SKAGIT COUNTY HEARING EXAMINER
SKAGIT COUNTY WASHINGTON

In Re Matter Of HE-Appeal-2025-0008, CE2025-0009	**No. APL 2026-0007** of Code 2025-0009 VADIM KASKO and SERGEY KASKO OBJECTIONS;. RULE 14, 15.B, 21G. 29.C.ii

VADIM KASKO and SERGEY KASKO hereby Object to introduction of "the Record" in this matter.

I. KASKOS OBJECT TO THE RECORD IN THIS MATTER AS FOLLOWS.

Kaskos Object to the Record in this matter as comprised not only of Exhibits 7, 11, 12., 13, but their adoption in finding 2-4 AOA Exhibit 11 of "vehicles," for flood development controls, after denial of finality of storage capacities maintenance and improvement land uses excluded from final abandonment conclusions because an examiner (PL23-0324) urged by Skagit County to allow impermissible modification of procedures in nonfinality[3] (SCC 14.06.160(1)-(7), (8)), yet nevertheless adopted as AOA finality (Exhibit 11) not material to and without foundation as a continuing "violation" absent any Administrative Official determination by (1) including "vehicles" as "violations" (SCC 14.24 and SCC 14.34) preparation of storage as "no evidence" (pg. 10, Exhibit 12) without any record of Administrative Official determination foundation, or delegated authority therefrom after examiner report of nonfinality devoid of the same delegated authority (¶11, PL23-0324, referenced in Exhibit 12) during concealment of delivery of Department certification of agency record completeness or vital "official proceeding" physical record (RCW9A.72.010(4), .150(1)(a)), Administrative Official applications,

[3] ¶11, PL23-0324 is Exhibit referenced in Exhibit 12, Decision denying Appeal of AOA Exhibit 11.

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Ph: 360 733-6668

interpretations and determinations ("Department shall provide" Examiner Rule 21.E.i, and Post Conf. Order Exhibit 18); as also grounded in fraud upon Planning Enabling Act "examiner alternative" and SCC 14.06.120(9) finality reported nonfinal at ¶11, PL23-0324 and reported further as examiner-modified Exhibit 12 (pg. 12. "no evidence"; SCC 14.06.160(8)), now compellingly established in Kaskos' Motion -simultaneous herewith- as denial of Kaskos' examinations material to Planning Enabling Act finality (SCC 14.06.160(7)(a)-(e); RCW 36.70.970(1)-(3)) for fraudulent deprivation of access according to scheme to deny access to witnesses (SCC 14.06.120(2), (3), (5) and SCC 14.06.160(7)(a)-(e)) nonmodifiable and procedures (SCC 14.06.160(8)) vital to legitimacy in supplemental exhibits,[4] leaving continuous nonabandoned vehicle storage capacities improvement evidence without conclusions except color of law in this proceeding (¶11, PL 23-0324; but "no evidence" of storage capacities improvement and maintenance through inventory reduction, pg. 10, ¶III, Exhibit 12) after report of bifurcated proceeding method eliminating conclusions on storage capacities maintenance exception, exemption and prohibited modification (SCC 14.06.160(8)); and Kaskos elaborate further.

1. Kaskos Object to absence of foundation by any vital dated record of delegation of Administrative Official authority; and absence of physical record evidence of dated scope of duty delegated from an identified SCC 14.06.040(1) and SCC 14.16.020(2) Administrative Official or delegate for each signor of Exhibits 7, 11, 13, Notices, and Orders (Rule 21.E.ii) grounded to any extent in PL 23-0324 PVA procedure brought substantially for flood development regulations[5] now identifying "vehicles as flood zone "violation" without staff reporting,[6] requiring independent delegation of authority and

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[4] Kaskos' Motion For (1) Any Time Necessary; (2) Addition To The Record; (2) Vacation And Dismissal For Fraud.
[5] KASKOS' MOTION, herewith
[6] KASKOS' MOTION, id.

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scope of duty from an identified SCC 14.06.040(1) and SCC 14.16.020(2) Administrative Official.

2. Kaskos are not referring to and will object to opinion, summary or narrative, and demand a record in fact delegating authority to commence the PVA, AOA and exhibited official proceedings, as one of several physical records that may not be lawfully concealed,[7] with date and scope of authority of Officers authorizing determinations, notices and officers who signed any such records now identified as Exhibits 7, 11, 13.

3. Kaskos Object to conflation of the newer "Director" term as introducing error in matters arising under "Administrative Official" authority definition and requiring vital delegation in these objections as matters involving instruction that PL 23-0324 was conducted for not "vehicles" and "storage" under SCC 14.06.040(1), SCC 14.16.020(2), SCC 14.06.120(2) (6), and SCC 14.06.160)(1)-(7)(b), for SCC 14.16.880(1)-(6) while modification of the procedures for finality was restricted (SCC 14.06.160(8)) and rights to Planning Enabling Act examiner alternative selection by Skagit County were prevented from vesting, according to report and warning at ¶11, PL23-0324 and also RCW 36.70.970(1)-(3);

4. Kaskos also object to consideration of the following exhibits during evidence of fraudulent deprivation of SCC 14.06.120(2), (3) (5) and SCC 14.06.160(2)-(7)(a)-(e) examination after abuse of PVA to modify and fraudulently raise flood control regulation in PL 23-0324 without access to witnesses for legitimacy by vital evidence of delegated authority of -and decision-making by- those granted authority under an Administrative Official (SCC 14.06.040(1), SCC 14.16.020(2)) otherwise without legitimacy by bona fine proper notification of discrete purposes of finality of proceedings under an

[7] RCW 9A.72.010(4), official proceeding; RCW 9A.72.150(1)(a) "availability" which may not be concealed.

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Administrative Official administration of SCC 14.16.880(6), SCC 14.24, SCC 14.34; and without bona fide Administrative Official request of a hearing Examiner's SCC 14.16.880(6) PVA decision-making, opportunity to examine staff in deprivation of SCC 14.06.120(2), (3), (5), (9) finality and SCC 14.06.160(7)(a)-(e) opportunity according to Washington Planning Enabling Act examiner alternative for SCC 14.06.120(9) finality following decision to abuse PVA process for flood control regulatory purposes, but nonfinal proceeding bifurcation (December 7, 2023, examiner Decision FF ¶11, PL 23-0324) further deprived in adoption by the accompanying exhibits, leaving all of Kaskos' vehicle storage capacities improvement evidence without protective abandonment conclusions from SCC 14.16.880(1)-(6) proceedings as to which inventory evidence is complete proof of nonabandoned vehicle storage capacities improvement and excepted "change in occupancy and ownership" evidence (SCC 14.16.880(1)):

(1) Ex. 11[8] April 4, 2025, Administrative Order To Abate Violation;

(2) Ex. 12[9] October 29, 2025, Decision Denying APL 25-0008 Appeal from CE25-0009;

(3) Ex.7[10] April 2, 2026, Notice And Order To Pay Fines;

(4) Ex.13, February 19, 2026, Notice And Order To Abate Hearing Examiner Decision.[11]

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[8] Kaskos Ex3.G so dated establishes that this record includes "vehicles" storage.

[9] The Examiner decision so dated Exhibit 12 denies appeal of the Order, zoning , therefore adopting inclusion of "vehicles" storage as a violation (April 4, 2025, Exhibit 11) and no remark includes the report at ¶11, PL23-0324 that the hearing was not to address "storage" of vehicles, or the evidence that vehicle storage capacity was improved for sale, protected as "change in occupancy or ownership change.

[10] This record so dated adopts the examiner's decision as a final order without mention of December 8, 2023, Examiner Decision PL23-0324, faithfully reporting persuasion to the examiner that without Administrative Official Determination that "storage" of "vehicles" was not a purpose of SCC 14.16.880(6) PVA abandonment determinations required to proceed under "proper notification" (SC 14.16.880(6)), opportunity to be heard and to examine witnesses (SCC 14.06.160((7)(a)-(e)) as SCC 14.16.880(6) "Level II permit application" due process SCC 14.06.120(2)-(5) and SCC 14.06.160(1)-(7)(b), nonmodifiable. See SCC 14.06.160(8), Ordinance 17938.

[11] This February 19, 2026, record is also grounded in persuasion reported at December 8, 2023, Examiner Decision PL23-0324 that "vehicles" and storage "storage" of "vehicles" was not a purpose of SCC 14.16.880(6) PVA abandonment determinations required to proceed under "proper notification" (SC 14.16.880(6)) in no way addressing whether "storage" of "vehicles" remains an ambiguity without any administrative Official determination or delegated authority in SCC 14.16.880(6) PVA abandonment.

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5. Kaskos reserve right to object further including under SCC 14.06.230 automatic stay implicated by inclusion of vehicles" and/or capacities improvement evidence; and have been treated to notions that there is "discretion" to preclude Kaskos access in examiner proceedings to conclusions of law vital to complete planning enabling act finality of SCC 14.06.120(9) finality of "Level II permit application" procedures made mandatory under --and requiring "proper notification" under-- SCC 14.16.880(6) despite SCC 14.18.880(4)(1) direction to attend in abandonment proceedings to "any" interest claimed or retained; as well as notion that maintenance and improvement by vehicle inventory reduction should not itself be regarded as a "evidence" (pg. 10, Exhibit 12), "land use," or nonconforming land use deserving recognition, inextricably intertwined with evidence of both SCC 14.16.880(1) "change in occupancy or ownership" offering perfect defense against abandonment of all interrelated land uses.

II. KASKOS DEMAND PHYSICAL RECORDS.

1. Kaskos demand production and introduction as evidence each physical record of vital delegated Administrative Official authority identifying scope of duty from the Administrative Official for each signor of Exhibits herein and "the Department"; certificate of completeness of the record from the Department (Rule 21.E.ii; Post Hearing Order Exhibit 18) conforming to SCC 14.06.040(1) and SCC 14.16.020(2) before introduction of any record Orders, Notices and Determinations grounded in whole or part in proceeding PL 23-0324, this record being without record of delivery of a complete record from "the Department" (Rule 23.E), identification of its sponsor (Rule 21A, E; Rule 20.A); and demand certification of the record as true and complete as delivered; otherwise failing to establish vital factual legitimacy, date and scope of any delegated authority of the Administrative Official, thereby depriving Kaskos of examination in

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examiner proceedings requiring Washington Planning Act examiner alternative record finality.

2. Procedural Grounds. Continuance or shortened time for this motion is requested. This matter is set for hearing October 6, 2026. Kaskos Object to conflation with "Director" authority undistinguished from SCC 14.06.040(1), SCC 14.16.020(2) as regards SCC 14.06.120, .160, involved in PL 23-0324; and Kaskos move either for Order shortening "30 days" (Rule 25.A) or extension of time necessary.

3. Kaskos have been treated to assurance that PVA procedure PL23-0324 was justified by flood regulations creating extreme difficulty giving timely response to the examiner's order addressing both authority to hear this matter during deprivation of any record of authenticity by any delegated authority when none appears of record in all matters raising "vehicles" and thereby storage capacities improvement denied finality referencing PVA procedures actually shown by Motion herewith as intentionally brought for flood control under scheme to deny Kaskos access to witnesses. The record contains no delegation of the scope of delegated authority for either interference while these proceedings risk creation of a record as to storage of vehicles Skagit County urged no conclusions for (Exhibit 11 April 4, 2025) now including notices and decisions competing with that (Exhibit 7, 11-13) and competing with the record already accepted in the Court of Appeals by which an Examiner accepted instruction to consider PL 23-0324 to address only "wrecking," not "storage," of vehicles.

4. Now while RCW 36.70.970 and SCC 14.06.120(9) finality are challenged under a record addition disclosing to the Superior Court another "Application" (**Kaskos' Ex3.T**, Kaskos' Motion herewith) and Exhibit 12 characterizes storage capacities maintenance as "no evidence" (pg. 10, art. III, Exhibit 12) conflict that the SCC 14.06.230 stay prevents is

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rampant, as though "inventory" reduction was not perfect evidence of nonabandoned vehicle storage capacities improvement land use evidence served by deliberately reduced vehicle inventory, during SCC 14.16.880(1) "change in occupancy or ownership." An unauthorized Code Enforcement Officer scheme to modify SCC 14.06.160(1)-(7)(e) and Planning enabling act finality (RCW 36.80.970(1)-(3)) to prevent Kaskos' inquiries of witnesses (**Kaskos' Ex3.A-D**) without no delegated Administrative Official authority or determination, only modified purposes of PVA PL23-0324 was faithfully reported by an examiner as not reaching abandonment of continuing storage capacities maintenance (¶11, pg. 13, PL 23-0324, being Exh. 12 here, ref. Exh. 18) and this appeal arises while fullness of SCC 14.16.880(1)-(6) and SCC 14.09.160(1)-(7)(e) scope of hearing requires uncontroverted nonabandoned continuing vehicle storage capacities improvement and maintenance evidence[12] as a land use continuously pursued.

5. Kaskos have -by simultaneous filing herewith- identified supplemental evidence of fraudulent deprivation of nonmodifiable (SCC 14.06.160(8)) Skagit County "Level II permit application"; to deprivation of Planning Enabling Act examiner alternative finality (RCW 36.70.970(1)-(3); to SCC 14.06.120(2-6); SCC 14.06.060(2)-(7)(e); SCC14.06040(1) physical record determination finality as to continuing vehicle storage capacities improvement evidence.

6. Exhibits 7, 12-13 are grounded in Exhibit 11 furtherance of AOA control over "vehicles" and "storage" during appeal of PL 23-0324 and Exhibit 7, 11-13 may not expand "vehicles" and/or storage as purposes reported nonfinal (¶11, PL23-0324) when

[12] When capacities of legally established pre-Code uses remain maintained so do nonconforming uses free from color of abandonment as a matter of due process. e.g. *Tateuchi v. City of Bellevue*, 15 Wn.App.2d 888, 478 P.2d 142 (2020); e.g. *Johnson v. Seattle*, 184 Wn. APP 8, 335 P.3d 1027 (2014)(denial of recognition of other nonconforming uses comprising complete defense arbitrarily and capriciously denies due process).

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procedure is nonmodifiable (SCC 14.106.160(8))[13] and never reached vehicle storage maintenance and improvement land uses that SCC 14.16.880(1) excepts acts for "change in occupancy and ownership" and when testimony to reduction in inventory is perfect service to continuous nonabandoned storage capacities maintenance efforts uninspected by Skagit County for which it is reported as urging modification of SCC 14.06.120 and .160 finality.

III. AUTOMATIC STAY. SCC 1406.230.

1. SCC 14.06.230 has stayed all proceedings ("appeal including administrative appeals") grounded in any assertion that 11, PL23-0324 including flood regulation control includes "vehicles" when no Administrative Official certifies to the hearing body that …a stay would …cause imminent peril to life and/or property," and these matters are illegitimate interference in violation of SCC 14.06.230.

2. No SCC 14.06.230 certification by or delegated authority from the Administrative Official is in this record and these matters added "vehicles" and thereby storage capacities improvement and maintenance appealed unaddressed at Skagit County urging upon the examiner (11, PL23-0324) therefore the maintenance that is also excepted at SCC 14.34.100(3)-(4) and "new development" qualification of scope of SCC 14.24.070(2), are stayed as inextricably intertwined with every "violation" notice, order and determination that does not specifically recognize Skagit County urging of nonfinality SCC 14 both in

[13] SCC 14.06.160(8) of Ordinance 17938 specifically instructs that the "procedures" –known vital to verification of abandonment by SCC14.16.880(6) requiring "proper notification"—are only modifiable where "not inconsistent with these procedures," and they include oppor6unities for "sequence of events" including opportunities for examination of reporting and opinions requiring staff reporting (SCC 14.06.160(7(a)-(e), and Administrative Official delegation, interpretation, and application of "the provisions of this Chapter pursuant to SCC 14.06.040. E.g. SCC 14.06.040(1); SCC 14.16.020(2) determination concealed from the record appealed, and from which "vehicles" and storage capacities land use are represented as "violations," in Exhibit 11, and therefore Exhibit 12, 13, and 7, as involved here, after SCC 14.06.120(2), (3) and (5) unmistakably made re-application information, Letter of Completeness, and staff reporting vital to legitimacy and SCC 14.06.160(7)(a)-(e) examination.

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violation of SCC 14.06.040(1) and SCC 14.16.020(2) without Administrative, determination or Official authority delegation in this record and the records are inadmissible.

IV. KASKOS **DEMAND A PHYSICAL RECORD**

Kaskos Demand a physical record of vital delegated authority and scope of duty from the Administrative Official for each signor of Exhibits and "the Department" certificate that of completeness of the record from the Department (Rule 21.E.ii) conforming to SCC 14.06.040(1) and SCC 14.16.020(2) before introduction of any record Orders, Notices and Determinations grounded in while or part in proceeding PL 23-0324, without record of delivery of a complete record from "the Department" (Rule 23.E), identification of its sponsor (Rule 21A, E; Rule 20.A) and demand certification of the record as true and complete as delivered, otherwise failing to establish fact, date and scope of any delegated authority of the Administrative Official and depriving Kaskos of examination in examiner proceedings requiring Washington Planning Act examiner alternative record finality

Procedural Grounds. Continuance or shortened time for this motion is requested. This matter is set for hearing October 6, 2026. Kaskos Object to conflation with "Director" authority undistinguished from SCC 14.06.040(1), SCC 14.16.020(2) as regards SCC 14.06.120, .160, involved in PL 23-0324; and Kaskos move either for Order shortening "30 days" (Rule 25.A) or extension of time necessary.

Kaskos have been treated to assurance that PVA procedure PL23-0324 was justified by flood regulations; and extreme difficulty giving timely response to the examiner's order addressing both deprivation of any record of authenticity by any delegated authority when none appears of record in all matters referencing PVA procedures actually brought for flood control without access to staff reporting or planning staff witnesses. The record contains no delegation

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of the scope of delegated authority for either while these proceedings risk creation of a record as to storage of vehicles (Exhibit 11 April 4, 2025) competing with a record already accepted in the Court of Appeals by which an Examiner accepted instruction to consider PL 23-0324 to address only "wrecking," not "storage," of vehicles.

Another "Application" an decision characterizing evidence without addressing uninspected storage improvement (Exhibit 12) during modified purposes (11, PL23-0324) adds enormity of decision-making deprivation as though failing to see "inventory" reduction as nonabandoned vehicle storage capacities improvement land use directly served every time inventory is reduced, during an unauthorized Code Enforcement Officer scheme to prevent Kaskos' inquiries of planning staff witnesses and depriving them of access to witnesses (**Kaskos' Ex3.A-D**) when no delegated Administrative Official authority or determination is of record, faithfully reported by an examiner as NEVER reaching abandonment of continuing storage capacities maintenance (¶11, pg. 13, PL 23-0324, being Exh. 12 here, ref. Exh. 18) therefore awaiting fullness of SCC 14.16.880(1)-(6) scope of hearing already commenced and fully tried by Kaskos by uncontroverted vehicle storage capacities improvement evidence establishing nonabandoned continuing vehicle storage capacities[14] maintenance evidence as a land use continuously underway.

Kaskos have by simultaneous filing herewith objected and hereby identify with supplemental evidence of fraudulent deprivation of nonmodifiable (SCC 14.06.160(8)) Skagit County "Level II permit application"; to deprivation of Planning Enabling Act examiner alternative finality (RCW 36.70.970(1)-(3); to SCC 14.06.120(2-6); SCC 14.06.060(2)-(7)(e);

[14] When capacities of legally established pre-Code uses remain maintained so do nonconforming uses free from color of abandonment as a matter of due process. e.g. *Tateuchi v. City of Bellevue*, 15 Wn.App.2d 888, 478 P.2d 142 (2020); e.g. *Johnson v. Seattle*, 184 Wn. APP 8, 335 P.3d 1027 (2014)(denial of recognition of other nonconforming uses comprising complete defense arbitrarily and capriciously denies due process).

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SCC14.06040(1) physical record determination finality as to continuing vehicle storage capacities improvement evidence.

V. SHORTENED OR EXTENDED TIME REQUEST.

3. Kaskos move either for Order shortening "30 days" (Rule 25.A) or extension of time necessary to these objections and Kaskos' Motion For (1) Time Necessary; (2) Addition To The Record; (2) Vacation And Dismissal For Fraud.

Procedural Grounds. Continuance or shortened time for this motion is requested. This matter is set for hearing October 6, 2026.

Substantive Grounds. RCW 36.70.970(1)-(3); SCC 14.06.040(1), SCC 14.16.020(2), SCC 14.06.120(2)-(6), SCC 14.06.160)(1)-(8), SCC 14.16.880(1)-(6); Rules 22.G, 20.A;

The record identified to date raises "vehicles" as "violation" is grounded in inference without Official Proceeding physical record of delivery of a complete record from "the Department," Rule 23.E identification of the record sponsor, and physical record establishing Administrative Official determinations (Rule 21A, E; Rule 20.A) or even certification of the record as true and complete as delivered, which must for legitimacy and foundation include copies of actual physical records of appointment to a certain scope of delegated authority over official proceedings (RCW 9A.72.010(4)) when availability of records of delegation of Administrative Official authority may not be concealed. Currently exhibits neither identify the Administrative Official nor scope and date of any delegated responsibility from the official, vital and mandated by SCC 14.06.020(1) , and SCC 14.16.020(2). No record establishes any fact, date or scope of any delegated authority from, application or interpretation by the Administrative Official. Minimal effort is required; risk of loss thereto is great (*Mathews v. Eldridge*), and Kaskos file this objection simultaneously with their Motions for (1) Any Time Necessary; (2) Addition To The Record; (2) Vacation and Dismissal.

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Kaskos have been delayed in timely response to this Examiner's Post Conference Order (Exhibit 18) and remain disabled in addressing authenticity of any delegated authority when no agency certification appears of record. The record exhibiting no delegation of scope of any authority and these proceedings risks creation of a record competing with a record already accepted in the Court of Appeals by which Kaskos were uninformed by a "Consolidated Exhibit & Witness List" in PL 23-0324, that an Examiner-accepted instruction to bifurcate PL 23-0324 proceeding purposes and address only "wrecking," not "storage" therefore abandoning vehicle storage capacities improvement evidence as well as SCC 14.16.880(1) exception from abandonment process of "change in occupancy and ownership," followed by another decision potentially entering that ambiguity (Exhibits 12, 13, 7) amidst established intent to cause ambiguity when all identified notices, Orders and Decision are grounded in the examiner's faithful report of bifurcated PL23-0324 finality from evidence of storage capacities comprising an unauthorized scheme for fraud upon Washington Planning Enabling Act examiner alternative finality as to inventory reduction (¶11, pg. 13, PL 23-0324, being Exh. 12 here, ref. Exh. 18) awaiting fullness of SCC 14.16.880(1)-(6) scope of hearing already commenced which is still required to include storage nonabandoned continuing capacities[15] maintenance evidence.

Respectfully submitted, this 20 day of September 2026.

David C. Cottingham WSB 9553 Attorney for Owners
Vadim Kasko and Sergey Kasko

[15] When capacities of legally established pre-Code uses remain maintained so do nonconforming uses free from color of abandonment as a matter of due process. e.g. *Tateuchi v. City of Bellevue*, 15 Wn.App.2d 888, 478 P.2d 142 (2020); e.g. *Johnson v. Seattle*, 184 Wn. APP 8, 335 P.3d 1027 (2014)(denial of recognition of other nonconforming uses comprising complete defense arbitrarily and capriciously denies due process).

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Ph: 360 733-6668