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David N. Allen
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June 18, 2013

Steve Shipsey
Oregon Department of Justice
1162 Court Street NE
Salem, OR 97310

Re: OAR 660-036-0006, adopted 1/24/13

Dear Steve:

On June 13, 2013, Senate Bill 605, amending ORS 196.471, was signed into law and took effect that day. OAR 660-036-0006 has yet to be filed with the Archives Division, Secretary of State. Under ORS 183.355(5), the rule is not valid or effective until filed.

Putting aside for now the merits of a petition for judicial review under ORS 183.400, if and when the rule is filed, the purpose of this letter is to suggest an approach to resolve this matter without the need for a legal challenge.

I propose a meeting to include you, me, Richard Whitman, Gabriela Goldfarb, and Scott McMullen, to discuss if LCDC should revisit OAR 660-036-0006 along the lines of the procedure outlined in ORS 196.471. I think other matters could also be addressed, such as the one I had previously mentioned to you and Richard over an LCDC commissioner's association with a law firm (as a partner) that represents OPT on its Reedsport project.

My clients, Charlie Ciecko and David Yamamoto, both homeowners in south Tillamook County, have expressed interest in this approach. I'd attend the meeting on their behalf, and not in any official capacity as a member of OPAC. I'd look to Scott to speak to any OPAC related items. Scott has expressed interest in such a meeting, perhaps next month.

Please let me know if there is interest on the part of DLCD and also the governor's office.

Sincerely,

/s/
David N. Allen

Enc. 2/18/13 engagement letter
cc (via e-mail w/enc.):
Richard Whitman
Gabriela Goldfarb
Scott McMullen
Charlie Ciecko
David Yamamoto

David N. Allen
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February 18, 2013

Charles Ciecko
Neskowin, OR 97149
cciecko@ipns.com

David Yamamoto
Pacific City, OR 97135
yamamoto.david@gmail.com

Re: Engagement Letter

Dear Charlie and David:

The purpose of this letter is to confirm that I will represent you in a petition for judicial review to the Court of Appeals, pursuant to ORS 183.400, of a recently-adopted Oregon Department of Land Conservation and Development administrative rule to amend Part Five of the Territorial Sea Plan. The goal is to have a petition for judicial review filed with the court by the end of next month.

My hourly rate for legal services rendered in this matter is $175.00. You will be billed for expenses and costs incurred in this matter, including the filing fee, cost of printing and postage for filing or service of required items, necessary travel expenses, and any copy charges for research. You can either reimburse me or directly pay for the expenses and costs. <u>You will incur no obligation to pay for legal services rendered.</u>

If the court finds in your favor, you will be entitled to an award of costs and reasonable attorney fees, pursuant to ORS 183.497. I am authorized to recover costs and attorney fees on your behalf, and to retain the entire amount of any attorney fee award recovered.

You are both homeowners in south Tillamook County. You are petitioning for judicial review in your individual capacity, not in any official capacity you may otherwise hold. Likewise, I am rendering legal services in my individual professional capacity, not in any official capacity I may otherwise hold.

If any of the information in this letter is not consistent with your understanding, please let me know. Otherwise, please sign below and return a copy to me. And by signing below, you also give consent to disclosure of this letter to other interested parties in this matter.

Sincerely,

/s/
David N. Allen

Read and Approved /Consented to:

/s/ _____ 2/19/13 _____
Client Date