

May 4, 2014

Hearing Examiner Wick Dufford
1800 Continental Place
Mount Vernon, WA 98273

Re: Mea Culpa Response to **Dike District 12 Attorney Letter to Hearing Examiner, dated April 25, 2014, RE: Transcripts**

Dear Mr. Dufford:

Through personal experience about three decades ago I learned the hard way never write a letter when angry. Because of that experience I could not bring myself to respond to Mr. Shultz's objectionable, scandalous and totally unprofessional letter referenced above. I am going to send a copy of Mr. Shultz's letter to the Washington State Bar Association. After the man shook my hand on two occasions at the conclusion of the motions hearing and expressed a desire to "work together" then he submits the letter referenced above; so much for working together.

I have learned some valuable lessons from this experience. Among them never prepare an annotated transcript with hyperlinks and footnotes before you prepare just a plain version. Since two out of the three transcripts were an attempt to appease Mr. Shultz and save the taxpayers money, a concept that seems to be beyond the comprehension of government employees, I have decided to delete two of the transcripts from my web page and just use the "Unofficial annotated version." If Mr. Shultz was truly interested in working together as he promised to do by looking me in the eye and shaking my hand, he would have listened to the entire recording of the meeting and sent me his request to change the transcript. Something I would have been more than willing and happy to do.

With respect to the missing 17 minutes that was the portion of the hearing that dealt with the Conway School District and I saw no need to waste my time and transcribe a hearing on a subject matter that had nothing to do with the flood issue. Something that if Mr. Shultz had indeed reviewed the entire transcript he could have easily determined. All bolding and italics were entirely my doing as they are part of the annotated version. I thought I took all that out to appease Mr. Shultz however obviously I missed some. With respect to the two sentences that were added by mistake, again entirely my fault. Unlike the fantasies purported by Mr. Shultz in his letter that something evil was afoot, the insertion of those two sentences was entirely a clerical mistake. Truth be known when I got to the part in the recording where I introduced the **Exhibit 35A: Golder Associates Letter to LJK** I had absolutely no idea how to spell monolithologic (Microsoft spellcheck doesn't recognize the word either) so I went to the exhibit and copied the text that was highlighted as that was the part I intended to use at the hearing. Mr. Shultz is right, for whatever reason I did not say the last two sentences as I clearly intended to do and I regret the error however it does not change the fact that the verbiage is contained in the record. Of course to determine that it would mean that Mr. Shultz would have had to review the evidence. Something he and his clients, the City of Burlington as well as the Skagit County Planning Department seemingly have ignored since 2009.

With respect to “scandalous and unfounded allegations against parties” evidently Mr. Shultz wasn’t listening at the motion hearing. Through the use of a PowerPoint presentation (**Drowning In Spin**) I would have hoped that Mr. Shultz would have learned that yes there is a scandal involved with this project but that scandal is on his side of the aisle, not mine.


Most interesting is Mr. Shultz’s comment concerning DD12 “*flooding their own people*”. He doesn’t deny that is what the Dike District is doing; he simply doesn’t want it called out for the residents of DD12 to notice.

As I stated at the motions hearing on April 9th I have no problem with an “official” transcript being prepared by DD12 and Burlington (See Unofficial Transcript Pg __ Ln __). All I was trying to do was to save the taxpayers money but as previously stated that seems to be a concept that government employees or their attorneys don’t embrace.

One last comment, Mr. Shultz at the motions hearing on April 9th stated several times that the hyperlinks I submitted in my documents “linked back to my web page”. (See Unofficial Transcript Pg __ Ln __.) I don’t know what red herring point Mr. Shultz is trying to make but where else would I link the documents to? Does DD12 publish their permits on their web page? No, they don’t even make copies of them available as evidence that they have all their permits although they have known full well the permitting process requirements for many years. (**Dept. of Community Development Letter to DD12 re Flood Permits dated 1/30/1991**). Likewise does the City of Burlington, the Skagit County Planning Department, or even the Hearing Examiner’s office publish links to all the documents involved in this case on their web pages? No they do not. To my knowledge they are only found on my web page. One of the reasons I started my web page 9 years ago was to keep the public informed about the flood issue. My goal in the instant case is to publish every document submitted (even Mr. Shultz’s letters) and every word spoken by everyone at the hearings. It is time the public learn how local government employees conduct themselves in Skagit County and what good ole boys are connected to public projects. *The truth is all they have to be afraid of. The truth is all I seek.*

Unlike some of the participants in this application, I can admit when I have made a mistake. I am human and to err is to be human. I am sure that on the unofficial transcript of the motions hearing that I might make an error or two as the recording is not as clear as the County’s machine when it is working would have made. I am only sorry about the consternation this issue of transcripts has caused you Mr. Examiner. Had Mr. Shultz taken another course of action this would not have been necessary.

Respectfully submitted this Fifth Day of May 2014;



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