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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON**

LINDA CAMERON,  
  
Plaintiff,

vs.

CITY OF RICHLAND,  
WASHINGTON, a municipal  
corporation,  
  
Defendant.

CASE NO: \_\_\_\_\_

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF

JURY TRIAL REQUESTED

**INTRODUCTION**

1. This is a civil rights lawsuit brought to end the City of Richland's attempt to coerce 70-year-old widow Linda Cameron into spending tens of thousands of dollars to improve the City's property.

2. Linda has lived in the same one-bedroom, one-bathroom Richland home for 42 years. She wants to renovate it by adding a second bedroom and bathroom.

COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF - 1

1 Linda's plans for the renovation satisfy all the City's building and other health and  
2 safety codes.

3 3. But the City refuses to grant Linda the requisite building permit unless she  
4 spends tens of thousands of dollars renovating the City's property as well. Unless  
5 Linda renovates a City street—by, among other things, widening it, installing  
6 streetlights and constructing sidewalks, curbs, and gutters—the City will not allow  
7 her to renovate her own home.

8 4. The City's condition on granting a permit to Linda is the type of “out-and-  
9 out . . . extortion” that violates the Fifth Amendment's Takings Clause by  
10 impermissibly burdening Linda's right not to have her property taken without just  
11 compensation. *See Nollan v. Cal. Coastal Comm'n*, 483 U.S. 825, 837 (1987)  
12 (citation omitted).

13 5. The City's unconstitutional condition also violates the Due Process Clauses  
14 of the Fourteenth Amendment to the United States Constitution and Article I,  
15 Section 3 of the Washington Constitution because it furthers no public health,  
16 safety, environmental, or other legitimate reason for the denying Linda's permit  
17 application and because denying the application unduly oppresses Linda's property  
18 rights.

1 6. Under the United States and Washington Constitutions, the City may not  
2 hold Linda's property rights for ransom just because it wants upgraded streets but  
3 does not want to pay for them.

#### 4 **JURISDICTION**

5 7. Linda brings this civil rights lawsuit under the Fifth and Fourteenth  
6 Amendments to the United States Constitution; the Civil Rights Act of 1871, 42  
7 U.S.C. § 1983; the Declaratory Judgments Act, 28 U.S.C. § 2201; Article I,  
8 Section 3, of the Washington Constitution; and 28 U.S.C. § 1367, seeking  
9 injunctive and declaratory relief against the enforcement of Richland Municipal  
10 Code §§ 12.10.020 and 12.10.010 as applied to Linda's building permit application  
11 to renovate her home, and \$1 in nominal damages. This Court has jurisdiction over  
12 this action under 28 U.S.C. §§ 1331 and 1367.

#### 13 **VENUE**

14 8. Venue lies in this Court under 28 U.S.C. § 1391(b).

#### 15 **PARTIES**

16 9. Plaintiff Linda Cameron is a United States citizen and resident of Richland,  
17 Washington.

18 10. Defendant City of Richland (the "City") is a municipal corporation located  
19 in the State of Washington.

**FACTS**

11. For the last 42 years, Linda has lived in the same house at 1231 Geneva Street in Richland, Washington.

12. Linda and her late husband, Gary, bought the house in 1977.

13. Linda's house is an approximately-1,181-square-foot single-family home built in 1948. It contains one small bedroom, bathroom, kitchen, and living room, and two other much smaller rooms.

14. Sometime between 1948 and 1977, before Linda and Gary bought the house, a previous owner added an enclosed porch of approximately 420 square feet and a one-car carport to the house.

15. Linda and Gary talked for years about renovating their home but were never able to do so while Gary was alive.

16. After Gary died in 2012, Linda decided she would renovate the house. After all, it was the home she and Gary shared during their life together and Linda likes her neighbors and the neighborhood.

17. Linda hired a design-build company—AJ Construction and Development, LLC, ("AJ")—to plan the renovation, obtain the necessary permits; demolish the existing porch and carport; and build a new bedroom and bathroom, and an additional living area, totaling roughly 744 square feet, and a two-car garage.

18. The total estimated cost of the project was about \$143,000, plus more than \$12,000 in sales taxes.

19. In October 2018, AJ submitted plans for Linda's renovation as part of the application to obtain the necessary building permit.

20. Linda's application satisfied all the requirements for a permit under the City's building codes.

21. The City's building permit and inspection office had no objections to the application and was prepared to approve Linda's permit.

22. On October 30, 2018, however, the City's public works department demanded that Linda's permit application be denied unless Linda complied with Richland Municipal Code § 12.10.020.<sup>1</sup>

23. Richland Municipal Code § 12.10.020 provides:

Whenever a building permit application is made for alterations or repairs to a residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC 12.10.010; except that the requirements for installation of such improvements shall be waived if one of the following criteria is met:

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<sup>1</sup> See Attached Ex. A (Oct. 30 Rejection Letter).

1           A.    The total alterations or repairs to a residential  
2                   property are less than \$50,000 in valuation within  
                  any two-year period . . . .

3   24.   Richland Municipal Code § 12.10.010 in turn provides:

4           [A]s a portion of such construction there shall be built sidewalks,  
5           curbs and gutters on all sides of such property that may adjoin  
6           property dedicated and existing as a public street, in conformance  
7           herewith, and such sidewalks, curbs and gutters shall extend the  
8           full distance that such property is sought to be occupied as a  
9           building site for residential or commercial construction . . . that  
10          may adjoin property dedicated and existing as a public street. If  
11          the paved width of the adjacent public street does not include  
            curbs and gutters and is not wide enough to construct the curbs,  
            gutters, and sidewalks in accordance with the planned roadway  
            width, as determined by the city engineer and the city's street  
            functional classification system . . . [the] construction shall  
            include widening of the paved street to conform with the width  
            specified by the city engineer and street lights and storm drain  
            system improvement as needed to complete the street in  
            accordance with city standards . . . .

12   25.   The public works department determined that Linda's planned  
13           improvements subjected her to the requirements of Richland Municipal Code  
14           § 12.10.020.

15   26.   The public works department denied Linda's permit application and  
16           demanded Linda submit new plans that included the improvements required by  
17           Richland Municipal Code § 12.10.010.

18   27.   Thus, under the Richland Municipal Code, the City refuses to grant Linda  
19           the necessary permit to renovate her own home unless she also pays for and makes  
20

1 unrelated improvements along an adjoining public street because the planned  
2 renovations are valued at more than \$50,000.

3 28. Unless Linda amends her plans to include these unrelated improvements and  
4 agrees to pay for them, the City will not grant Linda the requisite permit for her  
5 home renovation.

6 29. The only public street that adjoins Linda's property is Fowler Street, which  
7 borders the back of her property.

8 30. As shown in the following picture, Fowler Street runs more than 400 feet  
9 along Linda's back property line.



1 31. Richland Municipal Code § 12.10.010 requires Linda to make significant  
2 improvements to this stretch of Fowler Street, including widening the street and  
3 installing sidewalks, curbs, and gutters.

4 32. Linda received an initial estimate for the cost of the improvements to Fowler  
5 Street required by the City to satisfy Richland Municipal Code § 12.10.010 and  
6 obtain the permit to renovate her home. Those improvements would cost Linda  
7 approximately \$60,000.

8 33. Linda's planned renovation will not have any impact on the street that the City  
9 wants her to rebuild.

10 34. Linda's planned renovation does not adversely affect public health, safety,  
11 the environment, or any other issue the government has a legitimate interest in.

12 35. Linda's planned renovation does not change the use of her property. Her  
13 single-family home will remain a single-family home.

14 36. Linda's planned renovation will not result in any additional traffic on Fowler  
15 Street.

16 37. If Fowler Street is suffering from some deficiency, that deficiency preexists  
17 Linda's planned home renovation and has nothing to do with Linda's planned  
18 renovation.



38. The City's demand that Linda pay to renovate the City's streets has nothing to do with any impact of Linda's planned renovation. The City simply wants Linda to pay because the City does not want to pay.

39. Linda cannot afford to pay for both her home renovations and the Fowler Street renovations required by Richland Municipal Code §§ 12.10.020 and 12.10.010.

40. Because Linda cannot afford to comply with Richland Municipal Code §§ 12.10.020 and 12.10.010, the City will not grant her building permit application.

41. So long as Richland Municipal Code §§ 12.10.020 and 12.10.010 are applied to Linda, the City will not grant Linda the required permit to renovate her home of 42 years.

42. Because of the City's unconstitutional actions, Linda's planned renovations have been stalled for over a year.

### **INJURY TO PLAINTIFF**

43. The City's application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda's permit application to renovate her home has caused and will continue to cause Linda grave and irreparable harm.

44. Linda cannot legally renovate the home she has lived in for 42 years unless she obtains a permit from the City as required by the Richland Municipal Code.

1 45. Linda cannot legally acquire the City's required permit unless she satisfies  
2 the requirements of Richland Municipal Code §§ 12.10.020 and 12.10.010.

3 46. As applied to Linda, Richland Municipal Code §§ 12.10.020 and 12.10.010  
4 require her to spend approximately \$60,000 on unrelated renovations to the City's  
5 property in order to obtain the permit required to renovate her home.

6 47. By conditioning the grant of a permit required to renovate Linda's home on  
7 her agreeing to pay for unrelated renovations to the City's property, the City is  
8 attempting to coerce Linda to forfeit her constitutional right not to have her  
9 property taken without just compensation.

10 48. By conditioning the grant of a permit required to renovate Linda's home on  
11 her agreeing to pay for unrelated renovations to the City's property, the City is  
12 attempting to coerce Linda into paying for the City's property when she has no  
13 legal obligation to do so.

14 49. Linda cannot afford to renovate the City's property and also renovate her  
15 own property.

16 50. Because of the City's application of Richland Municipal Code §§ 12.10.020  
17 and 12.10.010 to her permit application, Linda has been denied the right to  
18 renovate her home.

19 51. There is no public health, safety, environmental, or other legitimate reason  
20 for the City to deny Linda's right to renovate her home.

52. The City's refusal to grant Linda the right to renovate her home unless she also pays tens of thousands of dollars for unrelated renovations to the City's street unduly burdens Linda's right to use and enjoy her home.

53. But for the City's application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda's permit application to renovate her home, she would qualify for and already have obtained the requisite permit to complete her planned renovations.

## **CONSTITUTIONAL VIOLATIONS**

### **First Claim for Relief**

#### **(Unconstitutional Conditions – Exactions – Fifth Amendment)**

54. Plaintiff incorporates and realleges paragraphs 1–53.

55. Richland Municipal Code §§ 12.10.020 and 12.10.010 reflect the City's policy of demanding that homeowners pay for unrelated renovations to City property as a condition of renovating their homes.

56. The City's application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda imposes an unconstitutional condition on the exercise of her Fifth Amendment rights and her property rights and constitutes an unconstitutional exaction.

57. Linda's planned home renovation does not change the use of her property. Her single-family home will remain a single-family home, and her renovations will

1 not cause any additional traffic on Fowler Street or have any other impacts on  
2 Fowler Street.

3 58. If Fowler Street is suffering from some deficiency, that deficiency preexists  
4 Linda's planned home renovation and has nothing to do with Linda's planned  
5 home renovation.

6 59. As applied to Linda's home renovation, the burdens imposed by Richland  
7 Municipal Code §§ 12.10.020 and 12.10.010 do not substantially advance the same  
8 government interest that would furnish a valid ground for denial of Linda's  
9 renovation permit.

10 60. As applied to Linda's home renovation, the burdens imposed by Richland  
11 Municipal Code §§ 12.10.020 and 12.10.010 are not roughly proportional, in  
12 nature or extent, to the impact of Linda's home renovation.

13 61. Linda cannot afford to renovate the City's property and also renovate her  
14 own property.

15 62. But for the City's application of Richland Municipal Code §§ 12.10.020 and  
16 12.10.010 to Linda's permit application to renovate the home she has lived in for  
17 more than 42 years, Linda would qualify for and have already obtained the  
18 requisite building permit to complete her planned renovations to her home.

19 63. Unless the City's application of Richland Municipal Code §§ 12.10.020 and  
20 12.10.010 to Linda's home renovation permit application is declared

1 unconstitutional and enjoined, Linda will continue to suffer grave and irreparable  
2 harm.

3 **Second Claim for Relief**

4 **(Due Process – Fourteenth Amendment)**

5 64. Plaintiff incorporates and realleges paragraphs 1–63.

6 65. Richland Municipal Code §§ 12.10.020 and 12.10.010 reflect the City's  
7 policy of demanding that homeowners pay for unrelated renovations to City  
8 property as a condition of renovating their homes.

9 66. The City's application of Richland Municipal Code §§ 12.10.020 and  
10 12.10.010 to Linda violates her property rights to renovate, use, and enjoy her  
11 home.

12 67. The City's application of Richland Municipal Code §§ 12.10.020 and  
13 12.10.010 to Linda fails to serve any legitimate government objective and is so  
14 arbitrary and irrational that it violates the Due Process Clause of the Fourteenth  
15 Amendment.

16 68. There is no public health, safety, environmental, or other legitimate reason  
17 for the City to deny Linda's right to renovate her home.

18 69. Linda's renovation plans satisfied all the requirements for a permit under the  
19 City's building codes.

1 70. The City's building permit and inspection office had no objections to  
2 Linda's plans and was prepared to approve her permit.

3 71. The sole reason for the City's denial of Linda's permit is her failure to  
4 comply with its condition that she pay for unrelated renovations to the City's  
5 property—a street that her home renovation will not impact.

6 72. Linda cannot afford to renovate the City's property and also renovate her  
7 own property.

8 73. But for the City's application of Richland Municipal Code §§ 12.10.020 and  
9 12.10.010 to Linda's permit application to renovate her home, Linda would qualify  
10 for and have already obtained the requisite building permit to complete her planned  
11 renovations to her home.

12 74. Unless the City's application of Richland Municipal Code §§ 12.10.020  
13 and 12.10.010 to Linda's home renovation permit application is declared  
14 unconstitutional and enjoined, Linda will continue to suffer grave and irreparable  
15 harm.

16 **Third Claim for Relief**

17 **(Due Process – Washington Constitution Article I, Section 3)**

18 75. Plaintiff incorporates and realleges paragraphs 1–74.  
19  
20

1 76. Richland Municipal Code §§ 12.10.020 and 12.10.010 reflect the City's  
2 policy of demanding that homeowners pay for unrelated renovations to City  
3 property as a condition of renovating their homes.

4 77. The City's application of Richland Municipal Code §§ 12.10.020  
5 and 12.10.010 to Linda violates her property rights to renovate, use, and enjoy her  
6 home.

7 78. The City's application of Richland Municipal Code §§ 12.10.020 and  
8 12.10.010 to Linda fails to substantially advance any legitimate government  
9 objective.

10 79. There is no public health, safety, environmental, or other legitimate reason  
11 for the City to deny Linda's right to renovate her home.

12 80. Linda's renovation plans satisfied all the requirements for a permit under the  
13 City's building codes.

14 81. The City's building permit and inspection office had no objections to  
15 Linda's plans and was prepared to approve her permit.

16 82. The sole reason for the City's denial of Linda's permit is her failure to  
17 comply with its condition that she cannot make the renovations to her home unless  
18 she also pays for unrelated renovations to the City's property—a street that her  
19 home renovation will not impact.

83. Linda cannot afford to renovate the City's property and also renovate her own property.

84. The application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda's permit application unduly oppresses Linda's constitutional right to use and enjoy her property.

85. But for the City's application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda's home renovation permit application, she would qualify for and have already obtained the requisite building permit to complete her planned renovations to her home.

86. Unless the City's application of Richland Municipal Code §§ 12.10.020 and 12.10.010 to Linda's home renovation permit application is declared unconstitutional and enjoined, Linda will continue to suffer grave and irreparable harm.

#### **PRAYER FOR RELIEF**

Wherefore, Plaintiff respectfully requests relief as follows:

A. For entry of judgment declaring that Richland Municipal Code §§ 12.10.020 and 12.10.010 violate the Fifth and Fourteenth Amendments to the United States Constitution as well as Article I, Section 3, of the Washington Constitution as applied to Plaintiff Linda Cameron;



- 1 B. An Order permanently enjoining Defendant from further applying any  
2 unconstitutional condition via Richland Municipal Code §§ 12.10.020  
3 and 12.10.010 to Plaintiff Linda Cameron's application for a building permit  
4 to renovate her home;
- 5 C. For an award of nominal damages in the amount of \$1 for the violation of  
6 Plaintiff Linda Cameron's federal constitutional rights;
- 7 D. For an award of attorneys' fees, costs, and expenses in this action pursuant  
8 to 42 U.S.C. § 1988 and Washington Revised Code § 7.24.100; and
- 9 E. For such further legal and equitable relief as the Court may deem just and  
10 proper.

11 Dated this 7th day of October, 2019.

Respectfully submitted,

12 /s/ Wesley Hottot

13 Wesley Hottot (WSBA # 47539)  
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19 \* *Pro hac vice* motions pending  
20

Attorneys for Plaintiff Linda Cameron

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

LINDA CAMERON

(b) County of Residence of First Listed Plaintiff Benton  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
Wesley P. Hottot, Institute for Justice, 600 University St., Ste. 1730,  
Seattle, WA 98101; (206) 957-1300

**DEFENDANTS**

CITY OF RICHLAND, WASHINGTON

County of Residence of First Listed Defendant Benton  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question  
(U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                        |   | PTF                        | DEF                                   |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input type="checkbox"/> 2            | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

Click here for: Nature of Suit Code Descriptions.

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<b>PERSONAL INJURY</b> <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input checked="" type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (Specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
42 U.S.C 1983

Brief description of cause:

Federal civil rights lawsuit arising under the Fifth and Fourteenth Amendments.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 1.00 **Injunctive Relief**

CHECK YES only if demanded in complaint:  
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

**FOR OFFICE USE ONLY**

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**SEAN F. McAVOY, Clerk**

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_.

☐ I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☐ I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other *(specify)*:

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ 0.00 \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

\_\_\_\_\_  
Date

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



**CITY OF RICHLAND  
DEVELOPMENT SERVICES**  
505 Swift Boulevard, MS-35  
Richland, WA 99352  
Telephone (509) 942-7794  
Fax (509) 942-7764

CI.RICHLAND.WA.US • 509-942-7390

October 30, 2018

AJ Development Company, L.L.C.  
[ajhoye@gmail.com](mailto:ajhoye@gmail.com); [mhoye7@gmail.com](mailto:mhoye7@gmail.com)

**RE: FIRST REVIEW COMMENTS • 18-02632 • 1231 GENEVA ST.**

To Whom It May Concern:

Each City of Richland department involved in the project has completed their portion of the review and comments, if any, are noted below. If you have any questions on the following comments, please contact direct the individual completing the plan review for the listed section.

**Electronic submittals under 20mb can be emailed to:**  
[permittech@ci.richland.wa.us](mailto:permittech@ci.richland.wa.us)

**If over 20mb, please send via [dropbox.com](https://www.dropbox.com)** with file share to above email.

Refer to project plan number on all correspondence: **18-02632**  
Number of collated, stapled, full-size sheets (all civil sheets required): **ONE (1)**

**Notice:**

- Please be sure to address each correction item in writing and by re-draw of affected sheet (with changes "bubbled" in), unless otherwise noted below by a specific City department. Failure to do so will necessitate an additional correction letter.
- Redlined plans (if picked up) must be returned.

**Public Works Administration & Engineering Comments**

Judy Garcia • 509-942-7790 • [jugarcia@ci.richland.wa.us](mailto:jugarcia@ci.richland.wa.us)  
Jason Reathafor • 509-942-7742 • [jreathafor@ci.richland.wa.us](mailto:jreathafor@ci.richland.wa.us)

The Public Works Engineering Division has reviewed the plans received in this office on October 23, 2018, for the above referenced project and has **rejected** the project with the following comments which shall be incorporated into the plans. As per City standards, any

**FIRST REVIEW COMMENTS • 18-02632 • 1231 GENEVA ST.**

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resubmittals should also be on full-size plan sheets (24 x 36), and not electronic or in the form of an addendum.

**SHEET P1**

1. The improvements for the property as shown in the plans have met the requirements of City of Richland Municipal Code Chapter 12.10 pertaining to sidewalks and frontage improvements for existing properties. As noted in Chapter 12.10.020 “Whenever a building permit application is made for alterations or repairs to a residential or commercial property within the city, the person seeking such a permit shall install improvements as required in RMC [12.10.010](#)...” The plans for the property improvements shall show the noted sidewalk curb and gutter installed along the Fowler Street frontage of this property. The plans shall be stamped by a licensed professional engineer.

Should the applicant have questions or comments regarding the above plan review comments, please contact the Public Works Engineering Division at (509) 942-7500 or (509) 942-7742.

:cls

cc: p:\finalver\18-02632d1