

BEFORE THE HEARING EXAMINER
CITY OF SEATTLE

In the Matter of the Appeal of:

Hearing Examiner File W-18-002

ELIZABETH CAMPBELL, ET AL,

APPELLANT CAMPBELL'S REPLY TO
CITY OF SEATTLE'S 9/18/18 RESPONSE

Of the adequacy of an FEIS issued by the Director,
Seattle Office of Housing

This is the second attempt by the City's representative, Patrick Downs, to put the Appellant, Elizabeth Campbell in a false light in this matter. Mr. Downs cherry-picks statements, leaves out the context and associated material, then arrives at false conclusions and presents his interpretations as fact to the Hearing Examiner. His interpretations are false.

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:

On August 24, 2018 at 5:09 PM I sent an email (attached herein as Exhibit A) to Alayna Johnson at the Office of Hearing Examiner ("OHE") related to documents I had sent to her, including the Motion for Continuance in this matter. The email stated in part – "I did email everything to the other parties, for both cases, and their hard copy is going out tonight also." "[B]oth cases" referenced this one, W-18-002.

On September 4, 2018 at 5:01 PM I sent Ms. Johnson and all the parties for both the MUP-18-019 (William Mills and Ralph Neis) and W-18-002 (Alicia Reise and Patrick Downs) cases stating:

"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."

On September 4, 2018 at 5:24 PM Ms. Johnson sent the above parties and myself an email (attached herein as Exhibit B) that stated:

"Thank you for the clarification, I did receive your e-mails where you copied the other parties".

I have sworn now multiple times that I did in fact on August 24th send to Mr. Downs and Ms. Reise my Motion for Continuance. I stand by that assertion.

It is my understanding also that I did effect service of my documents on the OHE on August 24, 2018, consistent with the requirements of the *Hearing Examiner Rules of Practice and Procedure*:

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"2.05 FILING AND SERVICE OF DOCUMENTS

- (a) Documents may be filed with the Hearing Examiner in hard copy, in electronic format through the e-File page of the Hearing Examiner's website (www.seattle.gov/examiner) or, subject to Rule 2.05(c), by electronic facsimile. Unless otherwise provided by the Hearing Examiner, if an e-Filed document is more than 10 pages in length, including exhibits, a hard copy of the document must be delivered to the Hearing Examiner.
- (b) Documents are deemed filed with the Hearing Examiner on receipt at the Office of Hearing Examiner on business days during regular business hours unless the Hearing Examiner has specified otherwise. Documents filed in any format on non-business days, or outside regular business hours, are deemed filed on the next business day."

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 19th day of September, 2018.

Sincerely Yours,



Elizabeth A. Campbell,
Declarant/Appellant

CONCLUSION

Based on the arguments above and the record herein, the Appellant requests again that the Hearing Examiner grant its Motion for Reconsideration, to allow limited discovery, to reschedule the witness and exhibit list submittal deadlines, and to adjust the hearing schedule accordingly and consistent with the Hearing Examiner's schedule.

DATED this 19th 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

That on September 19, 2018 I filed the Appellant's Reply and Declaration set out above, and the email attachments, and this Certificate of Service with the Seattle Office of Hearing Examiner using its e-filing system, and that on September 19, 2018 I also addressed said documents and sent them for delivery as follows:

To Alayna Johnson by E-Mail
700 Fifth Avenue, Suite 4000
Seattle, WA. 98104

To the City of Seattle by E-Mail
Patrick Downs
Assistant City Attorney
Patrick.Downs@seattle.gov

Alicia Reise
Alicia.Reise@seattle.gov

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 19th day of September, 2018.



Elizabeth A. Campbell,
Declarant