

**SKAGIT COUNTY
OFFICE OF THE HEARING EXAMINER**

re: The Appeal of Notice of Violation
Decision by Skagit County Public
Health on 2/26/25 by Tulip Time, LLC

Health APL 25-0001

ORDER SETTING PRE-HEARING
CONFERENCE

The Hearing Examiner, having: received an appeal filing; received a stipulations of the parties after their ordered conference; having seen a potentially unclear record and a number of issues that should be made clear before a hearing; and with the authority pursuant to the Skagit County Hearing Examiner's Rules of Procedure (SCHE) §14 and 24, the Hearing Examiner hereby further orders, modifying prior orders:

ORDER

1. Administrative

- a.** Any disclosure between the parties or filings, or pleadings, exhibits, comments, motions, and other material intended to be seen by the Hearing Examiner as part of any decision making process the Hearing Examiner is involved in, shall be filed by e-mail with the Hearing Examiner Coordinator at

HEhearings@co.skagit.wa.us, with copies to the other party or their counsel of record.

- b. Parties will file documents with file names that reflect who is filing and the date filed (with the date being at the end of the file name).
- c. Any party filing legal briefs, motions, or proposed orders shall submit them in both .pdf and a .doc/.docx format. The .pdf version will become part of the exhibit log, and the .doc/.docx version will be judicial working copies.

2. The Current Record

As identified by the Office of the Hearing Examiner the record of this case is as follows thus far:

- 1. Tulip Time Pump Report, *dated* 5-21-24
- 2. Tulip Time Notice of Deficiency, *dated* 7-24-24
- 3. Tulip Time Pump Report, *dated* 8-20-24
- 4. 1st Letter Notification of Failure, *dated* 9-10-24
- 5. Tulip Time Follow up Report, *dated* 10-23-24
- 6. 2nd Letter – Notice of Violation, *dated* 2-26-25
- 7. 3rd Letter – Notice of Fine Accumulation, *dated* 5-2-25
- 8. Tulip Time HO Appeal, *filed* 5-27-25
- 9. Tulip Time 12637 Pulver Rd Appeal HO – Staff Report, *dated* 8-26-25
- 10. Tulip Time 12637 Pulver Health Officer Decision, *entered* 8-28-25
- 11. HO Decision – Tulip Time – Pulver appeal. W Cert Ltr, *dated* 8-28-25
- 12. Board of Health Appeal Form – **Blank**, 12-5-25
- 13. Copy of SCC 12.5.285 “Request for reconsideration and appeals”
- 14. Tulip Time Pulver BOH appeal, *filed* 9-18-25
- 15. Tulip Time LLC Property Status Updates, *undated*, *last entry* 9/18/25
- 16. Health Department’s Motion for a Pre-Hearing Conference, *filed* 11/20/25
- 17. Procedural Order in Response to Party Filing, *entered* 11/21/25
- 18. Parties Stipulation in Response to The Hearing Examiner[s] Procedural Order of November 21, 2025, *filed* 11/25/25

Items marked in red are those items the Hearing Examiner has contextual questions of, which can be clarified at the pre-hearing conference.

3. Pre-Hearing Conference

- a. A **pre-hearing conference** of the parties will occur on **December 12, 2025** at **9:00 a.m.** to be held by video conferencing arranged by the Clerk of the Office of the Hearing Examiner;
- b. The formal parties or their designated representatives must appear;
- c. Parties will bring their calendars and schedules for date settings and briefing schedules;
- d. The parties will file and exchange memos by **December 9, 2025** for the pre-hearing conference regarding, and be prepared to discuss at the hearing, the following:
 - i. A list of the applicable and relevant bodies of law each party believes is applicable in this case, to determine what is procedurally agreed between the parties;
 - ii. A list of evidence (with accurate titles and dates) missing from the record, *if any*, as currently reflected in the Current Record, noted above; and
 - iii. A list of objections or questions of relevance to any of the evidence currently in the Identified Record, if any.

4. Final Hearing:

- a. The Final Hearing on this matter has been struck by agreement of the parties: a new date is to be determined at the pre-hearing conference.
 - i. Its briefing schedule: to be determined at the pre-hearing conference.

5. Continuances and Setting other Hearings:

- a. Before requesting a continuation, a change in the schedule, or requesting additional hearing dates the parties should attempt to reasonably confer and see if they can come to agreement with each other on a variety of agreed dates and times. Such joint requests will be viewed with a strong prejudice towards granting such requests, but presenting multiple options for dates will increase the chance of one working for the Office of the Hearing Examiner.

Requests without agreement will be viewed with a prejudice to not granting such requests.

SO ORDERED this 30th day of November 2025.



Rajeev D. Majumdar
Skagit County Hearing Examiner