

September, 28, 2015

Neighbors Encouraging Reasonable Development  
Paul Haury, Representative  
4115 32<sup>nd</sup> Avenue SW  
Seattle, WA 98126  
phaury@seattlenerd.org

Re: Files No. MUP-15-022 & S-15-003

Dear Mr Haury:

This is in response to your request for additional information about my work with the Seattle City Attorney's office as it relates to the interpretation you are appealing and to the Department of Planning and Development's representatives, Andrew McKim and Jerry Suder.

I was employed by the City Attorney's office from 1989 to 2006 when I retired from the City. As an assistant city attorney assigned to the land use section and then director of the section, chief among my duties was advising staff at DPD on legal issues. I also represented the City in court when hearing examiner decisions were appealed. I know that I gave advice to Mr. McKim on many occasions and likely advised Mr. Suder as well. Mr. McKim was rarely represented by our office before the hearing examiner and I have no specific memory of ever representing him, though during that long a tenure I may have. I have no memory of ever representing Mr. Suder.

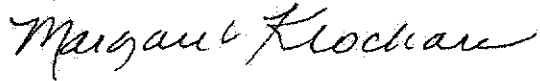
In 2003, I was appointed Interim Hearing Examiner by the City Council and served until a new Hearing Examiner was appointed and then returned to the City Attorney's Office.

As to the specific issues involved in your appeal, I was not in the City Attorney's office yet when DR 7-83 was developed and adopted. I have no recollection of ever giving advice regarding its application or regarding any Code provision relating to "dwelling units," "congregate residences," "housekeeping units," households, kitchens, or separable portions.

I do ask that you determine as quickly as possible whether you will seek my recusal. Given that the Hearing Examiner specifically advised about my prior connection to the City Attorney's

office on August 28<sup>th</sup> and then directed that any objection be filed by September 11<sup>th</sup>, please file any request for recusal no later than Friday, October 2<sup>nd</sup>.

Very truly yours,



Margaret Klockars  
Hearing Examiner Pro Tem

Cc:

Andrew S. McKim, Land Use Planner, DPD  
Jerry Suder, Land Use Planner, DPD  
Jessica Clawson, McCullough Hill Leary, P.S.

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached Letter from Hearing Examiner to each person listed below, or on the attached mailing list, in the matter of Neighbors Encouraging Reasonable Development, Hearing Examiner File: MUP-15-022 (W), in the manner indicated.

Party	Method of Service
Paul LaBellarte/Columbia Builders c/o Jessica M. Clawson 701 Fifth Ave, Suite 6600 Seattle, WA 98104 jessica@mhseattle.com  Laura Counley lcounley@mhseattle.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
N.E.R.D. c/o Paul Haury 4115 32 <sup>nd</sup> Ave SW Seattle, WA 98126 phaury@fulcrum.net  Chuck Burkhalter 4031 32 <sup>nd</sup> Ave SW Seattle, WA 98126 cburkhalterjr@yahoo.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Andy McKim DPD Andy.McKim@seattle.gov  Jerry Suder Jerry.Suder@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: September 28, 2015



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Tiffany Ku  
Legal Assistant