



**DECISION of the SNOHOMISH
COUNTY HEARING EXAMINER**

Hearing Examiner's Office

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Millie Judge
Hearing Examiner

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Subject: Contested Citation

File No.: 12-102579 CT

Appellant: Mikhail Bondar

Respondent: Snohomish County Planning and Development Services Department (PDS)

Decision: **Appeal Denied**

INTRODUCTION

This matter having come before the Hearing Examiner on May 23, 2012, the witnesses having been duly sworn, the testimony of witnesses having been heard, and all exhibits admitted into evidence having been considered, the Examiner enters the following Findings of Fact, Conclusions of Law and Decision based on a preponderance of the evidence:

FINDINGS OF FACT

1. Mikhail Bondar is the owner of certain real property located at 22908 105th Ave SE, Woodinville, WA 98077-8056 (hereinafter referred to as "the subject property.") PDS issued a Citation to Mr. Bondar on April 3, 2012, alleging violations of SCC 30.22.100 and 30.22.110, 30.22.120, 30.22.130(19)(b)(c), and 30.65.285, for allowing the occupancy of a recreational vehicle on the subject property for more than 180 days in a calendar year. (Exhibit 1) This was the second citation issued to Mr. Bondar for the same offense. The prior citation was paid. (Exhibits 2, 3)
2. Mr. Bondar timely filed a request to contest the Citation on April 20, 2012. A public hearing was held on the Citation on May 23, 2012, before the Hearing Examiner. At the public hearing, Mr. Bondar appeared and Stephanie Lyon appeared on behalf of PDS. No members of the public attended the public hearing.
3. Exhibits 1 through 6 were admitted into evidence and considered by the Hearing Examiner in this matter. Exhibit 7.A and 7.B (photos of the subject property taken by Officer Lyon) dated May 21, 2012 were also entered into evidence and considered by the Examiner.
4. Code Enforcement Officer Lyon testified that the occupancy of the recreational vehicle ("RV") is clearly shown in the photographs in the record, and is still ongoing. (Exhibits 5.A through 5.D; and 7.A, 7.B) She stated that her investigation revealed that Mr. Bondar is a "responsible party" with regard to the recreational vehicle and subject property. She testified that they have had three neighbor complaints about the residency within the RV. Evidence of such residency includes the fact that the RV is on site, there is smoke coming out of its chimney from a wood

stove, the tips are extended out, and it is hooked up to utilities. Officer Lyon conducted site visits and confirmed the same conditions existed on March 5, 2012, March 29, 2012 and April 16, 2012.

5. Mr. Bondar testified that he does not reside on site, but allows his friend "Igor" to use it as his shop. His friend is a gold diver in Alaska and has been using the property for his equipment and to store his car. He stated that he told Igor that he cannot live in the RV overnight and that he has now ceased such activity. However, the RV still remains on the site for occupancy and has not been unhooked from utilities, and the tips have not been pulled in for storage.
6. The Hearing Examiner finds that a prima facie case of a violation has been demonstrated by the facts in evidence based on Exhibits 1 through 7 and the testimony of Officer Lyon. The Appellant failed to provide any facts or evidence controverting such facts.

CONCLUSIONS OF LAW

Based on the Findings of Fact entered above, the following Conclusions of Law are entered:

1. The Hearing Examiner is authorized to hear and decide this matter pursuant to Chapter 2.02 SCC and Chapter 30.85 SCC.
2. According to the Citation issued on April 3, 2012, Mr. Bondar is accused of violating SCC 30.22.100 and 30.22.110, 30.22.120, 30.22.130(19)(b)(c), and 30.65.285, for allowing the occupancy of a recreational vehicle on the subject property for more than 180 days in a calendar year. (Exhibit 1) The Hearing Examiner concludes that PDS demonstrated that the violation occurred as alleged by a preponderance of the evidence. Mr. Bondar failed to provide any evidence that the violation did not exist. The Hearing Examiner finds that the Citation was properly issued and should be affirmed.
3. This is the second citation issued to Mr. Bondar for the same offense. The prior citation was paid. (Exhibits 2, 3) A civil fine of \$300.00 was properly assessed according to SCC 30.85.130.
4. Any Conclusion in this Decision, which should be deemed a Finding of Fact, is hereby adopted as such.

DECISION and ORDER

Based on the Findings of Fact and Conclusions of Law entered above, the Hearing Examiner hereby affirms the Citation and \$300.00 fine imposed by PDS.

Note: Penalties are payable to the Department of Planning and Development Services and submitted to Code Enforcement at 3000 Rockefeller Avenue, M/S 604, Everett, WA 98201.

DECISION issued May 29, 2012.


Millie Judge, Hearing Examiner

EXPLANATION OF RECONSIDERATION AND APPEAL PROCEDURES

The decision of the Hearing Examiner is final and conclusive with a right of appeal to Superior Court. However, reconsideration by the Examiner may also be sought by one or more parties of record. The following paragraphs summarize the reconsideration and appeal processes. For more information about reconsideration and appeal procedures, please see Chapter 30.85 SCC, the Snohomish County Hearing Examiner Rules and Superior Court Civil Rules.

Reconsideration

Any party of record may request reconsideration by the Hearing Examiner **within 10 days** from the date of this decision. A petition for reconsideration must be filed in writing with the Office of the Hearing Examiner, 2nd Floor, Robert J. Drewel Building, 3000 Rockefeller Avenue, Everett, Washington, (Mailing Address: M/S No. 405, 3000 Rockefeller Avenue, Everett WA 98201) **on or before June 8, 2012**. There is no fee for filing a petition for reconsideration. "The petitioner for reconsideration shall mail or otherwise provide a copy of the petition for reconsideration to *all parties of record* on the date of filing." [SCC 30.85.210]

A petition for reconsideration shall meet the requirements of SCC 30.85.210(3). The grounds for seeking reconsideration are limited to the following:

- (a) The Hearing Examiner exceeded the Hearing Examiner's jurisdiction;
- (b) The Hearing Examiner failed to follow the applicable procedure in reaching the Hearing Examiner's decision;
- (c) The Hearing Examiner committed an error of law;
- (d) The Hearing Examiner's findings, conclusions and/or conditions are not supported by the record; and/or
- (e) New evidence which could not reasonably have been discovered prior to the hearing and which is material to the decision has been discovered;

Petitions for reconsideration will be processed and considered by the Hearing Examiner pursuant to the provisions of SCC 30.85.210.

Appeal

An appeal to Superior Court may be filed by any aggrieved party of record **within 21 days from the date of this decision** pursuant to Chapter 36.70C RCW, the Land Use Petition Act. An aggrieved party need not file a petition for reconsideration but may file an appeal directly to the Superior Court.

NOTE: *Please include the County file number in any correspondence regarding this case.*

Staff Distribution:

Stephanie Lyon, PDS

The following statement is provided pursuant to RCW 36.70B.130: "Affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation." A copy of this Decision is being provided to the Snohomish County Assessor as required by RCW 36.70B.130.

PARTIES OF RECORD REGISTER
BONDAR 12 102579 CT
CONTESTED CITATION

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