

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

Hearing Examiner File MUP-18-019

ELIZABETH CAMPBELL, ET AL,

APPELLANT CAMPBELL'S RESPONSE
TO SDCI SUPPLEMENTAL REPLY AND
STRIKING MOTION TO DETERMINE
SERVICE

From a SEPA determination and temporary use
Decision by the Director, Seattle Department of
Construction and Inspections, to allow a
Transitional encampment on the property
Located at 1601 15th Avenue West.

RELIEF REQUESTED

Appellant Elizabeth Campbell responds herein and respectfully requests that the Hearing Examiner deny in its entirety the Seattle Department of Construction and Inspection's ("SDCI") Request for Partial Dismissal

DECLARATION AND STATEMENT OF FACTS

I, Elizabeth Campbell, declare as follows:

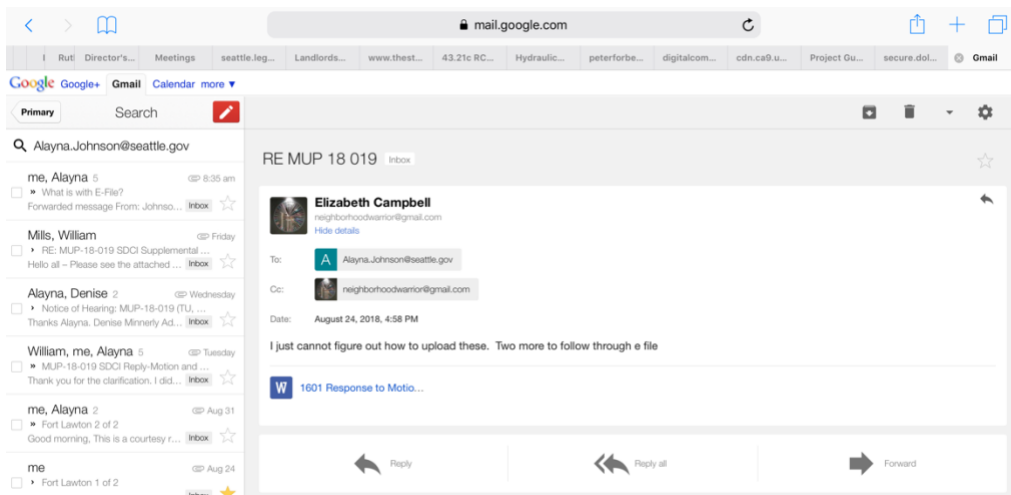
That I am over the age of 18 years and competent to be a witness herein:

I am objecting to and refuting the veracity of the materials submitted with William Mills' *SDCI Supplemental Reply and Striking Motion to Determine Service*, in particular the August 27, 2018 e-mail from Alayna Johnson to Mr. Mills wherein she claims that I did not send a response to her on August 24th in this matter.

Attached are the emails that I sent to Ms. Johnson on the afternoon of the 24th:

1. An email sent at 3:51 PM indicating that I could not file documents for both this matter and another.
2. An email sent at 4:58 PM with an attachment, my response in this matter, "1601 Response to Motion to Partially Dismiss MUP 18 019 8-24-2018 copy.docx"

Screenshot:



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3. An email sent at 4:59 PM with an attachment, "Fort Lawton W-18-002 Ltd Re Continuance 8-2402018.pdf"
4. An email sent at 5:00 PM with an attachment, "Fort Lawton Motion Continuance Discovery WA-18-002 8-24-2018.pdf"
5. An email sent at 5:09 PM indicating that I had sent Ms. Johnson documents for both MUP 18-019 and for WA 18-002/003, with the notation, "I did email everything to the other parties, for both cases, and their hard copy is going out tonight also."

On August 27, 2018 Ms. Johnson and I had a series of email exchanges, attached hereto also, about the fact that I had not been given authorization to e-file with the OHE, that she was granting that access for the two matters before the OHE.

I am also including here a screenshot of one email exchange from September 4, 2018 wherein I noted that I had in fact emailed my MUP 18-019 reply on August 24th directly to the other parties – and that I couldn't find them because of the way they were sent out within Word:

"This is a disaster on my end - I was going to write you Alayna and let you know that despite the issue with the access to e-filing that I in fact had emailed the documents in the Fort Lawton and 1601 matter to all of the other parties in each matter. I have gone back now and searched and searched and cannot find them to send you that confirmation - !!

"I think what it is that I mailed them through Word 365 online, but I don't know where it keeps a record, if it does, how it sends things out. I checked both Windows 10 Mail and Outlook and the items I sent do not show up in "Sent" in those, nor do they show up in my Gmail account. I did send these out, as you know you got your copy, but they did not apparently get to the other parties. Yours I sent through Gmail, which may have been the difference. "

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See screenshot of the entire email referenced above below:



me

to Alayna, William, Ralph, Alicia, Patrick, me

[Hide details](#)

From Elizabeth Campbell, MPA neighborhoodwarrior@gmail.com

To Johnson, Alayna Alayna.Johnson@seattle.gov

Cc Mills, William william.mills@seattle.gov

Ralph Neis rneis@lihi.org

Reise, Alicia L Alicia.Reise@seattle.gov

Downs, Patrick Patrick.Downs@seattle.gov

Elizabeth Campbell neighborhoodwarrior@gmail.com

Date Sep 4, 2018, 5:01 PM

This is a disaster on my end - I was going to write you Alayna and let you know that despite the issue with the access to e-filing that I in fact had emailed the documents in the Fort Lawton and 1601 matter to all of the other parties in each matter. I have gone back now and searched and searched and cannot find them to send you that confirmation - !!

I think what it is that I mailed them through Word 365 online, but I don't know where it keeps a record, if it does, how it sends things out. I checked both Windows 10 Mail and Outlook and the items I sent do not show up in "Sent" in those, nor do they show up in my Gmail account. I did send these out, as you know you got your copy, but they did not apparently get to the other parties. Yours I sent through Gmail, which may have been the difference.

I have uploaded two items to W-18-002, attached hereto also

I have uploaded one item to MUP 18 19, attached hereto also.

Then I am sending this email to the parties in both matters, I think it is clear which documents go to which parties.

All I can do is apologize to each of the individuals here - this is not typical for me to have problems sorting papers out and getting them to people. I've been trying to do things "in the cloud" with Word and storing my files in One Drive but I'm finding that it is not straight forward, consistent, where my files are being stored. Sorry for the confusion, really.

...



Fort Lawton
W-18-002 Ltr Re...

PDF

Fort Lawton Motion
Continuance Disc...

PDF

1601 Response to
Motion to Partially...

Doc

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I also have attached hereto another email from September 4th wherein I noted again to all the parties that my e-filing on August 31, 2018, the one I made after I had finally received access to OHE's e-filing system, that that filing was in fact a *second* service of documents to everyone, including William Mills:

"The second apology is related to then, filing again using e-filing, the documents that I "filed" via email directly to Alayna, Bill, Ralph, et al. I believe that having filed them now using e-file portal, that they now have gone a second time to the appropriate parties."

I received no refutation from any party that they had not received two copies of the documents in question, once on August 24th and again on August 31st.

Rather than being non-responsive or untimely I made a concerted and timely effort within the communication system, through email, e-filing, and by US mail, that I was working with, including direct emailing and mail to all the parties, and emailing to Ms. Johnson in lieu of e-filing.

CONCLUSION

Based on the Reply previously filed herein in and on the statements and arguments above and the documents filed by me with this in this matter, the Appellant requests that the Hearing Examiner deny SDCI's motion for partial dismissal in its entirety.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 10th day of September, 2018

ELIZABETH A. CAMPBELL



Appellant
4027 21st Avenue West Suite 205
Seattle, WA. 98199

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CERTIFICATE OF SERVICE

I, Elizabeth Campbell, declare as follows:

I am over 18 years of age and able to testify as to the matters stated herein:

That on September 10, 2018 filed the Appellant's Response to *SDCI Supplemental Reply and Striking Motion To Determine Service* and this Certificate of Service with the Seattle Hearing Examiner using its e-filing system, and that on September 10, 2018 I also addressed said documents and deposited them for delivery as follows:

To the Hearing Examiner by E-File
Ryan Vancil
Deputy Hearing Examiner
700 Fifth Avenue, Suite 4000
Seattle, WA. 98104

To the City of Seattle by E-Mail
William Mills
Land Use Planning Supervisor and Attorney
William.mills@seattle.gov

To Low Income Housing Institute by E-Mail
Ralph Neis
Rneis@lihi.org

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 10th day of September, 2018.



Elizabeth A. Campbell,
Declarant