

OFFICE OF THE HEARING EXAMINER

JEFFERSON COUNTY

REPORT AND DECISION

CASE NO.: APPEAL OF UNIFIED DEVELOPMENT CODE
INTERPRETATION: MLA08-00239-ZON08-00062
IRON MOUNTAIN QUARRY

APPELLANT: Iron Mountain Quarry (IMQ)

REPRESENTATIVE: Keith Moxon, GordonDerr

SUMMARY OF REQUEST:

The appellant filed an appeal requesting a Code Interpretation requesting clarification of JCC 18.20.240(2)(g)(i) based upon a DCD letter in which Jefferson County determined a conditional use permit (CUP) was required for expansion of mining activities on parcel 821291002.

SUMMARY OF DECISION:

Appeal denied.

PUBLIC HEARING:

After reviewing the Jefferson County Department of Community Development and examining available information on file with the application, the Examiner conducted a public hearing on the request as follows:

The hearing was opened on July 25, 2008.

Parties wishing to testify were sworn in by the Examiner.

The following exhibits were submitted and made a part of the record as follows:

SEE ATTACHED INDEX LIST

DAVID JOHNSON appeared, presented the Department of Community Development Staff Report, and testified that the issue is whether or not the County can require a conditional use permit for a nonconforming use, namely a surface mine. In the preapplication conference held in May, 2007, the appellant indicated its desire to mine the entire 142 acre parcel. Staff found that the impacts delineated in Section 18.20.240 of the Jefferson

County Code would occur if the mining proceeded as planned. Staff is looking at the code as written and feels that it applies to nonconforming uses. The conditional use permit process is not used to establish mining rights, but it ensures that the expansion of mines does not impact Port Ludlow. The purpose of the conditional use process is not to terminate mining. The conditional use permit criteria does more than allow or not allow the use to occur. He believes that the appellant can meet the conditional use criteria.

KEITH MOXON, attorney at law representing the appellant, appeared and testified that for the purposes of this hearing he will assume that the mine creates the impacts set forth in the JCC. The issue then is not whether or not those impacts will occur, they assume they do occur. The Examiner's previous decision allowed mining uses on the entire 142 acre parcel. The size of the mine will probably not exceed the existing shine quarry. They will not mine more than 40 acres at any one time and will never mine 142 acres. The County is relying on a code enacted before the Washington Supreme Court decision in McGuire. The County has misapplied the Rhod-A-Zalea case which in effect did not require a nonconforming use to obtain a conditional use permit, but did require such use to meet all police power regulations. A conditional use permit is not a regulatory authority. Furthermore, the County cannot interpret its code as saying it does not have the authority to deny a permit. The County says it just wants to apply the conditions, but the conditional use permit criteria are not standards. The question is whether the use is allowed in this location. SEPA review will address sufficiently the impacts of the mine. The County is not saying that it does not have SEPA authority. The County has already allowed a quarry to expand without the necessity of obtaining a conditional use permit.

STAN MEATH appeared and testified that he has two concerns. He wants the citizens to have an opportunity to voice their concerns regarding impacts. IMQ has no outreach program. He acknowledges the rights to mine 142 acres. They have already taken down 100 acres of trees and the noise has increased. If the mine removes the two ridges buffering the mine from the highway they will have more noise. The conditional use permit process fits like a glove, as it addresses more than just mining impacts. The appellant seems to say that it can't be regulated by the code because the County would not be fair. The residents want the County involved in every step and want the County to use its police power and require a conditional use permit. He expresses the views of people in his community.

BERNIE KESTLER appeared and testified that he opposes the quarry. Lost in this whole process is common sense. We don't put a mine next to a residential area.

DAVID ARMITAGE appeared and testified that a valley extends from the south into Port Ludlow. The appellant proposes to mine the hill blocking the valley versus the Shine mine which is located in the bottom of a valley. The mining of the hill will open up Port Ludlow to noise, dust, and pollution from SR-104. The upper portion of the mining parcel is covered by an easement. The easement does not allow the continuation of mining rights. He questioned the Rhod-A-Zalea case as it did not concern expansion of an existing use. A local government can seek reduction or termination of nonconforming uses. He argues that

Section 18.22.060 governs the expansion of nonconforming uses. It does not allow the increase of land areas by 100%. The County does not allow expansion of nonconforming uses if there is a significant increase. When Pope applied for the nonconforming use status the total was 20 acres. Shine now has 40 acres which precludes further expansion. The appellant must obtain a conditional use permit because the nonconforming use permit standards prohibit further expansion. Pope restricted the lease to a specific hill which it intended to mine, but it did not intend to mine anything beyond that.

BRUCE SCHMITZ appeared and testified that Rhod-A-Zalea stands for not being able to immediately terminate a nonconforming use. A local jurisdiction can limit such uses. The conditional use permit will not terminate the use, but will require the appellant to meet the criteria of the UDC. The Rhod-A-Zalea case did not specifically address a conditional use permit requirement because it was not a question in the case. The issue was whether Rhod-A-Zalea had to obtain a grading permit. Furthermore, Rhod-A-Zalea was not seeking to expand its mine. Nonconforming uses are disfavored in the law. The previous decision did not state that the appellant need not obtain a conditional use permit. It doesn't say in the decision that a conditional use permit is not required. It says the appellant must comply with all of the requirements, and the Examiner should confirm his original decision.

SUZANNE GRABER, Olympic Terrace Village, appeared and testified that counsel for the mine says that McGuire supercedes the code, but in Footnote 3 the decision says that nonconforming uses can be amortized. Concerning SEPA authority, the code provisions are there because they take into account the impacts on the community specifically as opposed to SEPA which is a general environmental statute. Section 18.20.240 is a police power regulation and the County exercises it to protect the community. McGuire does not say that a mine does not need to meet all regulations. A County is allowed to protect a community as it does in Shine. The appellant has testified that its mine will not exceed the size of the Shine mine. If they are doing nothing different, then why not acquire a conditional use permit?

KATHLEEN TRACI appeared and introduced a petition signed by 509 residents. Concerns include noise and other impacts if the appellant levels the land.

DORIS MONTI appeared and testified that her concerns include the trails. Pope/Olympic established the trails for Port Ludlow's use and an easement granted by Pope allows the trails onto its property.

HELEN COTTON appeared and testified that her concerns include air quality. Port Ludlow is a retirement community and they are concerned about their property values. A mine in this area makes no common sense considering the golf course, the beautiful area, and residents. Jefferson County should protect the area.

CAROL REICHSTETTER appeared and testified that the assumption is not factual. The appellant concedes it will not mine 142 acres, but it could mine 141.5 acres. What is the exact area?

JIM MASON, owner of the Shine mine, appeared and testified that his mine is approximately 40 acres and that he has ten years of materials left. He is not going anywhere. If the appellant mines 42 acres then they will double the impact. The appellant continues to appeal everything and has now had two appeals and still has not submitted an application.

DR. THOMAS CLAUDSON appeared and testified that he has noted the lack of an outgoing program by the appellant. He referred to the Superior Court decision. The rules of law are not black and white, they are always subject to interpretation. We have moral and integrity issues here.

ANTHONY SIMPSON, professional engineer, appeared and testified regarding transportation. The Shine mine has 131 truck trips to include trailers per day. The IMQ mine will be 3.5 times larger which would mean 700 truck trips per day or one every 40 seconds. The Shine mine satisfies all local needs so IMQ will provide material for distant markets. The mine could extend beyond the initial application. Transport could go to a new dock and trucks would travel through Port Ludlow.

CAROL PUTUSNEY, appeared and testified that she is a real estate appraiser and knows that a mine would have a definite, negative impact on property values.

DIANNE RIDGLEY appeared and testified that if the mine opens up the noise of SR-104 it will cut their property values in half. At least one community member is on a lung transplant list and they need to maintain clean air. The appellant proposes water to suppress the dust. How will that affect the aquifer and water purity. She also has concerns about the animals and the trails.

JOHN CRAGOE appeared and testified that this is the first time that anyone from IMQ has agreed to speak. Don't limit the police power of the County.

GREG PILMER appeared and testified that the Examiner needs to uphold DCD, as the conditional use permit process is the best way to ensure public review. If the permit is not required, it is not clear that SEPA and other reviews would properly evaluate the impacts. Issues of concern include noise and dust and are not addressed. If the CUP is not required, IMQ would argue that the impacts of the permits they must acquire are the only ones they must address. The CUP would ensure an evaluation of the entire proposal.

DAVID FRASER appeared and encouraged the Examiner to uphold the County. The County properly interpreted its own ordinance. The Washington Supreme Court must determine whether its decision overturned the ordinance. He is very experienced in NEPA. Before the County gets very far in the permitting process it needs to evaluate the environmental impacts pursuant to SEPA. The County is appropriately doing so through the CUP process. Even though the County won't deny the permit at the end of the process, it allows the County to set parameters on the permit. NEPA considers cumulative impacts

and the County needs to evaluate cumulative impacts of another mine.

GEORGE FOLLETT, a retired attorney, prosecuting attorney, and judge, appeared and testified that if he had nothing to do and was 30 years younger he would love to take this case on behalf of the community.

DAVE DITZLON appeared and testified that the community wants notice of all future meetings. He noted the attendance of 230 plus people.

GENE CARMODY appeared and concurs with the other speakers and urged the Hearing Examiner to deny the appeal. The key element in the CUP process is public input.

An 11 year resident appeared and commented upon the lack of disclosure. Pope didn't advise of a possible mine next to the golf course. The County code requires a MPR in an area of natural beauty. If the County knew of the 182 acre mine, would they have approved the MPR designation? She has property rights as well as IMQ. IMQ can mine their property, but not too close to Port Ludlow.

MR. MOXON reappeared and testified that they are not unwilling to meet with the community and will do so in the future to address concerns. All impacts will be covered by the County through the SEPA process. The process provides many opportunities for public involvement. The County, however, cannot compel a process that requires a permit as they already have one. He has not heard from the County that it will miss something if the CUP is not required. Both the Rhod-A-Zalea and McGuire cases were decided subsequent to adoption of the Jefferson County Code. The nonconforming use section of the code is not applicable to a mine. The County's final decision on the nonconforming use is final and binding. The only way to resolve the two cases is to recognize the nonconforming use. Rhod-A-Zalea made an express finding that no conditional use permit was required. The Court held that they would not have to obtain a conditional use permit if they had a valid nonconforming use. The County will address all impacts through the SEPA process. They are prepared to address all impacts, but not through the permit process. The County's interpretation is unconstitutional as the permit could require immediate termination of a nonconforming use. Assuming the impacts will occur, the decision can then be made as a matter of law. The CUP is not a police power ordinance. The County cannot require a use permit, but can require compliance with the JCC and other laws. All of the CF zoned areas allow mineral extraction. There is no way they will open a 142 acre site according to their client. There is no likelihood that they will open 142 acres. They will perform a traffic impact analysis which will indicate the size and number of trips. They propose no dock transport. No issues will be lost if the CUP is not required.

DAVID JOHNSON reappeared and testified that SEPA does not have the same criteria as a CUP. The CUP requires a higher level of review and requirements. Conditions are placed on how the mining operation is conducted. He then read the CUP criteria from 18.40.540. It provides a much higher level of review than SEPA. He believes that the mine can meet the criteria. Concerning the Examiner's decision, the diminishing asset doctrine permits the

nonconforming use status, but it does not address health, safety, and welfare. Section 13.20 talks about expanding a conditional use permit. Rhod-A-Zalea answered a question of whether a jurisdiction can terminate a nonconforming use by enacting a zoning ordinance. The County does not propose changing the zone from CF to another zone. Concerning the Shine mine, he has not heard any complaints so he assumes there are none. IMQ has the right to mine, but not to the detriment of residents' quality of life. If the County's interpretation is wrong, they need to correct the ordinance. Part of the leased area is located in the RR classification.

MR. MOXON reappeared and testified that the County is expanding the appeal and the Examiner should set it aside. The issue is not whether mining can occur in an RR zone, and the Examiner should not rely upon that for revision. He does not argue that a conditional use permit would be needed for a new use. He agrees that they would need a conditional use permit if they added something like a rock crusher to the mine.

No one spoke further in this matter and the Examiner took the matter under advisement. The hearing was concluded.

NOTE: A complete record of this hearing is available in the office of Jefferson County Department of Community Development.

FINDINGS, CONCLUSIONS AND DECISION:

FINDINGS:

1. The Hearing Examiner has heard testimony, admitted documentary evidence into the record, and taken this matter under advisement.
2. This request is exempt from review under State Environmental Policy Act (SEPA).
3. Appropriate notice of the date and time hearing was published, posted, and mailed to property owners pursuant to the Jefferson County Code.
4. The appellant, Iron Mountain Quarry, LLC (IMQ), appeals an interpretation of the Jefferson County Code (JCC) issued by the Jefferson County Department of Community Development (DCD). DCD interpreted JCC 18.20.240(2)(g)(i) as requiring IMQ to obtain a conditional use permit (CUP) for its nonconforming quarry "if increased off-site impacts (noise, vibration, dust, traffic) would result from expansion, intensification, or modification" of said quarry. IMQ appealed DCD's interpretation, asserting that the JCC could not require a CUP based upon the Washington Supreme Court decisions of City of University Place v. Brian P. McGuire, 144 2d 640, 30 P.3d 453 (2001), and Rhod-A-Zalea and 35th Inc. v. Snohomish County, 136 Wn. 2d 1, 959 P.2d 1024 (1998). For the reasons set forth hereinafter, neither the Supreme Court decisions nor the doctrine of diminishing asset prohibits Jefferson County from requiring a CUP for those portions of the mine

causing “increased off-site impacts”.

5. By Report and Decision dated April 9, 2008, the Examiner determined that IMQ has legal nonconforming use rights to mine a 142 acre parcel leased from Pope Resources (PR) pursuant to the doctrine of diminishing asset in accordance with the Supreme Court’s decision in University Place v. McGuire, supra. DCD recognized the Examiner’s decision, but also noted JCC 18.20.240 (2)(g) which applies to all permitted surface mines as follows:

2. The following standards apply to all surface mining and reclamation activities:

- (g) The alteration, intensification, and expansion of existing gravel pits and surface mining operations is allowed subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding areas and uses; and provided, that:

- (i) If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion, intensification, or modification, a conditional use permit shall be required....(emphasis added).

Thus, subsection (g) and all other standards set forth in JCC 18.20.240(2) apply to all legally permitted surface mines. When legally permitted mines expand their areas of operation and such expansions result in increased off-site impacts, all such mines, even if permitted outright, must acquire a CUP.

6. The site is located within the Commercial Forest (CF) zone classification. Section 18.15.040 JCC authorizes mineral extraction activities in the CF zone classification as an outright permitted uses. However, JCC Section 18.20.240(1)(b) limits disturbed areas of mineral extraction to a maximum of ten acres for those mines located in the CF classification and not covered by a Mineral Resource Land Overlay District (MRL). The areas of the parcel proposed for mining do not have a MRL Overlay and are subject to the 10 acre limit. However, the April 9, 2008, Report and Decision determined that IMQ had a nonconforming use right to mine more than 10 acres pursuant to the doctrine of diminishing asset. Mineral extraction activities are also authorized as outright permitted uses in the Agricultural, RR1:5, RR1:10, and RR1:20 zone classifications subject to the 10 acre limit of JCC 18.20.240(1)(b). Furthermore, even though authorized outright, such mines must also comply with JCC 18.20.240(2)(g) and apply for and receive a CUP if a mine

expansion, intensification, or modification increases offsite impacts. Thus, even if IMQ's mine were a conforming use, it would have to comply with said section. The fact that IMQ has a nonconforming mine does not grant it an exemption to which permitted mines are not entitled.

7. The appellant agrees that its nonconforming mine must meet all reasonable JCC police power regulations. As set forth in IMQ's Post Hearing Brief:

IMQ is even willing to conceded that except for the conditional use permit, the County has authority to impose "reasonable performance standards" to ensure that "alternation, intensification, and expansion of existing gravel pits and surface mining operations" will "have minimal adverse impacts on surrounding areas and uses". However, a conditional use permit is not a "reasonable performance standard". A conditional use permit is not a "police power regulation". (p.7, Brief; emphasis, the author's).

Thus, IMQ agrees that it will meet all standards required of permitted mines and that it will undergo review pursuant to the State Environmental Policy Act (SEPA) and satisfy all mitigating measures imposed pursuant thereto. However, IMQ asserts that DCD cannot require it to obtain a conditional use permit because the CUP standards set forth in JCC 18.40.530 allow DCD to terminate its nonconforming use.

8. Section 18.40.530 JCC sets forth the approval criteria for all conditional uses. Said section provides in part:

(1) The County may approve or approve with modifications an application for a conditional use permit...if all of the following criteria are satisfied.

...

(2) In instances where all of the above findings cannot be made, the application shall be denied.

IMQ asserts that said language violates the doctrine of diminishing asset as it allows DCD to revoke its nonconforming use rights to mine the 142 acre leased parcel. However, accepting appellant's argument would mean that either JCC 18.20.240(g)(i) does not apply to conforming mines or that nonconforming mines have greater rights than conforming mines. Such interpretation would curtail the County's mechanism to regulate off-site impacts of both conforming and nonconforming mines. Such interpretation would also limit the ability of adjacent property owners and area residents to request either mitigating measures or denial of the expansion. The County would have no public process to review either

conforming or nonconforming mines.

9. The CUP process as set forth in the JCC does not apply to permitted mines except where expansion of the existing pits and mine operations increases impacts to off-site properties. In such case a CUP is required. However, such CUP would not affect the existing mine, would not “shut-down” active mining areas, and would not prohibit mining on those portions of the mine parcel which would not increase impacts to off-site parcels. The CUP basically prohibits mining in areas of the parcel where the appellant could either not meet State and JCC mining standards or where it could not mitigate other identified impacts. As set forth in the staff report:

The Hearing Examiner’s decision has already established that the use shall be permitted as a nonconforming use. What JCC 18.20.240(2)(g) does is prevent an expansion of an existing [either nonconforming or permitted] use from causing adverse impacts to surrounding areas and uses by subjecting the proposal to the conditional use criteria and conditioning how that expansion shall occur.

The JCC does not provide for the eventual termination of a nonconforming mine. The JCC does, however, require the conditional use process when any mine creates “increased off-site impacts”.

10. In its decision in University Place v. McGuire, supra., the Washington Supreme Court did not rule that the doctrine of diminishing asset allows an owner to mine an entire parcel from property line to property line. Thus, a nonconforming mine the same as a conforming mine must recognize critical areas and mitigate impacts associated with traffic, noise, dust, and other environmental impacts. Depending upon the topography and abutting land uses, a mining operation may not be able to sufficiently mitigate its impacts. Thus, it may not obtain a permit to mine portions of its parcel. The Supreme Court noted in McGuire, supra.:

...We note that potential damage to zoning schemes may be ameliorated through reasonable amortization periods...144 Wn. 2d 640 @ 651.

Since the Supreme Court notes that Jefferson County has the authority to adopt an ordinance ameliorating nonconforming uses, the County certainly has the authority to subject nonconforming use expansions to the CUP process.

11. Appellant cites Rhod-A-Zalea and 35th Inc. v. Snohomish County, supra, as authority for its position that since its mine is a legal, nonconforming use, Jefferson County cannot require it to obtain a conditional use permit. However, the CUP issue was not before the Supreme Court for consideration:

The Examiner found Rhod-A-Zalea had established that it was a valid nonconforming use and that a conditional use permit was not required. This ruling was not challenged on appeal...

...The issue before this Court is whether Rhod-A-Zalea's nonconforming peat mining operation is subject to police power regulations subsequently enacted for the health, safety, and welfare of the community....136 Wn. 2d at 4, 6.

The Supreme Court's decision assumed that Snohomish County had not required Rhod-A-Zalea to apply for and obtain a CUP. Therefore, language in the Court's decision referring to exemption of a valid nonconforming use from the CUP process are dicta or in accordance with the unappealed portion of the Examiner's decision. The Court decided that nonconforming uses had to meet police power ordinances adopted subsequently to the establishment of the use. IMQ agrees that it must meet all such police power ordinances.

12. The Rhod-A-Zalea decision does not decide the issue of whether a County can require a legal, nonconforming use to obtain a "general" CUP. However, language in the decision supports JCC provisions requiring a CUP for all mines which increase off-site impacts. The Court discusses nonconforming uses as follows:

This right [nonconforming use], however, only refers to the right not to have the use immediately terminated in the face of a zoning ordinance which prohibits the use....

...[N]onconforming uses are allowed to continue based on the belief that it would be unfair and perhaps unconstitutional to require an immediate cessation of a nonconforming use...

For these reasons, nonconforming uses are uniformly disfavored and this court has repeatedly acknowledged the desirability of eliminating such uses..."It is a valid exercise of the City's police power to terminate certain land uses which it deems adverse to the public health and welfare within a reasonable amortization period."
136 Wn. 1 at 7, 8.

The Court also discusses the authority granted to local jurisdictions to regulate nonconforming uses by the Washington Enabling Acts:

...Washington's enabling acts are silent regarding the regulation of nonconforming uses...Instead, the state Legislature has deferred to local governments to seek solutions to the nonconforming use problem according to local circumstances. In Washington, local governments are free to preserve, limit, or terminate

nonconforming uses subject only to the broad limits of applicable enabling acts and the constitution....136 Wn. 1 at 7.

Thus, Jefferson County has broad authority to limit nonconforming uses. It also has authority to terminate nonconforming uses subject only to the prohibition of immediate termination. Jefferson County also has full authority to require a CUP for either a conforming or nonconforming mine, the expansion of which would result in increased off-site impacts.

13. Language in the Rhod-A-Zalea decision also supports conditional use permits for nonconforming uses:

Thus, it is clear that local governments have the authority to preserve, regulate, and even, within constitutional limitations, terminate nonconforming uses...

...Nonconforming uses generally are held to be subject to later police power regulations imposed by statute or local ordinances regulating the manner or operation of use. These regulatory restrictions often take the form of licensing or special permit requirements...

[A] nonconforming use is amenable to municipal ordinances which regulate similar uses, conforming or nonconforming...

...Only where the regulation should immediately terminate the nonconforming use have courts found the regulation to be invalid as applied to the nonconforming use....136 Wn. 2d at 8, 9.

Where the County has the authority to terminate a nonconforming use, it certainly has the authority to adopt ordinances requiring a nonconforming use to obtain a CUP, the same as a conforming use. Finally, Section 21.07 Anderson's American Law of Zoning, 4th Edition, provides:

The special permit is a device which is frequently used to insure that surrounding uses will be protected when nonconforming uses are allowed to make specified changes...Such approval is the equivalent of a special permit as the term is used in this chapter.

Special permits as defined in Chapter 21 are either administrative permits or permits issued after notice, hearing, and specified findings. Section 21.01 Anderson's, supra.

14. Residents of the Port Ludlow Master Planned Resort appeared and testified at the public hearing to consider the IMQ appeal. Many residents testified regarding the

significant adverse environmental and other impacts associated with surface mines. However, the appeal before the Examiner is limited to whether Washington Supreme Court decisions allow the County to require a nonconforming mine to obtain a conditional use permit. Thus, no findings are made regarding impacts of mining on Port Ludlow. Residents may raise mining impact issues during the processing of the mining application, SEPA review, and a conditional use permit application.


CONCLUSIONS:

1. The Hearing Examiner has jurisdiction to consider and decide the issues presented by this request.
2. Section 18.20.240(1)(g) JCC applies to all existing gravel pits and surface mining operations whether conforming or nonconforming. Therefore, IMQ must acquire a conditional use permit to mine those areas of the parcel where the mining operations will increase off-site impacts.
3. The code interpretation request (log item 3) asks a specific question concerning whether JCC 18.20.240 requires a CUP for its nonconforming mine. The appellant did not identify any specific area of the mine parcel that it believed that mining would cause increased off-site impacts. In neither the staff report nor its closing statement did DCD identify a specific portion of the mine which it believed would cause such impacts. However, DCD did note that parcel 821291002 abuts a single family residential zone of the Port Ludlow Master Planned Resort. However, since IMQ has not submitted an application for either a surface mine or for SEPA review, any determination of the areas of the mine parcel which might need a CUP is premature.
4. Neither McGuire, supra., nor Rhod-A-Zalea, supra., limit the authority of Jefferson County to require a conditional use permit for its nonconforming mine. To the contrary, Rhod-A-Zalea, supra., Anderson's American Law of Zoning, supra., and Settle, Washington Land Use and Environmental Law and Practice (Section 2.7) all support Jefferson County's authority to apply not only its mining standards to a nonconforming mine, but also its procedural requirements.

DECISION:

The appeal of Iron Mountain Quarry LLC is hereby denied.

ORDERED this 24th day of September, 2008.



STEPHEN K. CAUSSEAU, JR.
Hearing Examiner