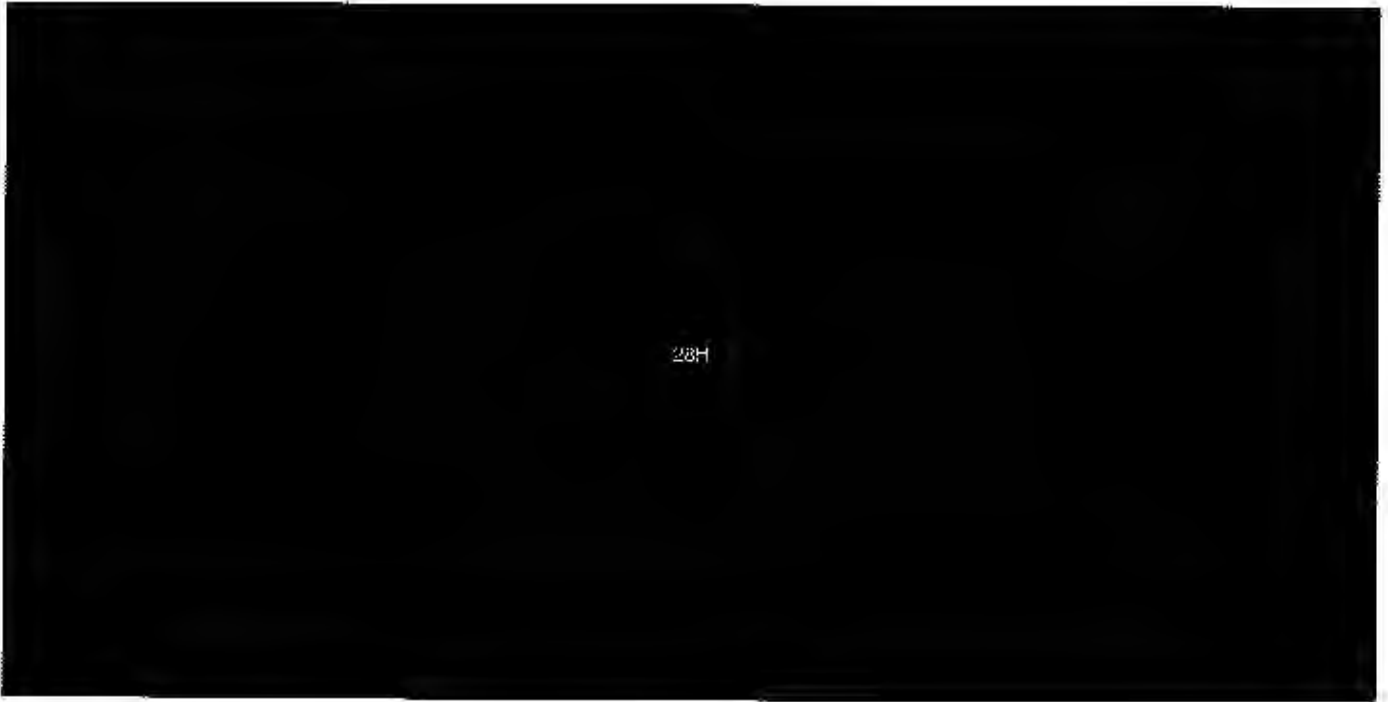
28F

**From:** Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Sent:** Monday, October 28, 2019 2:49 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

28I

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Monday, October 28, 2019 2:43 PM  
**To:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** FW: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

Hi guys,



28H

Kristina

**From:** Choi, Anita H. <[achoi@helsell.com](mailto:achoi@helsell.com)>  
**Sent:** Thursday, October 24, 2019 12:50 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Cc:** Spence, Michael A. <[mspence@helsell.com](mailto:mspence@helsell.com)>; Tran, David L. <[DTran@helsell.com](mailto:DTran@helsell.com)>  
**Subject:** Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center

Dear Ms. Nelson-Gross:

Attached please find correspondence regarding the above-referenced matter. If you wish to discuss, kindly contact Michael Spence or David Tran directly. Thank you!

Best regards,  
Anita Choi

**Anita H. Choi | Helsell Fetterman LLP**  
Legal Secretary  
801 Fourth Avenue, Suite 4700  
Seattle, WA 98104

Direct: 206.369.2110  
Fax: 206.340.0912  
Email: [achoi@helsell.com](mailto:achoi@helsell.com)  
Web: [www.helsell.com](http://www.helsell.com)

**Sara McMillon**

---

**Sent:** Monday, October 28, 2019 2:49 PM  
**To:** Kristina Nelson-Gross; Charlie Bush  
**Subject:** RE: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

28H

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Monday, October 28, 2019 2:43 PM  
**To:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** FW: Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center - attorney-client privilege - do not disclose/forward

*Hi guys,*

28H

Kristina

**From:** Choi, Anita H. <ahchoi@helsell.com>  
**Sent:** Thursday, October 24, 2019 12:50 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Cc:** Spence, Michael A. <mspence@helsell.com>; Tran, David L. <DTran@helsell.com>  
**Subject:** Proposed Jamestown S'Klallam Drug Treatment/Detoxification Center

Dear Ms. Nelson-Gross:

Attached please find correspondence regarding the above-referenced matter. If you wish to discuss, kindly contact Michael Spence or David Tran directly. Thank you!

Best regards,  
Anita Choi

**Anita H. Choi | Heiseil Fetterman LLP**

Legal Secretary  
1501 Fourth Avenue, Suite 4200  
Seattle, WA 98154

Direct: 206 445 2114  
Fax: 206 440 0902  
Email: [achoi@heiseil.com](mailto:achoi@heiseil.com)  
Web: [www.hfsoff.com](http://www.hfsoff.com)



## Sara McMillon

---

**From:** Barry Berezowsky  
**Sent:** Friday, July 19, 2019 7:37 AM  
**To:** Ted Miller, Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Agreed, we have starting drafting amendments to Title 20 and should be able to have it ready for Council review in the fall.

BB

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 9:03 PM  
**To:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>  
**Subject:** Re: MAT mtg

Barry,

Your analysis agrees with mine. The City Council should be deleted from the A-1 box unless the city council wants to change the choice of appeal authority.

-- Ted

---

**From:** Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:44 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>; Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures, An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the board of adjustment, (emphasis added) provided, that a written appeal is filed in conformance with SMC 20.01.240" and SMC 18.24.038 Appeals " The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC 20.01.240, Appeals. Appeals of any administrative decision shall be made to a hearing officer, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>; Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,



283

K

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

Kristina,



284

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,



285

Kristina

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

Kristina,

28A

-- Ted

**Sara McMillon**

---

**From:** Ted Miller  
**Sent:** Thursday, July 18, 2019 9:03 PM  
**To:** Barry Berezowsky; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** Re: MAT mtg

Barry,

Your analysis agrees with mine. The City Council should be deleted from the A-1 box unless the city council wants to change the choice of appeal authority.

-- Ted

---

**From:** Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:44 PM  
**To:** Ted Miller <tmill@sequimwa.gov>; Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment** (emphasis added) provided, that a written appeal is filed in conformance with SMC 20.01.240" and SMC 18.24.038 Appeals " The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC 20.01.240, Appeals. **Appeals of any administrative decision shall be made to a hearing officer.** (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B); Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmill@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

Thanks!

K

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

Kristina,



28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,



28B

Thanks,

Kristina

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

Kristina,



28A

-- Ted

## Sara McMillon

---

**From:** Barry Berezowsky  
**Sent:** Thursday, July 18, 2019 2:45 PM  
**To:** Ted Miller; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type A-1 and Type A-2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment**, (emphasis added) provided, that a written appeal is filed in conformance with SMC 20.01.240" and SMC 18.24.038 Appeals "The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC 20.01.240. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Ex. B); Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type A-1 & A-2 permits, actually has any path under current code language to fulfill that role.

BB

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmillier@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

BBB

Thanks!

K

**From:** Ted Miller <tmillier@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** Re: MAT mtg

Kristina,

BBB

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,



265

Thanks,

Kristina

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

Kristina,



284

-- Ted



**Sara McMillon**

---

**From:** Kristina Nelson-Gross  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller  
**Cc:** Barry Berezowsky; Charlie Bush  
**Subject:** RE: MAT mtg

Hi Ted,

28U

Thanks!  
K

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** Re: MAT mtg

Kristina,

28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,

28B

Thanks,

Kristina

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>

**Sent:** Wednesday, July 17, 2019 4:36 PM

**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>

**Subject:** MAT mtg

Kristina,

PSA

-- Ted

Sara McMillon

---

**Sent:** Thursday, July 18, 2019 2:34 PM  
**To:** Ted Miller; Kristina Nelson-Gross  
**Cc:** Charlie Bush  
**Subject:** RE: MAT mtg

Hi Ted,

My read of this section takes the Council out of an appeal role for any Type 1 and Type 2 administrative permit due to the footnotes as referenced by Kristina and SMC 20.01.090 Administrative approvals subject to notice (Type A-2)- Process overview. "(E) Appeal Procedures. An applicant or other party of record who may be aggrieved by the administrative decision may appeal the decision to the **board of adjustment** (emphasis added) provided, that a written appeal is filed in conformance with SMC 20.01.243" and SMC 18.24.038 Appeals " The decision of the director of community development shall be final unless, within 21 days from the date of the decision, the applicant or any other party with standing files an appeal. The appeal shall be filed in conformance with the appeal process established in SMC 20.01.243, Appeals. **Appeals of any administrative decision shall be made to a hearing officer**, (emphasis added) the costs for which shall be paid by the applicant. Appeals of hearing officer's decision shall be made to the Clallam County superior court. (Ord. 2011-017 § 1; Ord. 2009-011 § 2 (Exh. B), Ord. 2008-007 § 2)"

I might be missing something, but I can't find a way to read the above code language and conclude that the "City Council", while listed in Table 1 as the Appeal Authority for Type 1 & 2 permits, actually has any path under current code language to fulfill that role.

BB

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 2:03 PM  
**To:** Ted Miller <tmiller@sequimwa.gov>  
**Cc:** Barry Berezowsky <bberezowsky@sequimwa.gov>; Charlie Bush <cbush@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,

235

Thanks!  
K

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross <knelson\_gross@sequimwa.gov>  
**Subject:** Re: MAT mtg

Kristina,

28A

-- Ted

---

**From:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Cc:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: MAT mtg

Hi Ted,



283

Thanks,

Kristina

**From:** Ted Miller <[tmiller@sequimwa.gov](mailto:tmiller@sequimwa.gov)>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>  
**Subject:** MAT mtg

Kristina,



284

-- Ted

**Sara McMillon**

---

**From:** Ted Miller  
**Sent:** Thursday, July 18, 2019 1:02 PM  
**To:** Kristina Nelson-Gross  
**Subject:** Re: MAT mtg

Kristina,



28A

-- Ted

---

**From:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 5:10 PM  
**To:** Ted Miller <tMiller@sequimwa.gov>  
**Cc:** Charlie Bush <cbush@sequimwa.gov>; Barry Berezowsky <bberezowsky@sequimwa.gov>  
**Subject:** RE: MAT mtg

Hi Ted,



28B

Thanks,

Kristina

**From:** Ted Miller <tMiller@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** MAT mtg

Kristina,



28A

-- Ted

**Sara McMillon**

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**From:** Kristina Nelson-Gross  
**Sent:** Wednesday, July 17, 2019 5:11 PM  
**To:** Ted Miller  
**Cc:** Charlie Bush; Barry Berezowsky  
**Subject:** RE: MAT mtg

Hi Ted,



286

Thanks,

Kristina

**From:** Ted Miller <tmiller@sequimwa.gov>  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross <knelson-gross@sequimwa.gov>  
**Subject:** MAT mtg

Kristina,



28A

-- Ted

**Sara McMillon**

---

**From:** Ted Miller  
**Sent:** Wednesday, July 17, 2019 4:36 PM  
**To:** Kristina Nelson-Gross  
**Subject:** MAT mtg

Kristina,

2BA

-- Ted



**Sara McMillon**

---

**From:** Kristina Nelson-Gross  
**Sent:** Monday, July 15, 2019 4:31 PM  
**To:** DG\_All\_CityCouncil  
**Cc:** Barry Berezowsky  
**Subject:** MAT - public discussions - attorney-client privilege do not disclose/forward

Good afternoon Council,



253

Kind regards,

Kristina

## Sara McMillon

---

**From:** Kristina Nelson-Gross  
**Sent:** Wednesday, July 10, 2019 3:04 PM  
**To:** Charlie Bush; Dennis Smith  
**Cc:** Barry Berezowsky  
**Subject:** RE: Question

RE: Question

**From:** Charlie Bush  
**Sent:** Wednesday, July 10, 2019 2:31 PM  
**To:** Dennis Smith <[dsmith@sequimwa.gov](mailto:dsmith@sequimwa.gov)>  
**Cc:** Kristina Nelson-Gross <[knelson-gross@sequimwa.gov](mailto:knelson-gross@sequimwa.gov)>; Barry Berezowsky <[bberezowsky@sequimwa.gov](mailto:bberezowsky@sequimwa.gov)>  
**Subject:** RE: Question

I'm copying Kristina and Barry in case I'm wrong on this, but it is my understanding that if they were to put it into tribal trust land, which is a process that takes about a year and an act of Congress, then our land use regulations would not apply to the site. They have not discussed taking that action. Our land use regulations apply otherwise.

Thanks,

Charlie Bush

*City Manager*



152 W. Cedar Street  
Sequim, WA 98382  
(360) 681-3440 office  
(360) 565-6415 cell  
[www.sequimwa.gov](http://www.sequimwa.gov)

**From:** Dennis Smith  
**Sent:** Wednesday, July 10, 2019 12:26 PM  
**To:** Charlie Bush <[cbush@sequimwa.gov](mailto:cbush@sequimwa.gov)>  
**Subject:** Question

Charlie,

Had an interesting question posed today. If/when the Tribe buys the property behind COSTCO; Does that then become sovereign tribal land with all the applicable jurisdictional applications?

Dennis

## Redaction Log

Total Number of Redactions in Document: 33

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	2
2	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
3	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	2
6	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	2
6	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
7	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
8	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
9	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	2
9	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
10	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1

## Redaction Log

Page	Reason	Description	Occurrences
10	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
11	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
11	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
12	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	2
12	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
13	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
14	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
14	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
15	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
15	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
16	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	2
16	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1

## Redaction Log

Page	Reason	Description	Occurrences
17	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
17	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
18	28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	1
19	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1
20	28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28A	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from client to attorney for the purpose of obtaining legal advice is exempt.	7(1) 6(1) 9(2) 11(1) 10(1) 12(1) 13(1) 14(1) 15(1) 16(2) 17(1) 18(1)
28B	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication from attorney to client for the purpose of providing legal advice is exempt.	6(2) 9(1) 8(1) 11(1) 10(1) 12(2) 14(1) 15(1) 16(1) 17(1) 19(1) 20(1)
281j	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	2(1) 1(2) 3(2)



**Sara McMillon**

---

**To:** Kristina Nelson-Gross  
**Cc:** Charlie Bush; Tim Woollett  
**Subject:** MAT Typing memo  
**Attachments:** Typing memo.docx

2/8/11

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

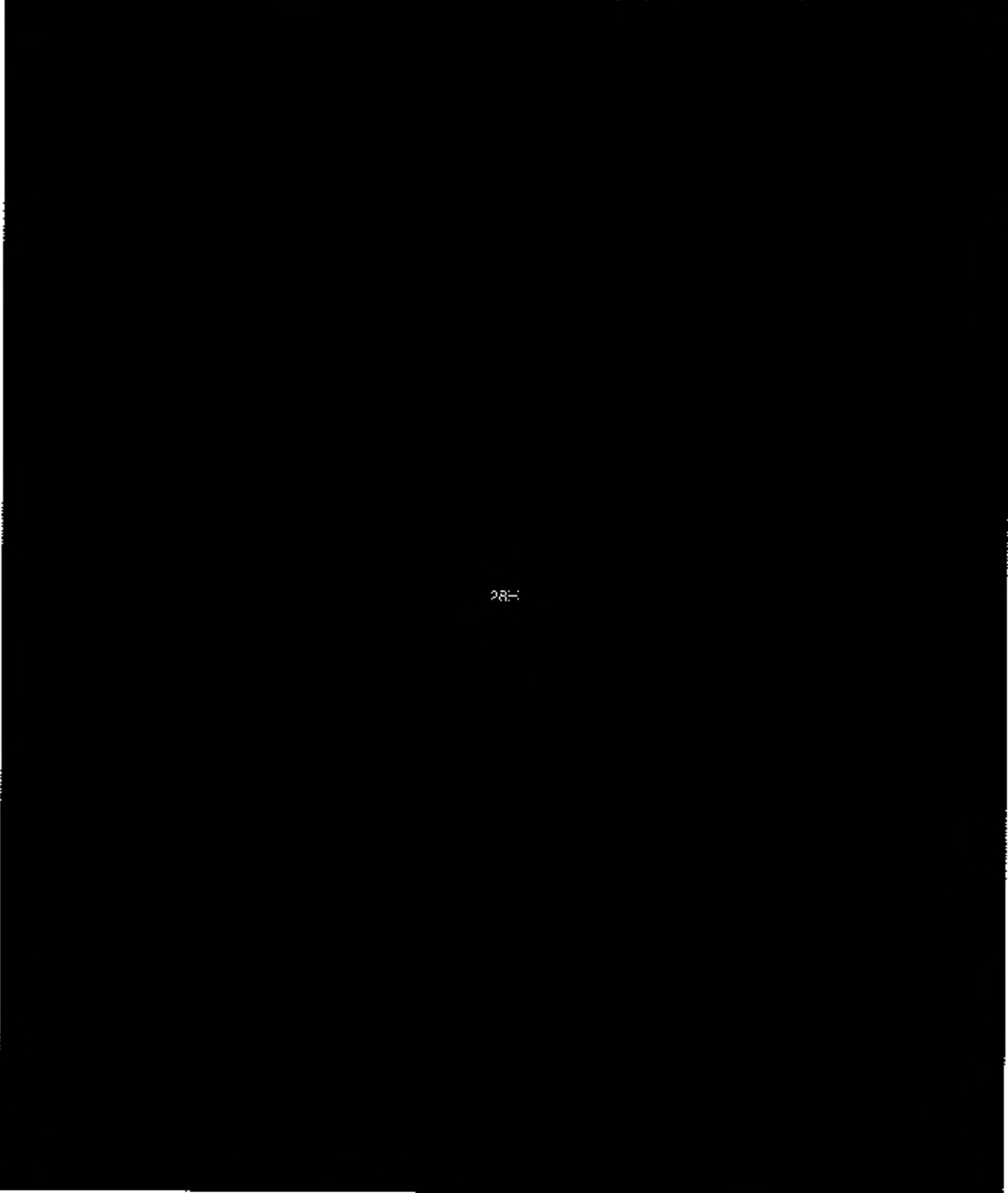
Page	Reason	Description	Occurrences
1	2811	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1(1)

Attorney Client Privilege







**Redaction Log**

Total Number of Redactions in Document: 3

**Redaction Reasons by Page**

Page	Reason	Description	Occurrences
1	2811	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
2	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
3	2811	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1



## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1(1) 2(1) 3(1)

**Sara McMillon**

---

**Sent:** Thursday, January 16, 2020 3:43 PM  
**To:** Michael C. Walter  
**Cc:** Kristina Nelson-Gross  
**Subject:** Typing Memo Revised - Attorney Client Privilege  
**Attachments:** Typing memo Jamestown2.docx

287

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

Page	Reason	Description	Occurrences
1	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1(1)

**Sara McMillon**

---

**Sent:** Thursday, January 16, 2020 3:43 PM  
**To:** Michael C. Walter  
**Cc:** Kristina Nelson-Gross  
**Subject:** Typing Memo Revised - Attorney Client Privilege  
**Attachments:** Typing memo Jamestown2.docx

257

## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

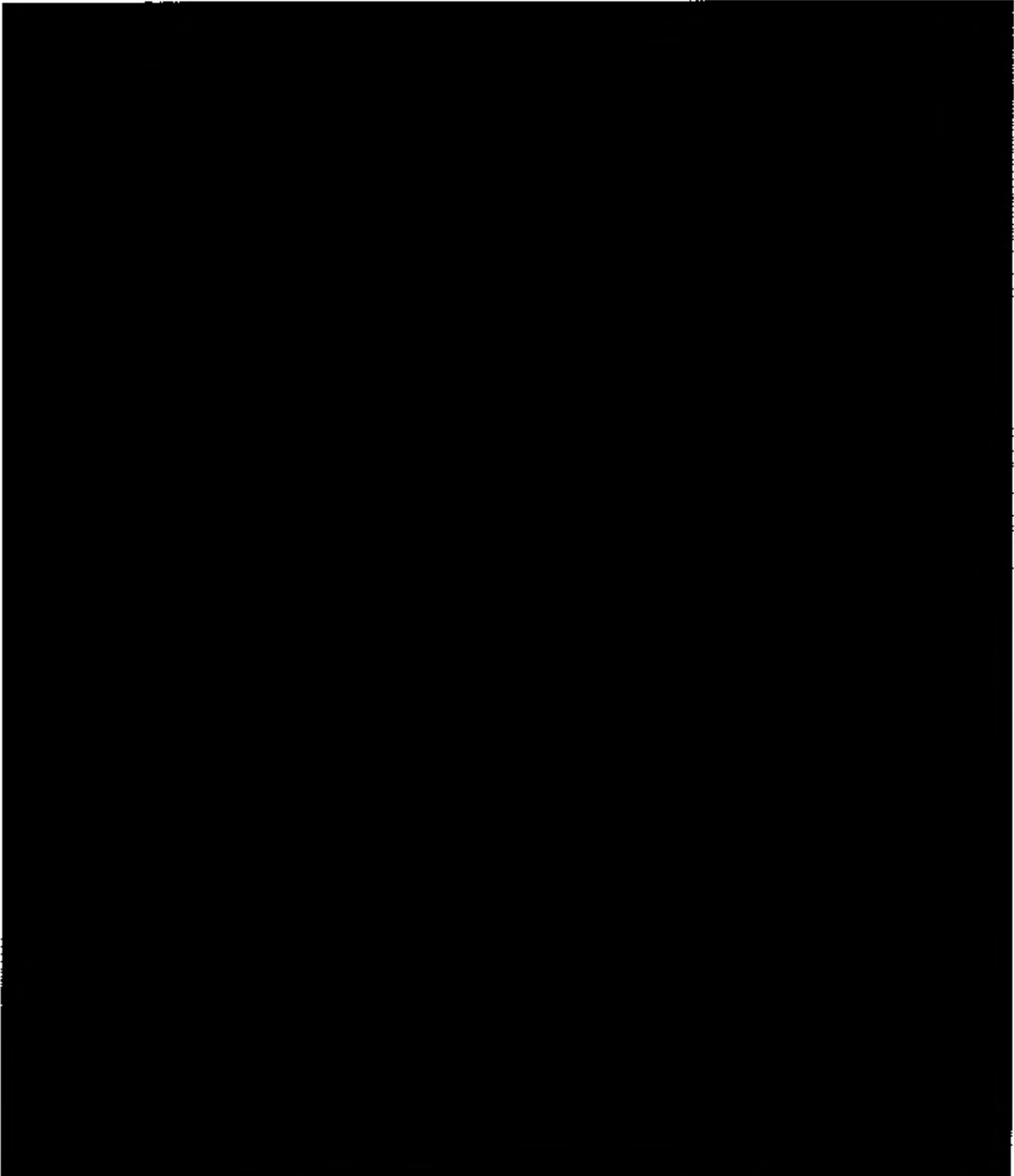
Page	Reason	Description	Occurrences
1	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1

## Redaction Log

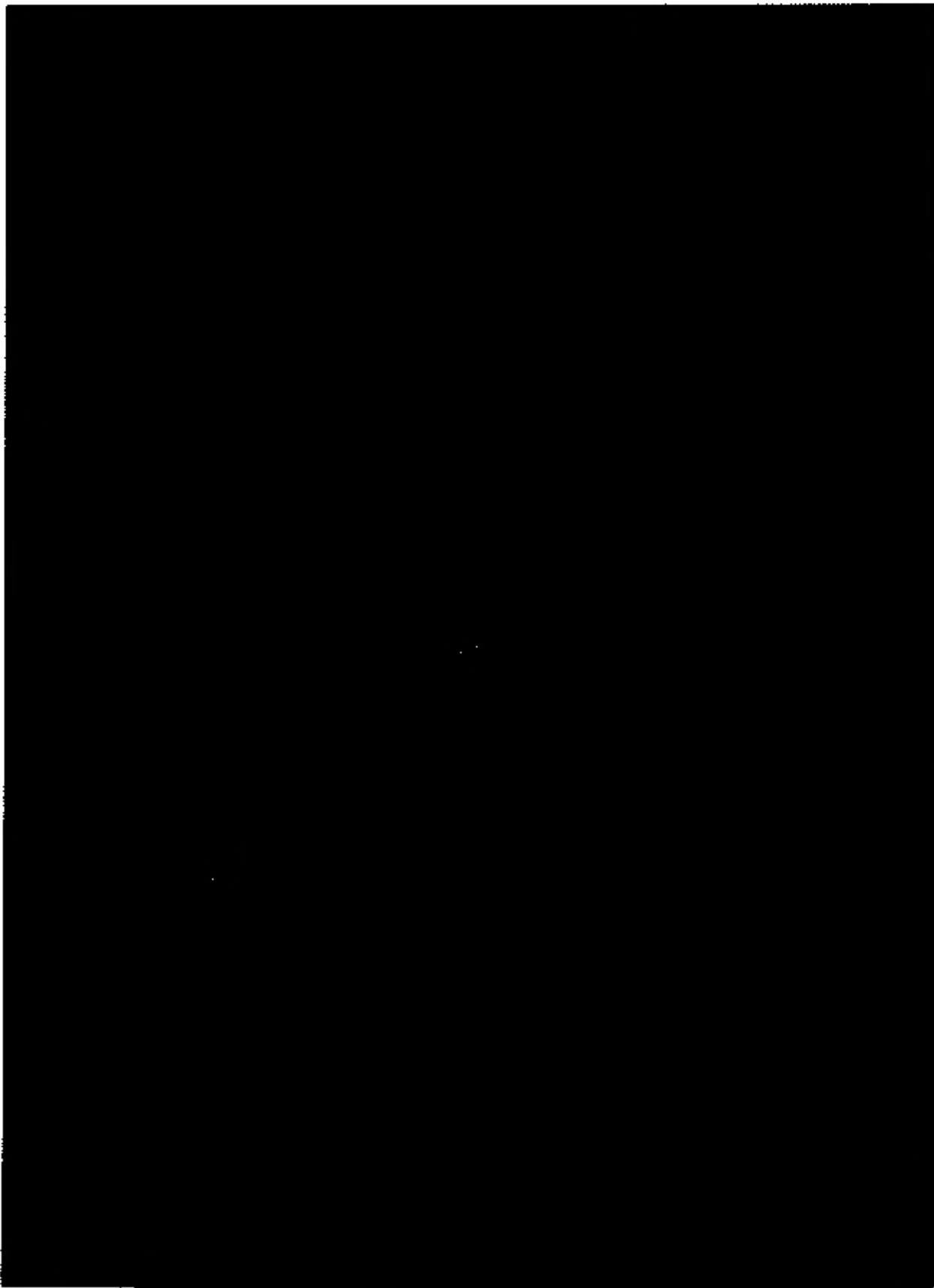
### Redaction Reasons by Exemption

<u>Reason</u>	<u>Description</u>	<u>Pages (Count)</u>
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1(1)

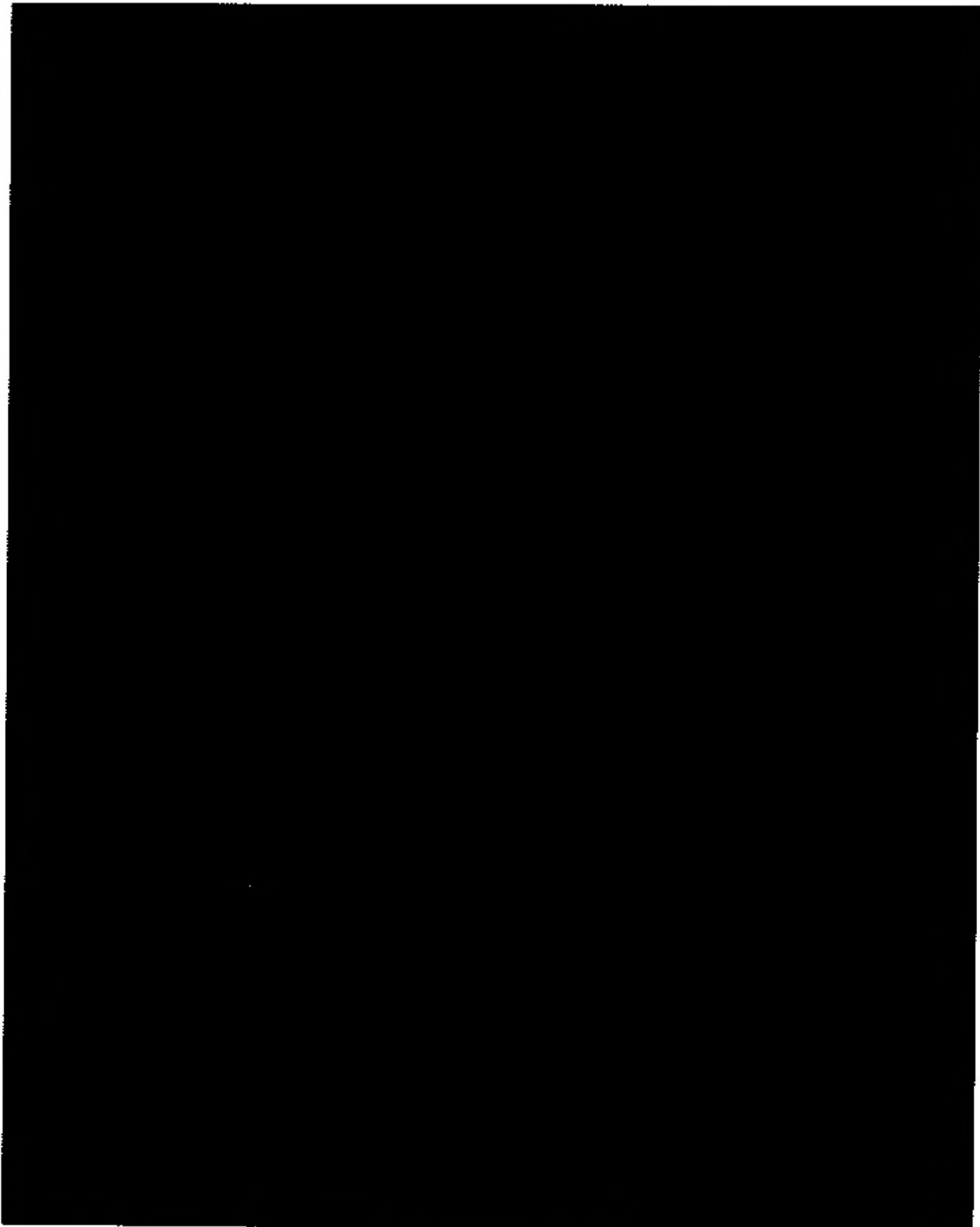
Attorney Client Privilege

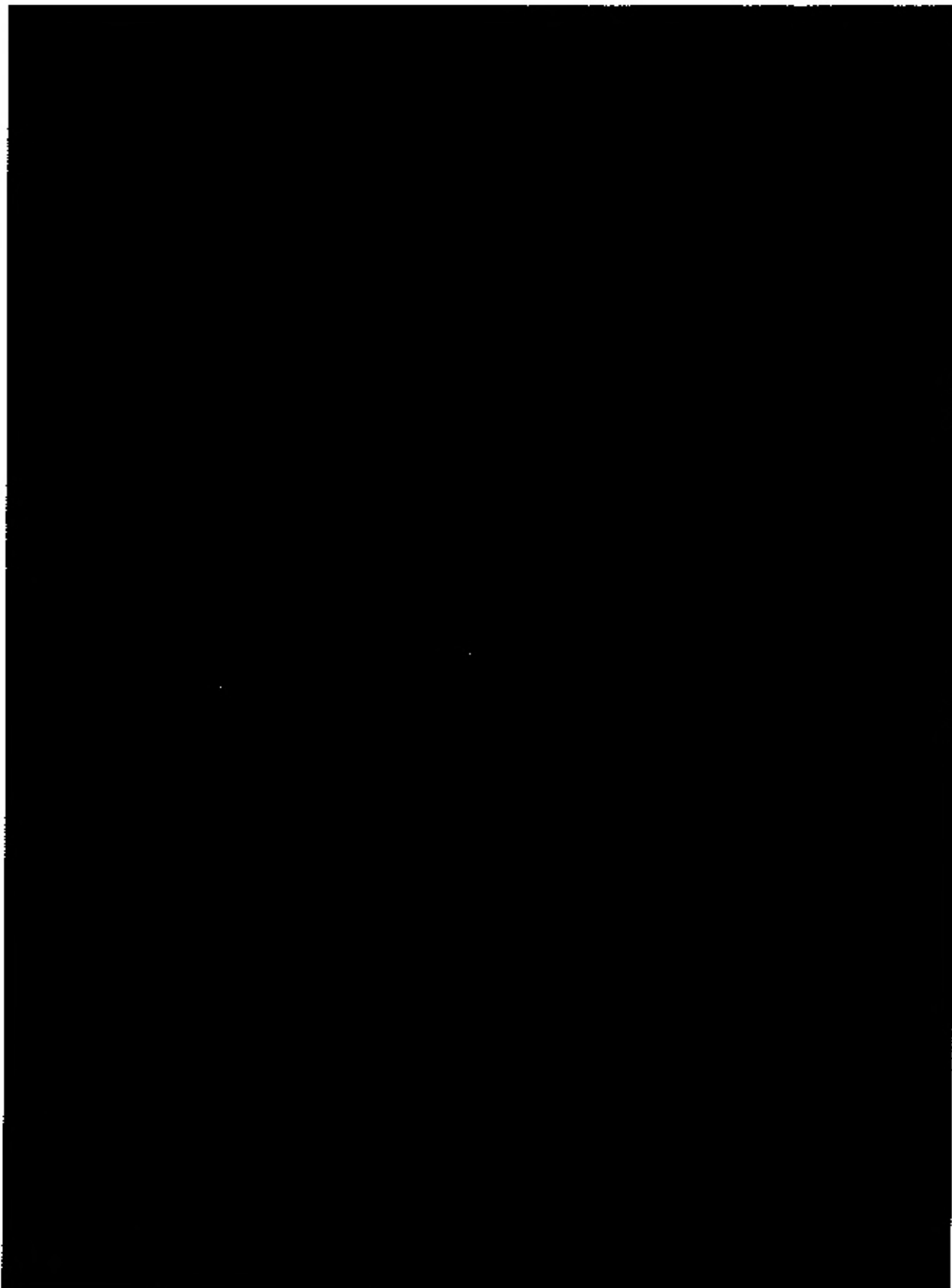


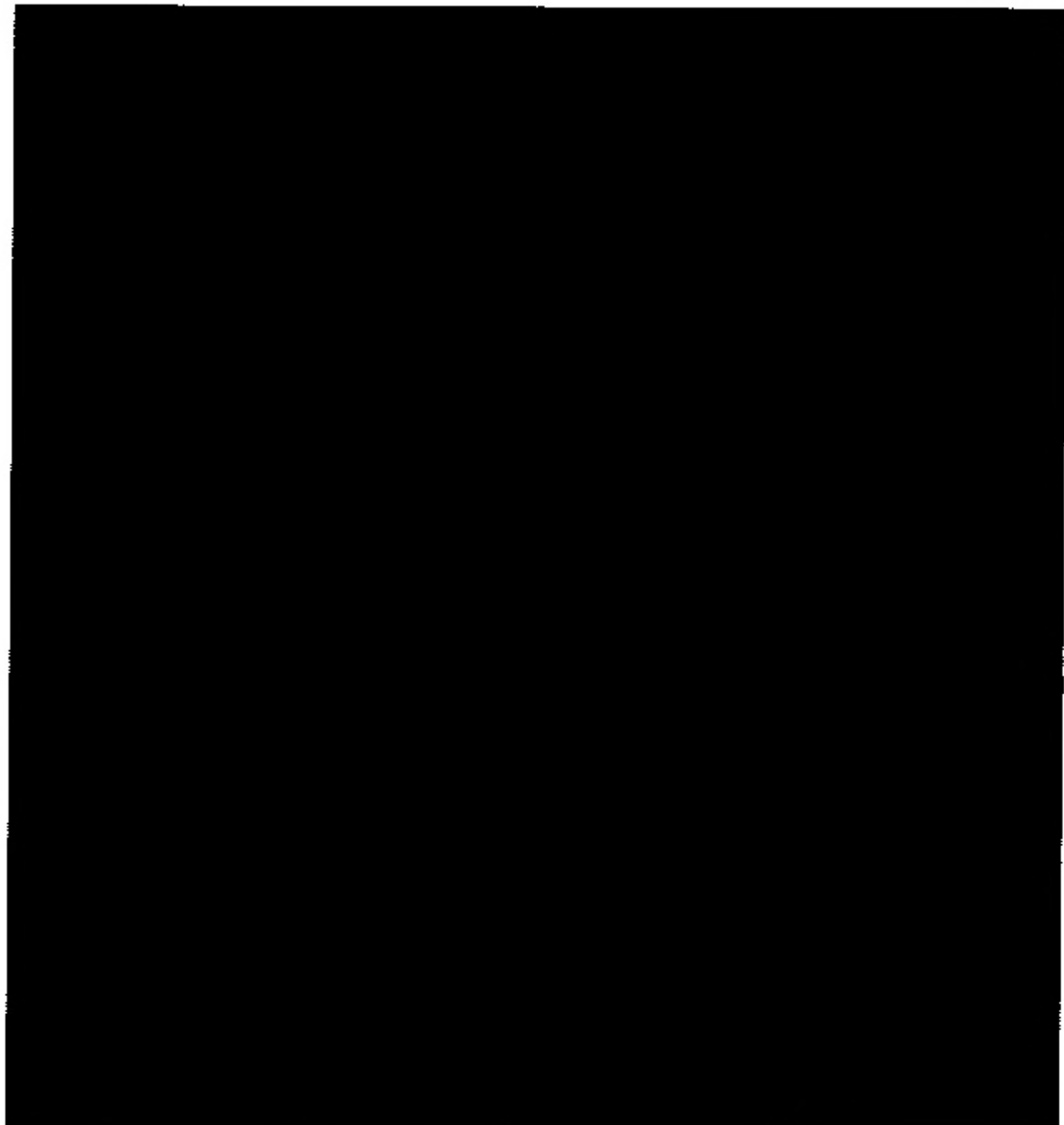












**Redaction Log**

Total Number of Redactions in Document: 6

**Redaction Reasons by Page**

Page	Reason	Description	Occurrences
1	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
2	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
3	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
4	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
5	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1
6	28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1

**Redaction Log****Redaction Reasons by Exemption**

Reason	Description	Pages (Count)
28F	RCW 42.56.070(1); RCW 5.60.060(2)(a), RCW 42.56.290. Communication between attorneys regarding client advice is exempt.	1(1) 2(1) 3(1) 4(1) 5(1) 6(1)

**Sara McMillon**

---

**Sent:** Sunday, January 19, 2020 8:31 AM  
**To:** Kristina Nelson Gross  
**Subject:** Attorney Client Privilege  
**Attachments:** Typing memo Jamestown2.docx

Good Morning Kristina,

[REDACTED]  
281

BB



## Redaction Log

Total Number of Redactions in Document: 1

### Redaction Reasons by Page

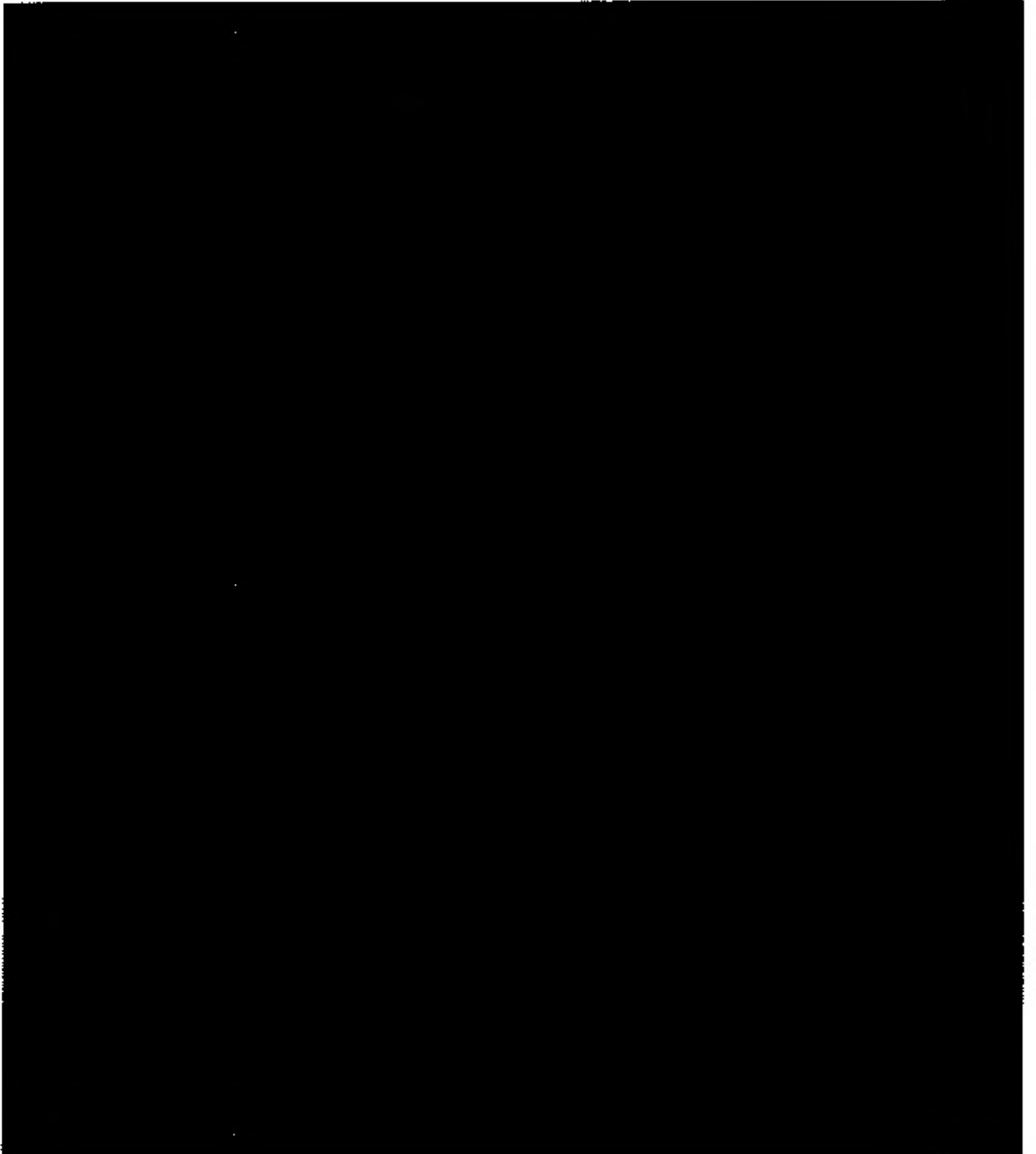
Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1

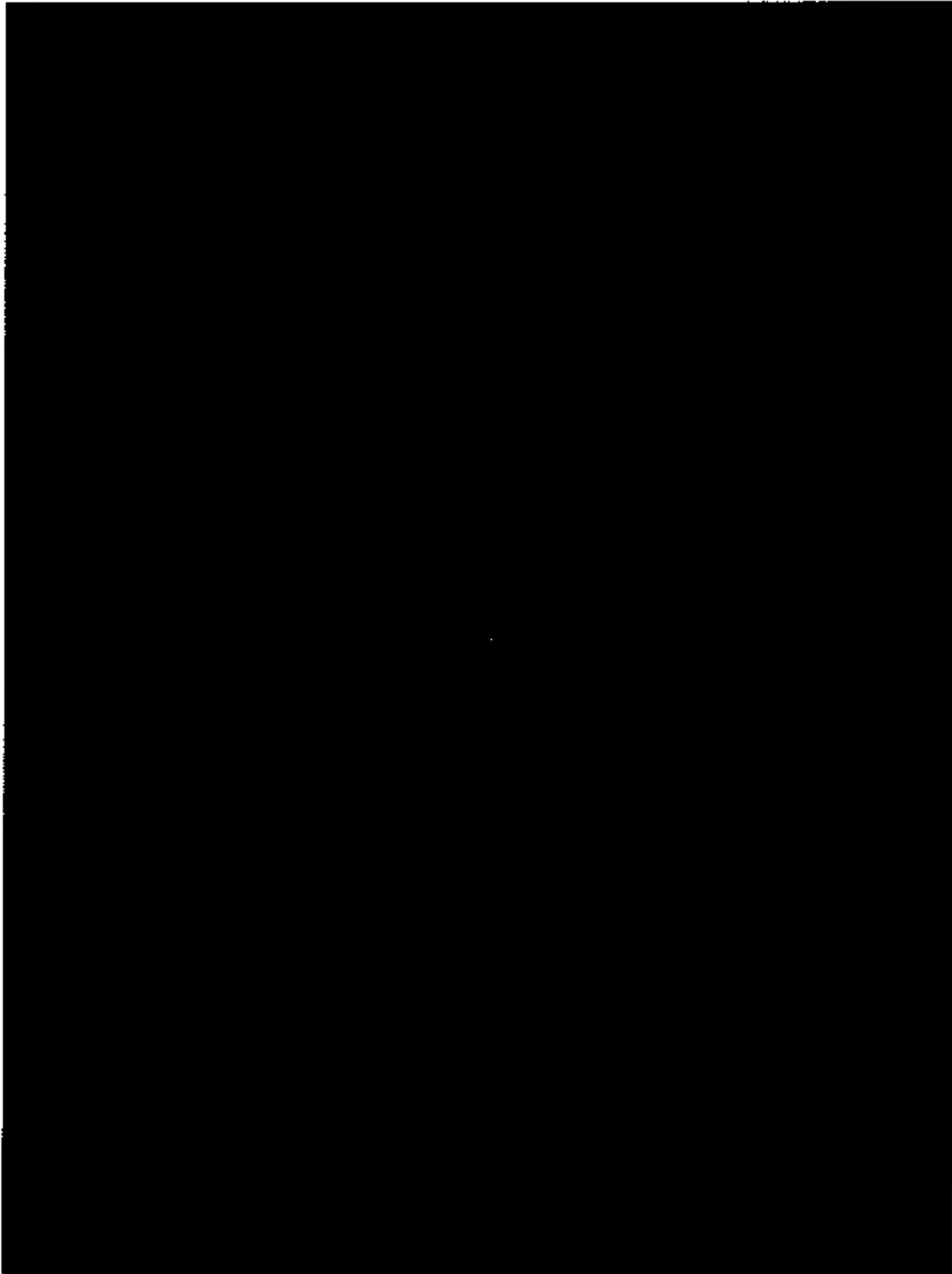
## Redaction Log

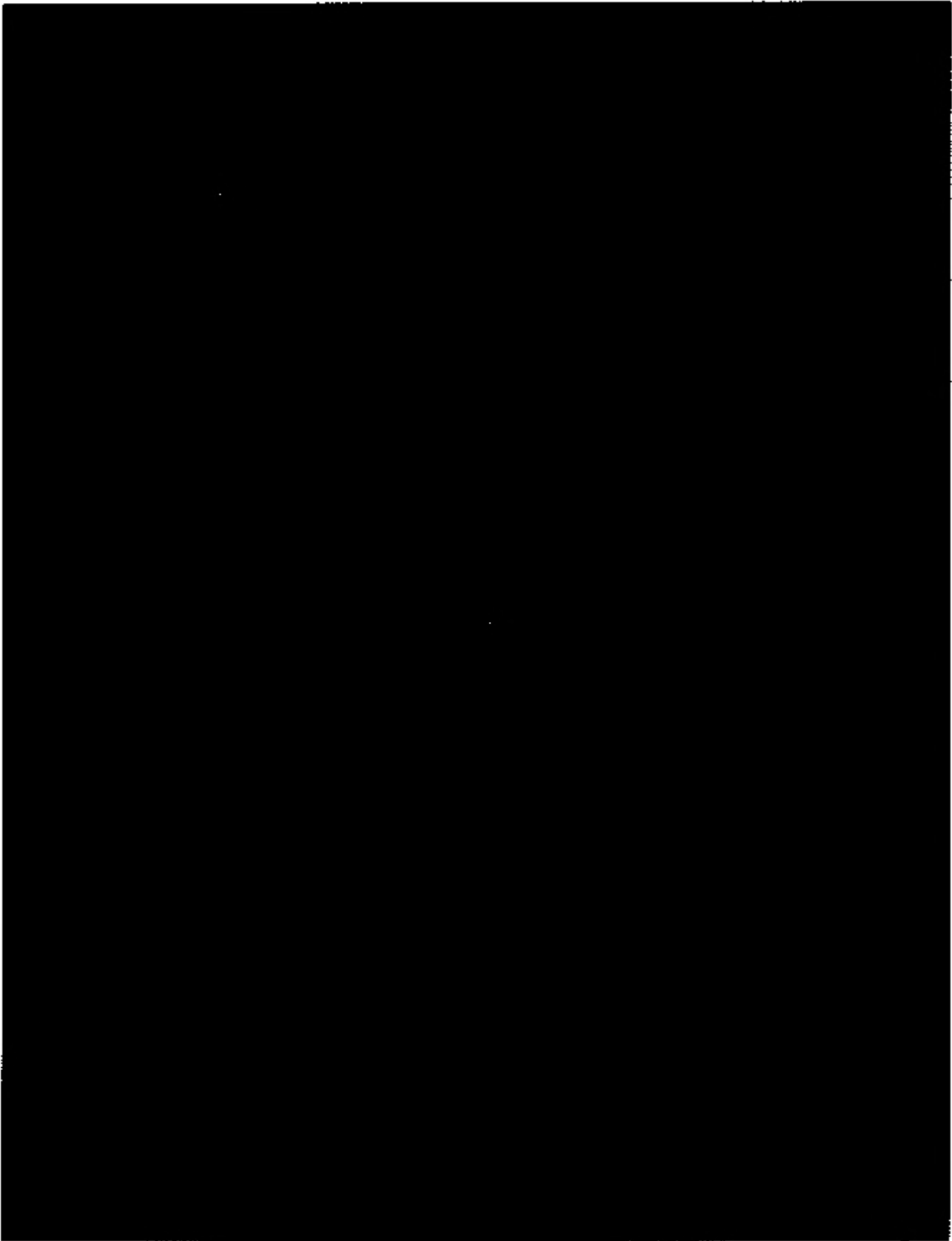
### Redaction Reasons by Exemption

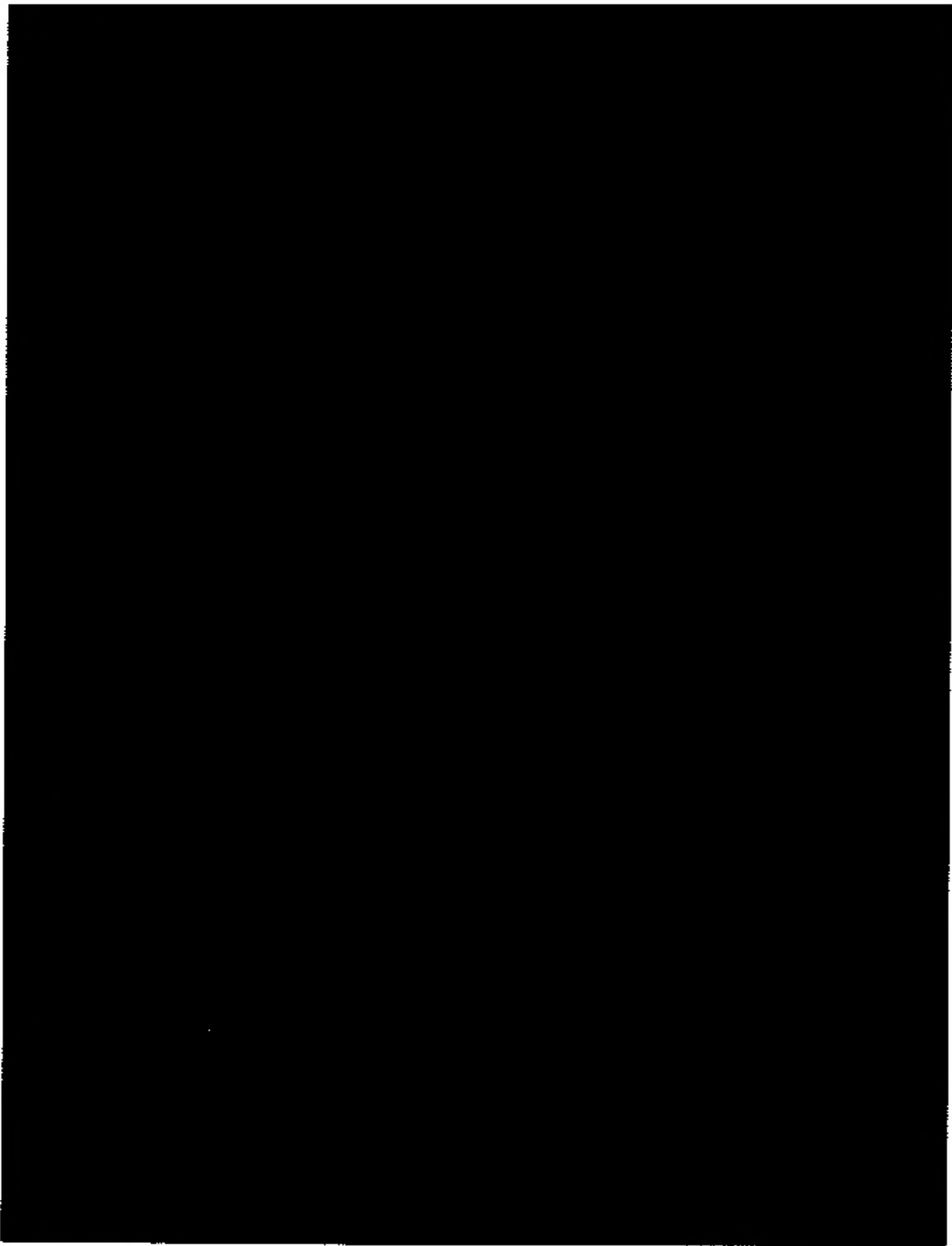
Reason	Description	Pages (Count)
2811	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1(1)

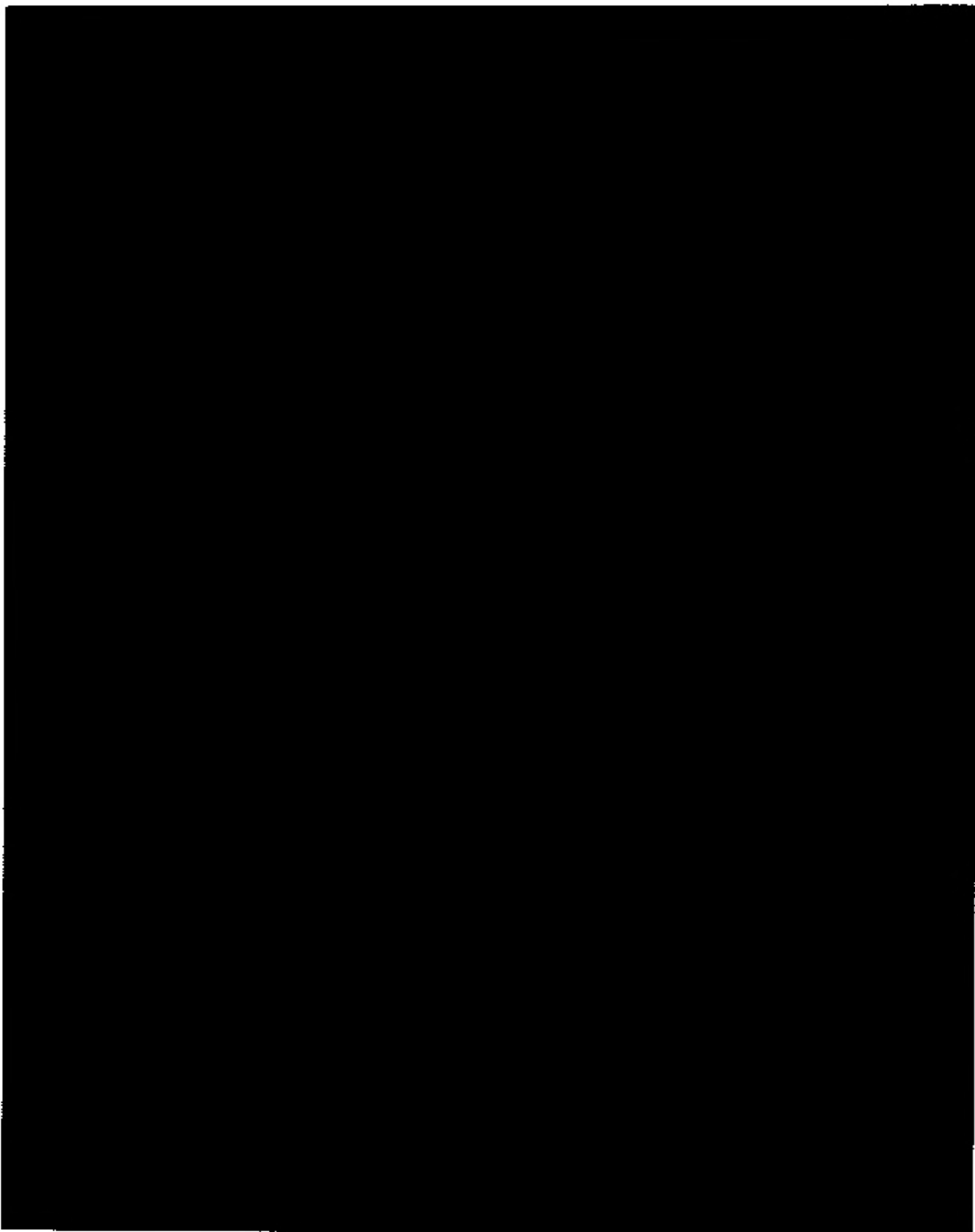
Attorney Client Privilege

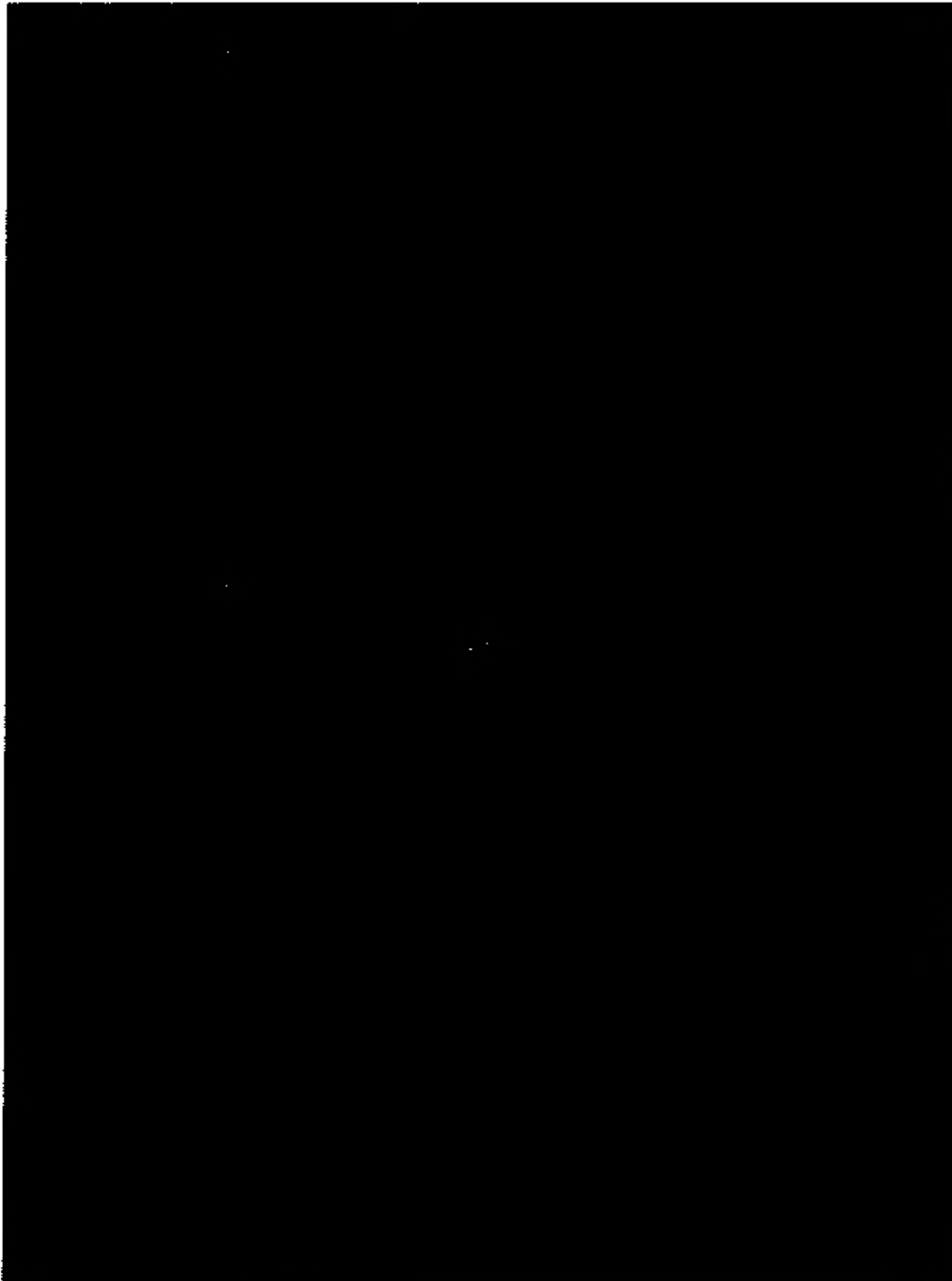




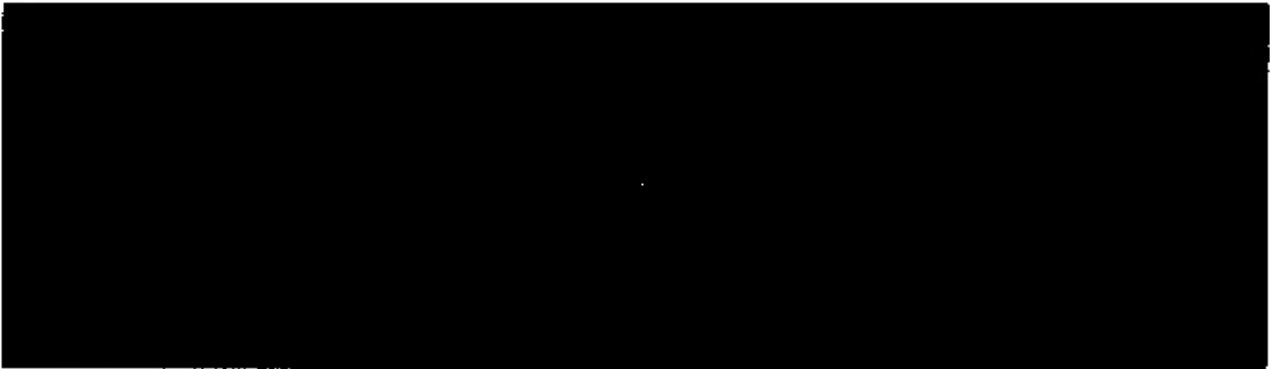












**Redaction Log**

Total Number of Redactions in Document: 7

**Redaction Reasons by Page**

Page	Reason	Description	Occurrences
1	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
2	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
3	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
4	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
5	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
6	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1
7	28H	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1

## Redaction Log

### Redaction Reasons by Exemption

Reason	Description	Pages (Count)
28F1	RCW 42.56.290. Communications between attorney and client that reveals opinions/impressions of attorney or information prepared/collected/assembled in litigation or anticipation of litigation or related to client advice is exempt.	1(1) 2(1) 3(1) 4(1) 5(1) 6(1) 7(1)