

SCANNED 23

24-2-00355-37
AN 9
Answer
16405326



FILED

MAR 25 2024

WHATCOM COUNTY CLERK

**THE SUPERIOR COURT OF THE STATE OF WASHINGTON IN
AND FOR THE COUNTY OF WHATCOM**

CITY OF BELLINGHAM, a

municipal corporation

Plaintiff,

v.

LI-CHING FANG

Defendant.

No. 24 2 00355 37

DEFENDANT'S ANSWER

LI-CHING FANG
No. 921, Kung-I Rd.,
Chunan Township,
Miaoli County 350028,
Taiwan (R.O.C.)
Telephone: +886 933-265631

I. SUMMARY OF ARGUMENT

The Plaintiff fails to state a claim on which relief may be granted. For the reasons set forth in this Defendant's Answer, Plaintiff is not entitled to the relief requested or any other relief.

II. STATEMENT OF FACTS

1. Defendant received Summons and Plaintiff's Complaint for Warrant of Abatement of Public Nuisance and for Injunctive Relief (hereinafter "Complaint") on March 6, 2024¹.
2. Ever since Defendant became aware of the issues caused by the presence of homeless people on her property (legally described as follows: N 1/2 SE NW / Parcel No. 3803071973630000—hereinafter "Property") located in City of Bellingham (hereinafter "City" or "Plaintiff"), Defendant has taken necessary measures to address such issues. For instance, on August 21, 2019, and December 13, 2019, the Defendant called the police and authorized officers of the Bellingham Police Department to issue "trespass warnings" and when necessary, arrest persons found to be trespassing on the Property². However, the police provided very little assistance. In fact, Kimberly Huizenga, the Director of Property Management at Landmark Real Estate Management (i.e. the real estate management company overseeing the property management of Tullwood Apartments located at 4370/4380 Tull Rd in the City) also complained about the police's inability to stop illegal activities of homeless people in a letter she wrote to the Defendant on May 24, 2023³.

¹ See Exhibit A.

² See Exhibit B and Exhibit C.

³ See Exhibit D.

3. In addition, Defendant already engaged Abatement & Decontamination Specialists (address: 3135 Mercer Ave. Ste. 104, Bellingham, WA 98226), a contractor introduced by the City, to address the issues caused by the presence of homeless people on the Property. Previously, the City informed Defendant that she may engage Abatement & Decontamination Specialists to deal with the issues caused by the presence of homeless people on the Property and, if she does so, the costs for abatement and decontamination of the Property would be significantly lower than the costs incurred from requesting the City to perform such abatement and decontamination. Under the City's instruction, Defendant engaged Abatement & Decontamination Specialists to perform abatement and decontamination of the Property and remitted USD 25,000 to Abatement & Decontamination Specialists for service fees on Mar. 1, 2024⁴. Subsequently, Sean Simmons, the Chief Executive Officer of Abatement & Decontamination Specialists, informed Michael Good, Counsel for Plaintiff, of the fact that Defendant officially engaged Abatement & Decontamination Specialists to begin the process of abatement and decontamination of the Property⁵.
4. Given the facts stated above, it is evident that the Defendant is proactively addressing the issues caused by the presence of homeless people on the Property. Plaintiff's allegation that "The Defendant has taken no steps to abate the nuisance." is false and groundless.

⁴ See Exhibit E (Proof of remittance).

⁵ See Exhibit F (Sean Simmons's emails and the attachment of Sean Simmons's email of March 7, 2024).

III. ARGUMENT

1. The Defendant has never violated any provision of Title 10 (Criminal Code) and Title 16 (Environment) of Bellingham Municipal Code (hereinafter "BMC").

1.1. The Defendant has never been involved in any of the following illegal activities prohibited by BMC:

- 1.1.1. Exterior storage, or the permitting or allowing of such storage, of any partially dismantled, wrecked, junked, discharged, or otherwise nonoperating motor vehicle (BMC 10.28.020(D));
- 1.1.2. Release of any offensive odors, noises, or substances (BMC 10.28.020(U));
- 1.1.3. Throw or deposit litter on any occupied property within the City (BMC 10.60.120);
- 1.1.4. Throw or deposit litter on any open or vacant private property (BMC 10.60.140);
- 1.1.5. Clearing or removal of vegetation in critical areas without permit (BMC 16.55.070(A)), and
- 1.1.6. Clearing or removal of vegetation on undeveloped parcels without permit (BMC 16.60.080(A)(1)).

1.2. Defendant has taken necessary measures to address the issues caused by the presence of homeless people on the Property and already engaged Abatement & Decontamination Specialists to perform abatement and decontamination of the Property under

Plaintiff's instruction⁶. Therefore, the Defendant has performed her duty to keep the Property litter-free under BMC 10.60.130.

1.3. Given the above, it is evident that the Defendant has never violated any provision of Title 10 (Criminal Code) and Title 16 (Environment) of BMC.

2. The Plaintiff is not entitled to the issuance of a warrant of abatement under BMC 10.28.030, BMC 16.60.090, and Chapter 7.48 Revised Code of Washington (hereinafter "RCW").

2.1. Defendant has taken necessary measures to address the issues caused by the presence of homeless people on the Property and has already hired Abatement & Decontamination Specialists to perform abatement and decontamination of the Property as per the Plaintiff's instructions⁷. Plaintiff still has other adequate remedy at law, such as cooperating with and assisting the Defendant and Abatement & Decontamination Specialists. If a warrant of abatement is issued under these circumstances, it would result in significant harm to Defendant's interests that would be disproportionate to the overall benefit anticipated by Plaintiff. Therefore, issuing such a warrant would violate the principles of proportionality and good faith. As a result, the Plaintiff's request for issuing a warrant of abatement under BMC 10.28.030, BMC 16.60.090, and Chapter 7.48 RCW shall not be granted.

⁶ See explanation in II.

⁷ *Id.*

2.2. Given the above, it is evident that the Plaintiff is not entitled to the issuance of a warrant of abatement under BMC 10.28.030, BMC 16.60.090, and Chapter 7.48 RCW.

3. The Plaintiff is not entitled to an injunction against the Defendant.

3.1. The Defendant realleges and incorporates by reference the arguments set forth in paragraphs 1.1 through 2.2 above. No irreparable harm will occur if Plaintiff simply cooperates with and assists Defendant and Abatement & Decontamination Specialists. Plaintiff still has other adequate remedy at law, such as cooperating with and assisting the Defendant and Abatement & Decontamination Specialists. Issuing an injunction will be a violation of the principle of proportionality and good faith. Therefore, the Plaintiff's request for issuing an injunction under Chapter 7.40.020 RCW shall not be granted.

3.2. In addition, Plaintiff shall not be exempt from providing a bond because Plaintiff has failed to demonstrate that it is entitled to any orders, injunctions, and writs of whatever nature in the present case. Under RCW 4.92.080, Plaintiff's request for exemption from providing a bond shall not be granted.

3.3. Given the above, it is evident that the Plaintiff is not entitled to an injunction against the Defendant.

4. For the reasons set forth in paragraphs 1.1 through 3.3 above, Plaintiff is not entitled to a judgment permanently enjoining and restraining Defendant from maintaining the alleged nuisance conditions on the Property.

5. For the reasons set forth in paragraphs 1.1 through 3.3 above, Plaintiff is not entitled to an order declaring Defendant legally responsible and liable for, and hold harmless, indemnify and defend the City from all aspects of the ownership, repair, construction and maintenance of Defendant's property while the Court order is in effect, including but not limited to claims or liabilities for construction or other costs required to abate the nuisance, claims for breach of abatement contracts, utilities, maintenance, taxes, or any other costs or liabilities which have or may become due in relation to Defendant's property, to the same extent as if such declaration had not been entered, which responsibilities shall be completely carried out in a timely manner by Defendant.
6. For the reasons set forth in paragraphs 1.1 through 3.3 above, Plaintiff is not entitled to judgment against Defendant for the City's costs of abatement, reasonable attorney's fees, and taxable Court costs as provided in RCW 7.48, or an order assessing such costs as a lien against Defendant's property.
7. **The Plaintiff's request for judgment against Defendant shall be denied.**

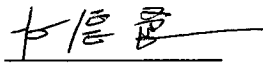
Given the arguments stated above, it is evident that Plaintiff's request for judgment against Defendant shall be denied.

IV. CONCLUSION AND REQUESTED RELIEF

Defendant denies each and every allegation of the Complaint. In conclusive of the above, the Plaintiff fails to state any claim on which relief may be granted. For the reasons set forth in this Defendant's Answer, the Defendant respectfully requests that the Court:

1. Dismiss the Plaintiff's Complaint with prejudice;
2. Enter judgment against the Plaintiff and for the Defendant;
3. Award the Defendant its costs in this action, and
4. Award the Defendant such other relief as this Court deems just and equitable.

Respectfully Submitted,

By: 

LI-CHING FANG

Date: 20. MAR. 2024

Exhibit A

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2021 FEB 23 P 4 00
WASHINGTON

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant.

NO. 24 2 00355 37,
SUMMONS
(20 days)

LEE GROCHMAL

TO THE DEFENDANT: LI-Ching Fang

A lawsuit has been started against you in the above titled court by the CITY OF BELLINGHAM, Plaintiff. Plaintiff's claim is stated in the written complaint, a copy of which is served upon you with the summons.

In order to defend against this lawsuit, you must respond to the complaint by stating your defense in writing, and by serving a copy upon the person signing this summons within twenty (20) days after the service of this summons, excluding the day of service, or a default judgment may be entered against you without notice.

SUMMONS - PAGE 1

City of Bellingham
CITY ATTORNEY
210 Lotie Street
Bellingham, Washington 98225
Telephone (360) 778-8270

2019 FEB 23 P 4:00

THE SUPERIOR COURT OF THE STATE OF WASHINGTON
IN AND FOR THE COUNTY OF WHATCOM

CITY OF BELLINGHAM, a municipal
corporation,

Plaintiff,

v.

LI-CHING FANG,

Defendant.

NO. 24 2 00355 37

COMPLAINT FOR WARRANT OF
ABATEMENT OF PUBLIC
NUISANCE AND FOR INJUNCTIVE
RELIEF

LEE GROCHMAL

I. PARTIES AND JURISDICTION

1.1 Plaintiff, City of Bellingham ("City"), is a municipal corporation of the first class organized and existing under the laws of the State of Washington and doing business in Bellingham, Whatcom County, Washington.

1.2 Defendant, LI-Ching Fang, is the owner of the property located in Bellingham, Washington legally described as follows:

N 1/2 SE NW / Parcel No. 3803871873630000 ("Property")

1.3 This Court has jurisdiction over the parties because the Property is located in Whatcom County. Venue is proper in Whatcom County Superior Court.

COMPLAINT FOR WARRANT OF ABATEMENT OF
PUBLIC NUISANCE AND FOR INJUNCTIVE RELIEF - 1

City of Bellingham
CITY ATTORNEY
210 Lotlic Street
Bellingham, Washington 98225
Telephone (360) 778-4270

Exhibit B

2



BELLINGHAM POLICE DEPARTMENT
505 Grand Avenue
Bellingham, WA 98225

AUTHORITY TO ISSUE TRESPASS WARNINGS

TO: ALL CITY OF BELLINGHAM LAW ENFORCEMENT OFFICERS

(1) I, LI-CHING FANG hereby authorize officers of the
(Name of Grantor/Owner/Landlord)
Bellingham Police Department to issue "trespass warnings" and when necessary,
arrest persons found to be trespassing on the property/properties listed below.

(2) I state that I am the lawful owner of the property/properties listed below or am a leaseholder
with the authority to utilize the said property/properties.

(3) This authority is hereby extended to the Bellingham Police Department over on the following
properties:

- **Description of Each Property:**
(Name and address of business establishment or property. State the specific areas from which persons are to be trespass.)
400 E Stuart Road
Bellingham, WA 98226
- **Name, Address and Phone Number of Grantor, Owner or Landlord**
LI-CHING FANG
921 Kang-I Rd Chunmiao Miaoli Taiwan
+886 922 265621
- **Reason for Trespass Authorization:**
(Describe the nature of problem/complaint.)
growing encampments impacting the residents
and business in the surrounding areas

(4) This delegation shall be in effect until 31 Dec 2020, unless revoked or extended.
(Date)

LI-CHING FANG
Signature of Grantor/Owner/Landlord
LI-CHING FANG
Printed Name of Grantor/Owner/Landlord

21 Aug 2019
Date Signed

Case No.

Exhibit C



BELLINGHAM POLICE DEPARTMENT
505 Grand Avenue
Bellingham, WA 98225

AUTHORITY TO ISSUE TRESPASS WARNINGS

TO: ALL CITY OF BELLINGHAM LAW ENFORCEMENT OFFICERS

(1) I, LI-CHENG FANG hereby authorize officers of the
(Name of Grantor/Owner/Landlord)
Bellingham Police Department to issue "trespass warnings" and when necessary,
arrest persons found to be trespassing on the property/properties listed below.

(2) I state that I am the lawful owner of the property/properties listed below and I hereby
with the authority to utilize the said property/properties.

(3) This authority is hereby extended to the Bellingham Police Department to enforce the following
properties:

▪ Description of Each Property:

(Name and address of business establishment or property. State the specific items to be removed.)

400 E STUART Road
Bellingham, WA 98225

101 W 5th Street
Bellingham, WA 98225

101 W 5th Street
Bellingham, WA 98225

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101 W 5th Street
Bellingham, WA 98225

Exhibit D



May 24, 2023

Skagit Property Group LLC & WHD LLC
6259 Portal Way #D
Ferndale, WA 98248

Li-Ching Fang
921 Kung- I Rd
Chunan Miaoli
Taiwan 360

Balolia Properties WA LLC
PO Box 2336
Bellingham, WA 98227

Crispin Y C Horng
3838 Osler Street
Vancouver BC V6H 2W8

Wig Wash LLC
3880 Hannegan Rd
Bellingham, WA 98226

Re: Tull Road Properties- Bellingham, WA 98226

Dear Land Owners,

My name is Kimberly Huizenga, I am the Director of Property Management at Landmark Real Estate Management. Landmark oversees the property management of Tullwood Apartments located at 4370/4380 Tull Rd in Bellingham, WA. I am writing you as you are the listed as the registered owners of the surrounding parcels of Tullwood Apartments.

As I'm sure you are aware, we are experiencing significant concerning situations involving the increasing population of transients that have taken up residency on our properties. These dangerous conditions have ranged from fires, stolen items stored in the woods, drug use, threatening behavior, use of guns, and structures erected on our properties. We have hired onsite security at our property, as well as installed a fence around the entire perimeter of the apartments. This still has not deterred the transients from damaging our fence, breaking into our community room and harassing our tenants. We have called the police on too many occasions to care to count, with very little assistance.

455 Stuart Road, Bellingham, Washington 98226
Phone: 360-738-1022 Fax: 360-527-8924



Landmark and the property owners of Tullwood Apartments are committed to our tenant's safety, as well as maintaining our property values, and we would like to start a dialogue with each of you in hopes of joining forces to ask the City of Bellingham for help resolving this ongoing situation.

My contact information is:
455 Stuart Rd Bellingham, WA 98226
360-738-1022 ext 106
kim@visitlandmark.com

I am requesting each of you to contact me, as I would like to prepare a demand for help letter that I can present to our city council and the mayor. Any additional feedback you have for this letter as well as your signatures will help. I am also going to be collecting signatures for our residents and hope to get Walmart involved in the conversation.

Thank you very much for your time and consideration.

Sincerely,


Kimberly Huizenga, CPM®
Director of Property Management
LANDMARK REAL ESTATE MANAGEMENT

455 Stuart Road, Bellingham, Washington 98226
Phone: 360-738-1022 Fax: 360-527-8924

Exhibit E

華南商業銀行 總經理 黃俊智		華南商業銀行 買匯水單 <input type="checkbox"/> 買匯交易憑證 <input type="checkbox"/> 逾期外匯交割 賣匯水單 <input type="checkbox"/> 賣匯交易憑證 <input type="checkbox"/> 原契約書號碼:	
分行: 結購外幣: 320 幣現鈔:		中華民國 113 年 05 月 01 日 水單(或憑證)編號:	
申請人: FANG LI CHING 公司/身分證統一編號: (I.D./A.R.C./PASSPORTNO.)		匯率 (RATE): 兌換金額 (EQUIVALENT):	
外幣金額 (CURRENCY AMOUNT): 外幣幣別: US\$ 1,135,000.00 外幣淨(全)額: US\$ 95,000.00 幣種(前)國外幣淨額:		手續費 COMMISSION: NT\$ 郵電費 POSTAGE/CHARGE: NT\$ 利息費用 INTEREST: NT\$ 其他 OTHERS: NT\$ 匯率差價 B/N EXCHANGE: NT\$ 費用: NT\$	
外匯或金銀及匯款方式: 解 款 票 或 方 式 匯往國外一覽表: 銀行往來		匯 / 受款人分別: <input type="checkbox"/> 政府 <input type="checkbox"/> 公營事業 <input type="checkbox"/> 民間 匯款分類名稱: 匯款國外平物匯 匯 / 受款地區國別: UNITED STATES 應付淨額(TOTAL PROCEEDS): NT\$ 匯付(匯付): NT\$ 已付顧客結匯款: NT\$	
匯 / 受款人名稱及地址 / 商社: ADAMSONITE ASSOCIATES 208 BLACKBURN RD STE 200 MOUNT WASHINGTON WA 98273 電話: 7360640287		匯 / 受款人往來銀行名稱及地址: SAVI BANK 208 BLACKBURN RD STE 200 MOUNT WASHINGTON WA 98273 電話: 7360640287	

本欄由顧客收執 (CUSTOMER'S RECEIPT)

匯款分類編號
274

主 管 2/2

經理
華南商業銀行
日期: 113年05月01日
報帳或結帳

(外幣指定單位)

Exhibit F

寄件人: Yun Mao Tang <ymt9762@gmail.com>
日期: 2024年3月10日 GMT+8 上午11:41:29
收件人: "Good, Michael E." <megood@cob.org>
標題: Re: Li-Ching Fang property (PROP ID:55607)

Mr. Good , Received email letters from you and Sean , Li-Ching will collaborate with Sean to complete this tasks.

Thank you ,
Albert
從我的iPad傳送

Good, Michael E. <megood@cob.org> 於 2024年3月9日 凌晨3:32 寫道 :

Received.

Thank you and look forward to working with you.

Michael Good (He/Him)
City of Bellingham
Assistant City Attorney
(360) 778-8296
megood@cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

2024/3/13 上午10:10

Yahoo 網際電子郵件 - 轉寄: Li-Ching Fang property (PROP ID:55607)

From: Sean Simmons <sean@deconspecialistswa.com>
Sent: Thursday, March 7, 2024 12:34 PM
To: Good, Michael E. <megood@cob.org>
Cc: ymt9762@gmail.com <ymt9762@gmail.com>; Tang yun mao <cc9762@yahoo.com.tw>; pennion@gmail.com <pennion@gmail.com>
Subject: Re: Li-Ching Fang property (PROP ID:55607)

You don't often get email from sean@deconspecialistswa.com. [Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Good afternoon, Michael.

Please find the attached letter to your office indicating our official engagement by Li-Ching Fang to begin the process of abating the nuisance property.

Best,

On Wed, Feb 7, 2024 at 2:22 PM Good, Michael E. <megood@cob.org> wrote:
Good afternoon, Sean:

Public Works told me the person's name who's involved in the outreach/clean-up is Jeremiah Winchester. I don't know too much else about the outreach other than that.

Please keep me informed when you enter into a contract with Ms. Fang, or if negotiations fall through.

Thanks,

Michael Good (He/Him)

City of Bellingham
Assistant City Attorney
(360) 778-8296

megood@cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

From: Sean Simmons <sean@deconspecialistswa.com>
Sent: Monday, February 5, 2024 7:08 AM
To: Good, Michael E. <megood@cob.org>
Subject: Re: Li-Ching Fang property (PROP ID:55607)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Good morning, Michael.

My apologies for the delayed reply. I've been out of the office with pneumonia. We are moving forward with Ms. Fang and have a newly revised agreement currently pending. We are proceeding in good faith with the new agreement and currently seeking to engage a firm to perform aerial imaging of the property. I'm hoping to have that work performed within the next two weeks but the timeframe of the data deliverables is currently unknown.

2024/3/13 上午10:10

Yahoo 簡訊電子信稱 - 請寄: Li-Ching Fang property (PROP ID:55607)

It has also come to my attention, through our firm's work with Public Works, that a group of volunteers have been performing trash collection on the property and staging bagged trash at the street for collection. Any information you may have regarding any organization(s) behind those efforts would be greatly appreciated as they are doing so without the knowledge or consent of the property owner and I am hoping to make contact with them.

If you have any questions or concerns, please don't hesitate to contact me.

Best,

On Fri, Jan 26, 2024 at 9:47 AM Good, Michael E. <megood@cob.org> wrote:
Good morning, Sean:

Have you executed your contract with Ms. Fang? Looking to move forward with the planning of the clean-up.

I'll be out of the office next week, but if you could give me an email update before I return on 2/5, I'd appreciate it.

Thanks,

Michael Good (He/Him)

City of Bellingham

Assistant City Attorney

(360) 778-8296

megood@cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

From: Sean Simmons <sean@deconspecialistswa.com>

Sent: Tuesday, January 16, 2024 1:04 PM

To: Good, Michael E. <megood@cob.org>

Subject: Re: Li-Ching Fang property (PROP ID:55607)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Received.

Thanks,

On Tue, Jan 16, 2024 at 12:35 PM Good, Michael E. <megood@cob.org> wrote:
Hello Sean,

Please see attached notices.

Please keep me up to date on this matter.

Thanks,

Michael Good (He/Him)

City of Bellingham

Assistant City Attorney

(360) 778-8296

megood@cob.org

about:blank

3/5

2024/3/13 上午10:10

Yahoo 簡訊電子郵件 - 轉寄: Li-Ching Fang property (PROP ID:55607)

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

From: Good, Michael E. <megood@cob.org>
Sent: Friday, January 5, 2024 10:33 AM
To: Sean Simmons <sean@deconspecialistswa.com>
Subject: Re: Li-Ching Fang property (PROP ID:55607)

Good morning, Sean:

Thank you for the email. Would you please let me know when you have executed your client agreement?

I am excited that the property owners are taking the necessary steps to addressing the encampment. Look forward to working with you on this project.

Thanks,

Michael Good (He/Him)

City of Bellingham
Assistant City Attorney
(360) 778-8296
megood@cob.org

My incoming and outgoing email messages are subject to public disclosure requirements per RCW 42.56

From: Sean Simmons <sean@deconspecialistswa.com>
Sent: Thursday, January 4, 2024 12:01 PM
To: Good, Michael E. <megood@cob.org>
Subject: Li-Ching Fang property (PROP ID:55607)

You don't often get email from sean@deconspecialistswa.com.
[Learn why this is important](#)

CAUTION: This message originated from outside of this organization. Please exercise caution with links and attachments.

Michael,

I am emailing you to confirm that we have been contacted by representatives of the property owner and they are engaging our firm to handle coordinating the encampment cleanup. Once our agreement has been executed, I will reach out to you to confirm with a preliminary schedule of our proposed next steps. As I mentioned on the phone, if you have any questions or concerns, please don't hesitate to contact me.

Best,

--
Sean Simmons
Chief Executive Officer
Abatement & Decontamination Specialists
3133 Mercer Ave. Ste. 104
Bellingham, WA 98226
Direct: (702) 830.0274

about:blank

4/5

2024/3/13 上午10:10

Yahoo! 原電子郵件 - 轉寄: Li-Ching Fang property (PROPID:55607)

Sean Simmons
Chief Executive Officer
Abatement & Decontamination Specialists
3135 Mercer Ave. Ste. 104
Bellingham, WA 98226
Direct: (702) 830.0274

Sean Simmons
Chief Executive Officer
Abatement & Decontamination Specialists
3135 Mercer Ave. Ste. 104
Bellingham, WA 98226
Direct: (702) 830.0274

Sean Simmons
Chief Executive Officer
Abatement & Decontamination Specialists
3135 Mercer Ave. Ste. 104
Bellingham, WA 98226
Direct: (702) 830.0274



Abatement & Decontamination Specialists
3161 Mercer Ave. Suite 101
Bellingham, WA 98225

March 7, 2024

Michael Good
Assistant City Attorney
Office of the City Attorney
City of Bellingham
210 Lottie Street
Bellingham, WA 98225

Dear Mr. Good,

I am writing you to inform your office that our firm, Abatement & Decontamination Specialists, LLC (A&D) or ADS) has officially been engaged by Li-Ching Fang to initiate coordination and preliminary planning with your office and other interested local, county and state agencies to abate the nuisance property - Property ID 15607 (Parcel #3083071973630000) - the "Property", commonly referred to as the "Walmart encampment" or "Tulwood encampment" at the end of E Stuart Road.

As you are aware, the property is overwhelmed by an extensive illegal encampment that is in violation of several municipal and county codes, and both the subject of a Code Enforcement action (Reference No. 22B-64567) and a recently filed civil action by the City of Bellingham as a nuisance property representing a danger to public health and safety. The encampment has produced extraordinary volumes of biological, chemical and physical hazards, contamination, debris, and trash. It has also been the source of pervasive unlawful activities (including but not limited to: arson; assault; homicide; narcotics distribution, storage and use; as well as unpermitted structures, clearcutting and dumping).

ADS is the City of Bellingham's Transient Camp Cleanup and Removal of Hazmat contractor and has worked regularly with Bellingham Public Works and Bellingham Police Department in that capacity since 2021. ADS is also a State of Washington Department of Health (WADOH) certified Clandestine Drug Lab (CDL) Cleanup Contractor (Certification #C-001-2025R) and specializes in the detection, abatement and remediation of narcotics contamination. Our staff possess WADOH CDL Supervisor and/or Worker certifications, OSHA 40-hour Hazardous Waste Operations and Emergency Response (HAZWOPER) certifications, as well as Bloodborne Pathogen and First-Aid/CPR training certifications.

Our initial agreement with the property owner is focused on the following criteria:

- Identifying prospective local legal counsel;
- Coordinating aerial ISR (Imaging, Surveillance, Reconnaissance) of the Property to safely ascertain the current state and scale of the problem (including number of encampment occupants, trash and debris fields, abandoned vehicles, unpermitted structures, fire damage, wetlands impact, etc.);

- Contact and coordinate with stakeholders (city, county, state authorities and impacted residents, businesses and social interest and services groups) to begin developing a strategic working group for the successful cleanup of the Property; and
- Develop a regulatory-compliant action plan and preliminary budget and project timeline.

With respect to aerial ISR, we will first consult with Bellingham Police Department (BPD) and Whatcom County Sheriff's Office (WCSSO) to determine if any such ISR has already been performed by their agencies and if it can be made available to us. We also intend to request a briefing from law enforcement regarding the scope of response activity and previously identified safety concerns related to the Property; as well as request that law enforcement accompany our site evaluation group.

Additionally, we intend to organize a follow-on boots on the ground preliminary site evaluation with Whatcom County Health Department and Washington State Department of Ecology to assess the extent of contamination, hazardous conditions, and evidence of illegal activities on the Property; during which we anticipate a likely need to perform sampling of soil, groundwater and surface water. These preliminary activities will help better inform a comprehensive cleanup and remediation plan for safety and property characterizing, removing and disposing of hazardous materials, contaminated soil, debris, trash, abandoned vehicles and structures in accordance with state and local regulations. They will also assist in determining what, if any, permitted clearing and grading, erosion control and stormwater drainage plans and restoration plans for Spring Creek, its critical wetlands and wildlife habitat areas damaged by the illegal encampment may be necessary.

We very much look forward to working with your office, the City, and all local stakeholders in abating the nuisance and restoring the Property to a healthy and viable condition, as well as assisting those adversely affected or otherwise impacted by our cleanup efforts and preventing future blight, nuisance conditions or illegal activities from recurring.

If you have any questions or concerns pertaining to any of the aforementioned, or would like to discuss the matter further over the phone or in person, please do not hesitate to contact me directly.

Best Regards,



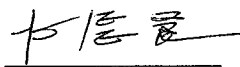
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CERTIFICATE OF SERVICE

This is to certify that the foregoing Defendant's Answer was served this 20th day of March, 2024 by first-class United States mail, postage pre-paid, on:

Michael Good, WSBA #44857
Assistant City Attorney
210 Lottie St.
Bellingham, WA 98225
(360) 778-8270

Counsel for Plaintiff

By: 

LI-CHING FANG

Date: 20. MAR. 2024