

**DOUGLAS COUNTY**

**DEPARTMENT OF HEARING EXAMINER**

140 19<sup>th</sup> Street NW  
East Wenatchee, WAS 98802-4109

**BEFORE THE DOUGLAS COUNTY HEARING EXAMINER**

<b>IN THE MATTER OF</b>	)	<b>FINDINGS OF FACT,</b>
	)	<b>CONCLUSIONS OF LAW,</b>
P-2021-01	)	<b>DECISION AND</b>
Mansfield 5 Lot Major Subdivision	)	<b>CONDITIONS OF APPROVAL</b>

THIS MATTER having come on for hearing in front of the Douglas County Hearing Examiner on November 18, 2021, the Hearing Examiner having taken evidence hereby submits the following Findings of Fact, Conclusions of Law, Decision and Conditions of Approval as follows:

**I. FINDINGS OF FACT**

1. The applicants and property owners are Michael Mansfield and Patricia Curren, 2435 Basalt Dr, Quincy, WA 98848.
2. An application for a 5 lot major subdivision (P-2021-01). The subject property is approximately 11.8 acres in size, and proposes lot sizes ranging from 1 acre to 5.9 acres in size. The subject property is located in the Rural Recreation (R-REC) zoning district under Douglas County Code.
3. The subject property is located at 108 Mansfield Road, Quincy WA 98848. The subject property is further described as being located within Section 14, Township 20N, Range 22E. W. M. Douglas County Assessor's parcel number: 20221410015.
4. Site Information/Characteristics: The subject property includes moderate to steep slopes on site. An existing access road, and multiple flat, graded pads are located on site.

Total Project Size:	11.8 acres
No. of lots	5
Domestic Water:	Domestic wells
Sewage Disposal:	On-site septic systems
Power/Electricity:	Douglas County PUD
Fire Protection:	Douglas County Fire District #2
Telephone Service:	Varied

5. Surrounding Property:  
North: Vacant land, BNSF Railway, SR-28.  
South: Single family home, The Columbia River  
East: Single family homes  
West: Single family homes, vacant land
  
6. Access: The subdivision will be accessed via private drive connecting to Mansfield Road.
  
7. Zoning and Development Standards: The subject property is located within the Rural Recreation (R-REC) zoning district under Douglas County Code. The R-REC district does allow for the subdivision of land subject to certain development requirements.
  
8. Major Subdivisions: The requirements of Title 17, "Subdivisions" Douglas County Code, apply to the design and review requirements for approval of major subdivisions of 4 or more lots, parcels or tracts.
  
9. The Douglas County Countywide Comprehensive Plan designates this property as Rural Recreation (R REC). The purpose of the rural recreation (R-REC) district is to provide the opportunity for the development, redevelopment, and infill of existing intensely developed rural recreational areas for residential, recreation, and tourist-related development consistent with the rural character in the vicinity. These areas provide a distinct rural lifestyle closely associated with the many natural amenities found within Douglas County. These areas are clearly identifiable as existing intensely developed rural recreational developments where a logical boundary can be delineated and as set by the built environment. Such boundary shall not permit or encourage a new pattern of sprawling low density. The predominate parcel size is generally less than one acre in size. Uses may include intensification of existing residential development or new development of residential, small scale recreational or tourist uses, provided uses rely on a rural location and do not encourage urban type development or services. The following goals and policies set forth in the comprehensive plan are relevant to this development.
  - 9.1 GENERAL LAND USE.
    - 9.1.1 POLICY G-9: Rural developments should only occur where adequate access to transportation systems, rural levels of utilities and facilities are available. Appropriate facilities/services may include domestic water, sewage disposal, fire and police protection, schools, and power, etc. depending on the scale and impact of the development.
  - 9.2 RURAL LAND USE:
    - 9.2.1 GOAL: Provide a balance between maintaining the existing, traditional pattern of uses in the rural areas of Douglas County, including agricultural activities, while still providing opportunities for future, compatible development.
    - 9.2.2 POLICY R-3: Establish land use designations that represent rural character and that protect the integrity of rural areas.
    - 9.2.3 POLICY R-6: Encourage development in rural areas to be served by rural levels of service.

9.3 RURAL DEVELOPMENT:

- 9.3.1 GOAL: Provide opportunities for continued smaller scale developments outside UGAs that will be compatible with and continue to preserve, maintain and enhance the vital agricultural uses in the County.
- 9.3.2 POLICY RD-3: Development and recreational opportunities in rural shoreline and other rural areas shall minimize potential adverse impacts to water quality, slope stability, vegetation, wildlife and aquatic life.
- 9.3.3 POLICY RD-4: Rural developments will not impact existing public facilities/services to the extent that the level of service for that facility is reduced below the adopted threshold and/or an acceptable operation capacity.
- 9.3.4 POLICY RD-6: Rural developments should consider and comply with the spirit, intent and requirements of all the chapters and sections of this comprehensive plan, including but not limited to, the Resource Lands Element and Resource and Critical Areas Conservation Element.

9.4 TRANSPORTATION:

- 9.4.1 GOAL: Provide efficient use of existing and future transportation facilities through a systematic approach of monitoring and maintaining the road system, integrating all types of transportation systems and facilities, by coordinating transportation facilities planning with other elements of the comprehensive plan, and coordination with other federal, state and local agencies.
- 9.4.2 POLICY T-26: Development shall provide improvements adjacent to their development in accordance with adopted design standards and approved traffic studies. Where deficiencies are present, these issues would have to be addressed prior to development occurring in order to protect the public's health, safety and general welfare consistent with the policies of the comprehensive plan, standard engineering principals, and adopted standards. Improvements necessary to maintain adopted levels of service shall be in place at the time of development, or a financial commitment agreed to by county and the applicant must be in place to complete the improvements or strategies within six years.

9.5 UTILITIES:

- 9.5.1 GOAL: Development in Douglas County will only occur in conjunction with the availability of adequate, cost effective provision of utilities. The installation and expansion of utilities will be coordinated to minimized cost and disruption of normal activities.
- 9.5.2 POLICY U-4: Require that development take into account the timely and concurrent provision of adequate and efficient utility systems.
- 9.5.3 POLICY U-9: The cost of on-site utility improvements or site preparation for developments will be the responsibility of the development benefiting from the improvement.
- 9.5.4 POLICY U-10: Promote the continued use, maintenance, development and revitalization of existing utilities whenever possible.

10. Douglas County issued a Determination of Non-Significance on October 5, 2021 in accordance with WAC 197-11-355 (Optional DNS).

11. Applicable agencies have been given the opportunity to review this proposal.

Agency Notified	Response Received	Agency Notified	Response Received
Chelan-Douglas Health District	02/22/2021	Douglas County Treasurer	02/09/2021
Douglas County PUD	02/10/2021	Douglas County GIS	02/24/2021
WA State Dept. of Ecology	02/23/2021	Douglas County Assessor	02/09/2021
Douglas County Fire Marshal	02/10/2021		
Dept. of Arch. & Historical Preservation	02/22/2021	Douglas County Transportation & Storm Water	02/23/2021
Douglas County Land Services	10/24/2021	Colville Confederated Tribes	02/19/2021
Washington State Dept. of Fish & Wildlife	10/14/2021		

12. No public comments were received.
13. Comprehensive Plan consistency: The proposal is consistent with the goals and policies of the Douglas County Countywide Comprehensive Plan. The proposed lot sizes meet the density standards for residential lots. Policy G-9 requires that rural development be served by adequate transportation facilities and infrastructure. The development will be served by adequate transportation facilities and infrastructure.
14. Consistency with the provisions of Title 17, "Subdivisions", DCC: As conditioned, the proposal is consistent with the provision of this title.
15. Consistency with the provisions of the R-REC Zoning District, DCC Chapter 18.27: The R-REC district allows subdivisions as a permitted use. As conditioned, the proposal is consistent with the provisions of this chapter. The lot sizes proposed are greater than the 15,000 square foot minimum required in the R-REC zoning district.
16. Consistency with the provisions of DCC Chapter 18.18D – Geologically Hazardous Areas. The applicant has provided documentation to address compliance with DCC 19.18D – Geologically Hazardous Areas. The subject property exists on the side of a steep slope and

requires specific geologic analysis to demonstrate the project will not result in any geologic hazards, and provide lots which are buildable. The applicant's original submittals included a geologic assessment that was done in 2004 for a previous 7 lot subdivision proposal on the same parcel. This assessment unsatisfactory as the analysis/ recommendations were applicable to the previous 7 lot layout, and not the current 5 lot layout. The applicant subsequently submitted a geologic site assessment, prepared by Stanton Geological Services, that was applicable to the current 5 lot proposal. Within this assessment, Stanton Geologic Services provides analysis and recommendations for the project in relationship to a variety of geologic hazards including landslide hazards, seismic hazards, slope stabilization and more. The assessment demonstrates that each lot is buildable provided the applicant, and future property owners, take precautionary measures (Specific recommendations are identified within the assessment) and engages professional geotechnical assistance throughout the life of the project. In conjunction with this geologic assessment, and as conditioned, the proposal is consistent with the provisions of this chapter.

17. Consistency with the provisions of DCC Chapter 20.34, Stormwater Drainage. As conditioned, the proposal is consistent with the provisions of this chapter..
18. Consistency with the provisions of DCC Title 12 Road Standards. As conditioned, the proposal is consistent with the provisions of this chapter.
19. On October 14, 2021 WDFW submitted comments for the proposal. The comments include WDFW mapping identifying possible Washington State Priority Habitat and Species on-site. Additionally, WDFW recommended compliance with DCC 18.19C - Fish and Wildlife Habitat Conservation Areas.
20. On October 21, 2021, the Applicant submitted a Habitat Boundary Survey prepared by Grette Associates. The Habitat Survey indicated the presence of Eastside Steppe Habitat on undisturbed portions of the subject property.
21. On November 17, 2021 the applicant submitted a Habitat Management and Mitigation Plan (HMMP). Within the HMMP Grette Associates identify mitigation measures to address impacts from the proposed subdivision and development. To mitigate for the impacts to the priority habitat, the applicant has provided habitat conservation areas that will remain protected and preserved in perpetuity. The applicant identifies 4.9 acres of potential disturbance, and 4.9 acres that will be set aside and protected.
22. An open record public hearing was held on November 18, 2021 via Zoom video conferencing.
23. At this hearing, the entire Planning Staff file was admitted into the record at the public hearing.
24. Appearing and testifying were the Applicants/property owners, Michael Mansfield and agent, Michelle Taylor. Mr. Mansfield indicated that they had no objection to any of the other proposed Conditions of Approval, except for those requiring that signs be erected along the staked Habitat Conservation Area.

25. No members of the public testified at the hearing.
26. The Hearing Examiner finds that erecting signs along the staked Habitat Conservation Area is required to ensure that this area will not be disturbed.
27. Any Conclusion of Law that is more correctly a Finding of Fact is hereby incorporated as such by this reference.

## **II. CONCLUSIONS OF LAW**

1. The Hearing Examiner has been granted authority to render this decision.
2. As conditioned, the development meets the goals, policies and implementation recommendations as set forth in the Douglas County Countywide Plan Comprehensive Plan.
3. As conditioned, this proposal is consistent with applicable federal and state laws and regulations.
4. Public use and interests will be served by approval of this proposal.
5. As conditioned, the proposal is consistent with Title 17 "Subdivisions", Title 18 "Zoning", Title 19 "Environment", and Title 20 "Development Standards", of the Douglas County Code.
6. Any Finding of Fact that is more correctly Conclusion of Law is hereby incorporated as such by this reference.

## **III. DECISION**

Based on the above Findings of Fact and Conclusions of Law, review of all applicable files, including the Planning Department staff file, and after an open record public hearing, the Hearing Examiner has determined that P-2021-01 is hereby **APPROVED** subject to the following Conditions of Approval.

## **IV. CONDITIONS OF APPROVAL**

All Conditions of Approval shall apply to the applicant, and the applicant's heirs, successors in interest and assigns.

1. The project shall proceed in substantial conformance with the plans and application materials of file dated 01/14/2021, 01/22/2021 and 08/06/2021 except as amended by the conditions herein.
2. The applicant is responsible for compliance with all applicable local, state and federal rules and regulations, and must obtain all appropriate permits and approvals including, but not limited to:

- 2.1 Washington State Department of Ecology NDPES permit.
3. A plat certificate showing parties of interest, from a title company, must be submitted with the blue-line drawings.
4. The final plat shall be submitted by a land surveyor licensed in the State of Washington, and shall comply with the standards set forth in Title 17 of the Douglas County Code.
5. All parties having an ownership interest in the subject property shall acknowledge the plat.
6. It is the responsibility of the applicant to contact the Douglas County Assessor's and Treasurer's offices to confirm all taxes are current prior to final plat approval.
7. During construction, all work associated with the proposed project shall occur between the hours of 6:00 a.m. to 7:00 p.m., Monday through Friday and 7:00 a.m. to 7:00 p.m., Saturday. Construction activities on Sunday shall not commence before 8:00 a.m. and shall conclude by 7:00 p.m.
8. The final plat shall show the location of all easements serving or encumbering the subject property.
9. The following notes shall be placed on the final plat:
  - 9.1 All development activities including site preparation, grading, and construction, shall adhere to the findings, conclusions and recommendations derived from the Geologic Site Assessment prepared by Stanton Geological Services, dated August 6, 2021. Timing of the grading and earthwork must meet the parameters set forth by these findings, conclusions and recommendations.
  - 9.2 Concurrent with a building permit submittal for lots 1-4, the applicant shall submit a geologic risk assessment from a geotechnical engineer. The engineer shall assess the suitability of the proposed building location in relationship to the steep slopes.
  - 9.3 A geotechnical engineer shall be consulted for cut and fill slope preparation recommendations prior to any additional grading conducted on the subject property.
  - 9.4 The existing gravel access serving lots 4 and 5 shall be paved, in accordance with the Fire Marshal's requirements, prior to building permit issuance for lots 4 and 5.
  - 9.5 A fire truck turnaround shall be constructed on lot 4 in accordance with the Fire Marshal requirements prior to building permit issuance on either Lot 4 or Lot 5.
10. Prior to any earth disturbance, the applicant shall prepare and inadvertent discovery plan (IDP). The plan shall be kept on site and utilized in the event cultural resources are discovered.
11. The location of existing utilities (i.e. power and irrigation lines, domestic wells, septic system for the existing residence, etc.) and utility easements shall be depicted on the face of the final plat.

12. The 2018 ICC Wildland Urban Interface Code will be utilized for the purposes of fire protection and for mitigating the extreme slope of the proposed pre-existing access to these lots.
13. All structures will be equipped with residential fire sprinklers in accordance to NFPA 13D.
14. Class I Ignition Resistant Construction is required on all structures in accordance to Section 504 of the ICC 2018 Wildland-Urban Interface Code.
15. The creation of defensible space in accordance to the 2018 Wildland -Urban Interface Code is required around all structures to a distance of 100 feet as measured from the perimeter of all structures. In cases where the lot lines limit this modification due to lineal distance limitations, provisions for this requirement will be made to the lot line in question and as allowed or required by the Fire Marshal. The guide "Fire Resistant Plants for Chelan/Douglas County Washington" published by the Chelan / Douglas County Master Gardner Program may be utilized as a reference.
16. Lots greater than one (1) acre are EXEMPT from fire flow requirements PROVIDED that all structures maintain no less than 50 feet of separation utilizing the closest and most direct path as measured from eave to eave.
17. Maximum grade for any graveled access is 10%. Grades greater than 10% but not greater than 12% must be paved. Grades beyond 12% are typically not allowed unless approved by the Fire Marshal on a case-by-case basis. In this development, The 2018 Wildland-Urban Interface Code will be utilized to mitigate the extreme slopes grades associated with this development. A note shall be included on the face of the plat stating that the driveway serving Lot #5 & 6 shall be paved prior to building permit issuance.
18. All access longer than 150 feet must end in an approved Turn Around. The Turn Around must not be a part of a garage approach, must not counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be paved and capable of supporting the weight of emergency apparatus in all weather conditions. The turn around must be paved prior to plat approval.
19. Where applicable, all access longer than 150 feet must end in an approved Turnout every 300-450 feet. The turnout must be no less than 20 wide and 50 feet long. The Turnout must not be counted as parking, must not be counted as a storage area, must account for seasonal snow accumulation, and must be capable of supporting the weight of emergency apparatus in all weather conditions.
20. A complete Private Water System Review application (for each well) including copies of:
  - 20.1 Well Log
  - 20.2 Current Nitrate testing
  - 20.3 Current Coliform Bacteria Testing
  - 20.4 Copy of Declaration of Covenant and/or Restrictive Covenants to be recorded
  - 20.5 Pump/drawdown testing (shared well)
  - 20.6 Joint Use Agreement (shared well)

20.7 Water line easements (shared well).

21. A system user agreement for the well must be created if sharing the well between two new lots.
22. Any existing or proposed private wells must be shown on the plat drawing including at least a 50' sanitary control radius around the well head. Each well point must have (1) recorded protective covenant(s) with the owners of all properties covered by the 50' sanitary control radius or (2) for well points that the plat developer can't secure protective covenants, a variance granted by the Health District. Any variance granted will require a Notice to be recorded against that lot's title and the reduced sanitary control radius, as it actually exists, shown on the final plat. Please contact the Health District if a well site variance will be necessary.
23. All necessary easements and covenants for access and protection of the water supply must be shown or described on the final plat drawing. The Health District has more information and examples of the following protective covenants and variance notice to title. A Restrictive Covenant is necessary for that part of the 50' sanitary control radius that falls outside the well owner's property and is recorded to the neighboring property owner's parcel. A Declaration of Covenant is necessary for that part of the 50' sanitary control radius that falls completely within the well owner's property and is owned in fee simple by the well owner. Some wells will have both protective covenants. The Health District recommends the plat developer consult an attorney about these covenants. Protective covenants for each well point must be declared in the dedicatory language on the plat as follows:
  - 23.1 "A Restrictive Covenant recorded with [name of county here] as AFN: \_\_\_\_\_ establishes a sanitary control area with a 50' radius around the domestic well shown [as well tag # \_\_\_\_\_]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the specific recorded permission of the well owner(s)."
  - 23.2 "A Declaration of Covenant recorded as a notice to title with [name of county] as AFN: \_\_\_\_\_ establishes a sanitary control area with a 50' radius around the domestic well shown [as well tag # \_\_\_\_\_]. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area."
  - 23.3 A variance regarding the Sanitary Control Area around the domestic well shown [as well tag # \_\_\_\_\_] is described in the Declaration of Covenant recorded as a notice to title with [name of county] as AFN: \_\_\_\_\_. This variance allows a reduced sanitary control area. No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area.
24. Operation and maintenance agreements not declared on the plat will require a blank for referencing the document, such as:
  - 24.1 "Well maintenance and operation agreement filed with the County Auditor, No. \_\_\_\_\_."
25. The dedicatory language on the final plat shall carry these notes:
  - 25.1 "The Health District has not reviewed the legal availability of water to this plat development"

- 25.2 “The combined water use by all the wells in this development may not exceed 5000 gallons per day or be used to irrigate more than ½ acre unless a ground water withdrawal permit is obtained from the Department of Ecology (RCW 90.44.050).”
26. A soil/site evaluation for placement of onsite sewage systems is still needed for each proposed lot as per previous development comments. This requirement can be found in WAC 246- 272A-0320 subsection (2) (c). This evaluation can be completed by the Chelan-Douglas Health District or a state licensed septic system designer or professional engineer. Soil information gleaned from a Geotechnical Report is not acceptable.
27. The dedicatory language on the final plat shall contain this statement:  
27.1 “Site evaluations may be required at the time of application for individual septic system construction permits.”
28. The applicant shall pave the fire truck turnaround on lot 2 in accordance with the Fire Marshal’s requirement’s prior to final plat acceptance.
29. The applicant shall surface the 12 foot wide driveway serving lots 4 and 5 with 6” CSBC prior to final plat acceptance.
30. A note shall be included on the face of the plat requiring the existing gravel access serving lots 4 and 5 to be paved in accordance with the Fire Marshal’s requirements prior to building permit issuance for lots 4 and 5.
31. The minimum access easement width shall be 30’ for lots 1, 2, 3, and 5. The minimum access easement width on lot 4 shall be 20 feet. A fire truck turnaround shall be constructed on lot 4 in accordance with the Fire Marshal requirements prior to building permit issuance on either Lot 4 or Lot 5.
32. A Private Access Operation and Maintenance Agreement shall be prepared, executed, and recorded by the applicant; the Auditor’s File Number(s) shall be noted on the final plat map. A note shall be included on the face of the plat which states:  
32.1 “Douglas County shall not be responsible for the maintenance of roadway and appurtenant improvements, including storm drainage structures and pipes located on private property.”
33. Per DCC Chapter 12.24, all new or revised accesses (including temporary accesses) require an approved access permit.
34. All existing and proposed easements shall be clearly delineated with the Auditor’s File Number(s) noted as necessary on the final plat.
35. Five-foot utility easements (min.) are required along all lots or tracts with County road frontage in accordance with applicable road standards. Utility purveyors may require easements in excess of five feet.

36. Utility installation/replacement/upgrade within the Douglas County right-of-way shall be approved by Douglas County. A permit to perform work in the right-of-way shall be obtained prior to construction. Damage to existing roads resulting from construction activities (including utility extensions required to provide necessary services to the proposed development) shall be repaired to the satisfaction of Douglas County, by the applicant. The extent of repair and/or replacement will be determined during construction plan review and during field inspection of the proposed work within the right-of-way.
37. The applicant is responsible for preventing mud, dirt, debris, and stormwater runoff from being tracked or otherwise discharging onto the public Right of Way or adjacent properties.
38. Site specific stormwater design for the individual lots may be deferred until time of building permit submittal. A note shall be included on the face of the final plat which states:
  - 38.1 “At the time of building permit submittal, an engineered site specific stormwater plan and report shall be submitted that conforms to Douglas County Code and the current edition of the Stormwater Management Manual for Eastern Washington. The Engineer of Record shall provide certification that the private on-site stormwater system has been completed in accordance with the accepted plans. A Private Stormwater Operation and Maintenance Agreement, prepared with standard Douglas County forms, shall be executed and recorded with the Douglas County Auditor.”
39. Pursuant to DCC 19.18C, the applicant shall submit a Habitat Boundary Survey/ Memo. The survey shall be consistent with DCC 19.18C.035 – Habitat Boundary Survey. The applicant shall submit the survey prior to any additional earth disturbance.
40. The applicant shall comply with DCC 19.18C - Fish and Wildlife Habitat Conservation Areas.
41. The project shall abide by the conclusions, recommendations, and mitigation measures identified within the Habitat Management and Mitigation Plan prepared by Grette Associates and dated November 17, 2021.
42. The habitat conservation area shall be identified on all plats, maps, plans and documents submitted for the project.
43. The proposed habitat conservation area shall be preserved and protected for the life of the project. No disturbance including, but not limited to, grading, site preparation, recreation, construction activities, etc. is allowed within the designated conservation area
44. All habitat conservation areas shall be staked, by the surveyor, with highly visible markers to prevent access and protect the designated habitat conservation area. Stakes shall be installed and inspected prior to final plat approval.
45. The applicant shall install signage along the staked habitat conservation area. The signage shall read “Habitat Conservation Area”. Proposed signage shall not exceed 2’ x 2’ in size. Signage shall be installed and inspected prior to final plat approval.

46. The applicant shall submit a plan showing stake and sign locations with the final plat.

Dated this 19<sup>th</sup> day of November, 2021.

DOUGLAS COUNTY HEARING EXAMINER



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Andrew L. Kottkamp

**Any aggrieved party or agency of record may request a reconsideration of this Hearing Examiner's decision. Motions for reconsideration must be filed with the Department within ten (10) days from the date of issuance as defined by RCW 36.70C.040(4)(a). Unless otherwise provided, the filing of a motion for reconsideration shall not stop or alter the running of the period provided to appeal the Hearing Examiners decision to Superior Court. Motions for reconsideration are governed by Douglas County Code 2.13.150.**

**Anyone aggrieved by this decision has twenty-one (21) days from the issuance of this decision, to file an appeal with Douglas County Superior Court, as provided for under the Judicial Review of Land Use Decisions, RCW 36.70C.040(3). The date of issuance is defined by RCW 36.70C.040 (4)(a) as "(t)hree days after a written decision is mailed by the local jurisdiction or, if not mailed, the date on which the local jurisdiction provides notice that a written decision is publicly available" or if this section does not apply, then pursuant to RCW 36.70C.040(3) (c) "...the date the decision is entered into the public record." Anyone considering an appeal of this decision should seek legal advice.**