

**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

POST 1st CONFERENCE ORDER

The Hearing Examiner having conducted a pre-hearing conference on this date with the parties; and with the authority pursuant to the Skagit County Hearing Examiner's Rules of Procedure (SCRE) §10 and 24; the Hearing Examiner hereby further orders, modifying prior orders:

ORDER

1. Applicable Law Agreed to by the Parties as to the Scope of Appeal and Hearing:

- Revised Code of Washington (RCW)
 - RCW 36.94, Sewerage, Water and Drainage Systems
 - RCW 36.94.020, Powers
 - RCW 70.05,
 - SCC 70.05.070, Local Health Officer
- Washington Administrative Code (WAC) 246-272A
 - WAC 246-272A-265, Record drawings
 - WAC 246-272A-280, Repair of Failures
- Skagit County Code (SCC)
 - SCC 12.05, Health Welfare and Sanitation
 - SCC 12.05.150: Inspection
 - SCC 12.05.170, Repair of Failures
 - SCC 12.05.280, Enforcement
 - SCC 12.05.285, Requests for Reconsideration and Appeals

- SCC 14.06, Permit Procedures
 - SCC 14.06.410, Local Appeal
 - SCC 14.06.420, Appeal Hearing

2. The Current Record

As identified by the Office of the Hearing Examiner, the record of this case, and agreed to by the parties, 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 – to be substituted
13. Tulip Time Pulver BOH appeal, *filed* 9-18-25
14. Tulip Time LLC Property Status Updates, *undated*, *last entry* 9/18/25
15. Health Department’s Motion for a Pre-Hearing Conference, *filed* 11/20/25
16. Procedural Order in Response to Party Filing, *entered* 11/21/25
17. Parties Stipulation in Response to The Hearing Examiner[s] Procedural Order of November 21, 2025, *filed* 11/25/25
18. 2023 Aerial Photograph, *filed* 12/9/25
19. Department’s Pre-Hearing Memorandum, *filed* 12/9/25
20. Appellant’s Pre-hearing Memorandum, *filed* 12/9/25

3. Other Evidentiary Issues

- a. The Department shall file with the Office of the Hearing Examiner, and send copies to the attorney for the Appellant, the following documents, by December 17, 2025: a substitute **Exhibit 12** that reflects the true Board of Health Appeal Form as filed by the Appellant.

4. Pre-Hearing Conference

- a. A **second pre-hearing conference** of the parties will occur on **January 16, 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 confer, and then file and exchange memos separately or jointly by **January 12, 2025** for the pre-hearing conference regarding, and be prepared to discuss at the hearing, the following:
 - i. 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
 - ii. The scope of appeal in discrete questions of law, procedure, or fact.

5. Motion Hearing:

- a. To be scheduled, if needed, at pre-hearing conference.

6. Final Hearing:

- a. To be scheduled at pre-hearing conference.

7. Briefing Schedule for Final Hearing:

- a. To be scheduled at pre-hearing conference.

SO ORDERED this 12th day of December 2025.



Rajeev D. Majumdar
Skagit County Hearing Examiner