

**BEFORE THE HEARING EXAMINER of the
CITY of MERCER ISLAND**

ORDER MEMORIALIZING A PREHEARING CONFERENCE

FILE NUMBER: APL19-002

APPELLANT: Shane Miller
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shanemillerus@gmail.com
SERVICE BY E-MAIL AUTHORIZED

RESPONDENT: City of Mercer Island
Anthony Myers, Code Compliance Officer
C/o Eileen M. Keiffer
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TYPE OF CASE: Appeal from Notice of Violation & Order to Correct

Date and Time of
Hearing: October 28, 2021, at 9:00 a.m.

WHEREAS, the Hearing Examiner (“Examiner”) held a remote prehearing conference in the above-entitled matter via the Zoom platform on August 18, 2021, in which Shane Miller, Bio Park, Eileen Keiffer, Alison Van Gorp, Don Cole, and Andrea Larson participated; and

WHEREAS, it is desirable to memorialize the results of said conference for the benefit of the parties.

NOW, THEREFORE, the Hearing Examiner issues the following:

ORDER

1. The proceedings in this appeal shall comply with all applicable provisions of the municipal code and with the adopted City of Mercer Island Hearing Examiner Rules of Procedure (“RoP”) except as expressly amended in this Order under authority of RoP 104. In the event of a conflict between the RoP or this Order and the municipal code, the municipal code shall control.

2. The Examiner will convene the open record hearing via the Zoom platform at 9:00 a.m. on October 28, 2021. The selected date is a compromise between the Appellant (who wanted more time for document collection) and the Respondent (which had scheduling conflicts).
3. The City shall issue the public hearing notice(s) as required by code.
4. Pursuant to RoP 224 the Examiner herewith assigns exhibit numbers to the following documents currently in the Examiner's possession. The Examiner will propose entry of these documents into the hearing record at the outset of the hearing.

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| Exhibit 9001: | Notice of Violation & Order to Correct, issued to Shane M. Miller on October 21, 2019 |
| Exhibit 9002: | Appeal APL19-002, filed November 4, 2019, with attached Exhibits A and B to be cited as Exhibits 9002.A and 9002.B |
| Exhibit 9003: | Letter, Hearing Examiner to Principal Parties, December 2, 2019 (Scheduling guidance) |
| Exhibit 9004: | E-mail chain, Miller-Hearing Examiner-Park, December 2 & 3, 2019 (Forthcoming request for Stay) |
| Exhibit 9005: | Joint Motion for Stay of Proceedings, filed December 12, 2019 |
| Exhibit 9006: | Notice of Stay in Proceedings, issued December 12, 2019 |
| Exhibit 9007: | Status Report, filed by Respondent December 11, 2020 |
| Exhibit 9008: | Notice of Extension of Stay in Proceedings, issued December 11, 2020 |
| Exhibit 9009: | E-mail, Park-Hearing Examiner, July 26, 2021 (Notice of impasse; request for prehearing conference) |
| Exhibit 9010: | Letter, Hearing Examiner to Principal Parties, July 28, 2021 (Prehearing conference scheduling) |
| Exhibit 9011: | E-mail chain, Keiffer-Miller-Keiffer-Hearing Examiner, July 30, 2021 |
| Exhibit 9012: | Notice of Prehearing Conference (Zoom), issued August 5, 2021 |
| Exhibit 9013: | Order Memorializing a Prehearing Conference, issued August 18, 2021 (This document) |

Documents assigned "9000" series exhibit numbers by the Examiner need not and should not be pre-filed by the principal parties.

5. All principal parties agreed to accept E-mail service.
6. The Examiner agreed to e-mail his Decision to the principal parties upon issuance. The City remains responsible for official distribution of the Decision as required by code.
7. A copy of the Hearing Examiner Rules of Procedure and Emergency E-Filing Rule are attached to the electronic distribution of this Order.
8. Concerns by any principal party regarding errors of omission or commission in this Order may be presented to the Examiner (by E-mail with cross-copy to the other principal parties) not later than noon on August 24, 2021.

ORDER issued August 18, 2021.

|s| *John E. Galt*

John E. Galt
Hearing Examiner

Distribution:

Principal Parties e-mail broadcast list