

FILED - COPY

DEC 23 2021

DEBRA VAN PELT  
ISLAND COUNTY CLERK

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

ISLAND COUNTY, a political subdivision of  
the State of Washington,

Plaintiff,

vs.

DAVID MURESAN and MARIA MURESAN,

Defendants.

CAUSE NO. 21 2 00471 15

COMPLAINT RE:  
PUBLIC NUISANCES

COMES NOW the Plaintiff, Island County, a political subdivision of the State of Washington,  
and for its causes of action alleges as follows:

I. JURISDICTION AND VENUE

1.1 This civil action is brought by Plaintiff Island County pursuant to the laws of the State of  
Washington and Island County, and falls within the general legal and equitable jurisdiction of the Island  
County Superior Court ("Court") pursuant to RCW 2.08.010.

1.2 The Island County Superior Court is the proper venue for this action pursuant to RCW  
36.01.050, RCW 4.12.020 and RCW 4.12.025. This action arose in Island County and Defendant David  
Muresan resides in Island County, Washington.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

## II. PARTIES AND PROPERTY IDENTIFIED

2.1 Island County ("County") is a political subdivision of the State of Washington, authorized and empowered under the laws of the State of Washington and the Washington Constitution to make and enforce police and other regulations. The County has legal authority to enact and enforce laws relating to zoning, sanitation, health, safety, welfare, and related concerns pursuant to Article XI, Section 11 of the Washington Constitution and statutory authority. RCW 36.32.120(10) expressly authorizes counties to declare nuisances, to abate nuisances, and to impose and collect assessments for the abatement of nuisances.

2.2 Defendant David Muresan ("Mr. Muresan") is a record owner and resident of the real property situated in Island County commonly known as 1578 Crestview Drive and/or 1578 S. Crestview Drive, Camano Island, WA 98282, Parcel No. R33119-067-2580 ("Property"), legally described as:

**Lot 8, Plat of Country Club Estates, Division No. 2, as delineated on survey filed in Book 4 of Surveys, pages 50 and 51, under Auditor's File No. 304965, records of Island County; being a portion of the Southwest quarter of the Southeast quarter and of the Southeast quarter of the Southwest quarter of Section 19, Township 31 North, Range 3 East W.M.;**

**Situate in the County of Island, State of Washington.**

2.3 Defendant Maria Muresan ("Ms. Muresan") is also a record owner of the Property. Ms. Muresan is the ex-wife of Mr. Muresan, and is believed to reside in King County, Washington.

2.4 Ms. Muresan bought the Property in her own name in 2001, and executed a quit claim deed to herself and Mr. Muresan in 2003. The Property was then awarded as separate property to Mr. Muresan in the Decree of Dissolution in King County Superior Court Cause No. 03-3-0869-0SEA on December 15, 2003. However, in an "Order to Amend the Decree of Dissolution," on June 8, 2012, the

1 Property was awarded as “separate property” to both Mr. Muresan and Ms. Muresan in the same cause  
2  
3 (amending paragraphs 3.2 and 3.3 of the Decree of Dissolution) by the King County Superior Court.

### 4 III. PUBLIC NUISANCES

5 3.1 After several years of complaints by neighbors and tenants, and countless efforts by  
6 multiple County departments, officials and employees, including stop work orders, fines, inspections, a  
7 hearing examiner decision, administrative orders and other code enforcement efforts, to correct  
8 numerous violations of county ordinances and state laws on the Property, the County is now filing this  
9 action to compel Defendants’ compliance with those laws, abate the public nuisances, and protect the  
10 public health, safety and quality of life of the community. The facts demonstrating that the Property is  
11 being used and maintained as a public nuisance are summarized below.  
12  
13  
14

15 A. **Defendants’ Violations of Sewage Requirements and Sanitation Laws Constitute a**  
16 **Public Nuisance.**

17 3.2 The existing septic system on the Property serves the existing three-bedroom home.  
18 According to the Island County Health Department (“Health Department”), the existing system is not  
19 properly maintained and is capable of handling no more than the volume of waste generated by a three-  
20 bedroom house, which is what the building permits of record indicate is the existing use on the Property.  
21

22 3.3 On December 21, 2018, the Health Department issued a Sewage Failure Notice of  
23 Violation to Mr. Muresan via certified mail from Environmental Specialist Thomas Griffith. The Notice  
24 states that Mr. Muresan admits he rented out five rooms in his garage. The Notice informed him that the  
25 expansion of his residence was a violation of ICC 8.07D.300, which requires an expanded residence to  
26 have onsite septic systems and full reserves areas in compliance with new system construction standards.  
27 The letter also informed Mr. Muresan that he was in violation of ICC 8.07D.050, mandating adequate  
28 sewage disposal. The letter explained that Mr. Muresan’s existing onsite septic system was designed to  
29  
30

1 handle the volume of wastewater for a three bedroom house, and that the addition of five bedrooms  
2 worth of wastewater exceeded the treatment and soil dispersion capacity of the existing onsite septic  
3 system, and would likely lead to a premature failure. The letter informed Mr. Muresan that he was  
4 responsible for an annual inspection of his onsite septic systems and that, as of that date, there were no  
5 records of inspection for the Property, a violation of ICC 8.07D.280. The letter warned Mr. Muresan  
6 that within ninety (90) days from the receipt of the letter, all illegal rental activity must cease, all  
7 occupants must be removed, and a county-licensed service provider must inspect the septic system.  
8  
9

10  
11 3.4 In a letter from the Camano Island Country Club, dated June 24, 2019, a neighbor  
12 complained about “a pungent smell they believe has to do with your septic, which appears to have gone  
13 unaddressed for many months.”  
14

15 3.5 Mr. Muresan’s neighbors, Bob and Debbie Christopher, filed a written complaint with  
16 the Island County Department of Planning and Community Development (“Planning Department”) on  
17 April 22, 2019. The Christophers stated that it was their third complaint to the County and that “we now  
18 want to inform you that we are smelling the effects of David’s failing septic system. ... We could smell  
19 the nasty odor from our own backyard.”  
20  
21

22 3.6 On October 3, 2019, the Health Department issued a Notice of Violation to Mr. Muresan  
23 for unpermitted and nonconforming alteration of a drain field in violation of ICC 8.07D.050 to .100.  
24 The Notice of Violation stated, “The septic system is failed, is detrimental to the public health, safety,  
25 and welfare, and is hereby declared a Public Nuisance.” The letter explained that Mr. Muresan must  
26 apply for repair permits within ninety (90) days and begin repairs to the septic system within one hundred  
27 eighty (180) days.  
28  
29  
30

1           3.7 Health Department documents show that Mr. Muresan administratively appealed the  
2  
3 October 3, 2019 Notice of Violation to the Public Health Officer on October 9, 2019. The Public Health  
4 Officer upheld the Notice of Violation.

5           3.8 In an email dated June 3, 2020, Tim Jones of the Camano Island Country Club wrote,  
6  
7 “Various homeowners have submitted anonymous complaints to our committee out of fear of  
8 retaliation...In addition to the unsightly nature of the property in its current state, it also represents a  
9 safety risk as the water supply of this community is endangered by illegal septic activities...”

10  
11           3.9 In a declaration On June 2, 2020, Dr. Lawrence Baum noted that he lives in the same  
12 neighborhood as Mr. Muresan. He also stated that Mr. Muresan’s property is occupied “by more people  
13 than can be reasonably accommodated by the existing septic (3 bedroom/2 bathroom) water system.”  
14 Dr. Baum also noted that people were living in trailers, campers and tents on the Property and that he  
15 was concerned about “Occupation of the property in these trailers, campers and tents lacking proper  
16 water or septic systems.”

17  
18           3.10 On December 7, 2021, law enforcement and code enforcement officers executed a search  
19 warrant on the Property and confirmed that approximately 10-15 people are living on the Property in a  
20 converted carport/ garage with seven living units and in multiple recreational vehicles/trailers. These  
21 additional residents reported they use a toilet or toilets in the garage/carport areas, greatly exceeding the  
22 capacity of the septic system approved for the 3 bedroom house.

23           3.11 Violations of the County’s sewage laws have been declared a “public nuisance.” ICC  
24 8.07D.370.C.1

25  
26           3.12 The Muresans’ acts and omissions relating to sewage equally affect the rights of the entire  
27 community or neighborhood, although the extent of the damage may be unequal. That being so, these  
28  
29  
30

1 acts and omissions constitute a public nuisance, which must be abated to protect the public health, safety  
2 and welfare. RCW 7.48.120; RCW 7.48.130; RCW 7.48.220; RCW 7.48.230.

3  
4 **B. Defendants' Unlawfully Allowing RVs and Portable Structures to be Used as**  
5 **Dwelling Units on the Property Constitutes a Public Nuisance.**

6  
7 3.13 The Property is located in the "Rural Residential" (RR) zoning classification according  
8 to the Zoning Atlas of Island County, ICC 17.03.050.C.1

9  
10 3.14 The Muresans have allowed the use of several Recreational Vehicles ("RVs"), trailers  
11 and other portable structures as long-term dwelling units by third parties on the Property in exchange  
12 for rent paid to Mr. Muresan, typically in cash. Island County's Zoning Code allows some temporary  
13 uses to "be conducted upon temporary use approval" as long as each use meets Zoning Code  
14 requirements. ICC. 17.03.180.V.1, ICC 17.03.200.D. Temporary use approval is also called a  
15 "certificate of temporary use." ICC 17.03.200.C.

16  
17 3.15 According to the Planning Department, Defendants never applied for nor obtained a  
18 certificate of temporary use for the aforementioned RVs or other portable structures on the Property.  
19 Therefore, the use of RVs and portable structures as residential dwelling units on the Property is  
20 unlawful, a violation of ICC 17.03.180.V. and 17.03.200.

21  
22 3.16 Neighbors have complained they have been negatively impacted by the individuals who  
23 have resided on the Property in this unlawful manner.

24  
25 3.17 In an email from the Camano Country Club to the Island County Hearing Examiner,  
26 dated June 3, 2020, the Club stated "Mr. Muresan's efforts to create a community for homeless people  
27 on his property composed of tents and RVs and a hodge podge of building structures, and by our count  
28 anywhere between 10 and 15 cars and trucks, all viewable from the street. We believe Mr. Muresan's  
29 activities amount to the operation of an illegal boarding house." The email adds, "The Covenants  
30

1 Committee heard at least eight different verbal complaints from homeowners with properties impacted  
2 by Mr. Muresan's lot, going back as far as 2015.”  
3

4 3.18 On December 3, 2021, a fifth-wheel trailer being used unlawfully as a residence on the  
5 Property caught fire and was consumed by flames. While the owner of the trailer was not home at the  
6 time of the fire and survived, the possibility of fires from this and other portable residences being used  
7 unlawfully poses an undue risk to the health and safety of residents, visitors, neighbors, first responders,  
8 and the community. First responders at the scene photographed electrical wiring that was connected,  
9 through use of numerous long extension cords, some submerged in mud and water, to the various  
10 portable structures and vehicles.  
11  
12

13 3.19 For several years, fire and law enforcement officers have responded to numerous  
14 incidents, including the fire and violent crimes, involving residents of these illegal portable dwellings,  
15 endangering first responders and reducing the availability of emergency services to the community.  
16 Camano Fire and Rescue noted that the illegal portable dwellings, which are located far from the street,  
17 are particularly difficult for firefighters to access with water supplied from hydrants.  
18  
19

20 3.20 In responding to the fire on December 3, 2021 and in serving the search warrant on  
21 December 7, 2021, law enforcement officers confirmed that several people, in addition to the person  
22 whose trailer burned, were living in RVs and portable structures on the property. They observed that  
23 greywater discharged directly onto the Property. Residents reported that they had to visit the unlawfully  
24 constructed garage and carport to use the toilet, which further burdens the septic system.  
25  
26

27 3.21 The RVs and portable structures used as dwelling units, without temporary use permits, that  
28 the Muresans allow on the Property in a residential neighborhood violate ICC 17.03.180.V. As such,  
29 they are a declared public nuisance. ICC 17.03.260.  
30

1           3.22 The long-term unlawful use of the RVs and portable structures has resulted in actual and  
2 substantial injury, detrimental to the public health, safety and welfare of the community and  
3 neighborhood. The Muresans' acts and omissions equally affect the rights of the entire community or  
4 neighborhood, although the extent of the damage may be unequal. These actions and omissions  
5 constitute a public nuisance, which must be abated to protect the public health, safety and welfare. RCW  
6 7.48.120; RCW 7.48.130; RCW 7.48.220; RCW 7.48.230.

9           **C. Defendants' Unlawful Use of Accessory Structures as Dwelling Units Constitutes a**  
10           **Public Nuisance.**

11           3.23 Uses of real property within the "Rural Residential" (RR) zoning classification are  
12 limited to those permitted and conditional uses set out in ICC 16.15.160 and ICC 17.03.070.A and .B.

13           3.24 ICC 17.03.040 defines "Permitted Use" as "A Use or Structure allowed by right in a Zone  
14 subject to the limitations and standards of this Chapter."  
15

16           3.25 ICC 17.03.040 defines a "Dwelling Unit" as "any building, or portion thereof which  
17 contains living facilities for not more than one (1) family. Living facilities include "provisions for  
18 sleeping, cooking, and sanitation, as required by Island County." Dwelling Unit "includes site built  
19 homes, mobile/manufactured homes, modular homes, duplexes, triplexes and fourplexes." "Accessory  
20 Living Quarters" are "separate living quarters contained within the primary residence." ICC 17.03.040.  
21

22           3.26 "Guest Cottage" means "a detached accessory dwelling unit, situated on the same parcel  
23 as a single family dwelling, which does not exceed 1,000 square feet in gross floor area, shares a common  
24 driveway with the single family dwelling and which cannot be segregated or separately sold, transferred,  
25 given or otherwise conveyed unless the lot is of sufficient size to meet base density and other County  
26 Code requirements." ICC 17.03.040.  
27  
28  
29  
30



1           3.27 ICC 17.03.040 defines an “Accessory Use or Building” as “a use...customarily  
2 considered to be incidental to or secondary to a permitted use or an approved conditional use on the  
3 property or on adjacent properties under the same ownership. Examples of accessory buildings or  
4 structures include, but are not limited to, sheds, shops, garages, greenhouses, barns, guest cottage, etc.”  
5  
6

7           3.28 ICC 17.03.180.I.1 regulates guest cottages. “Guest cottages may be established as  
8 accessory dwelling unit in the Rural, Rural Residential...Zones on lots one (1) acre or greater in size...”  
9 Id. However, the use of guest cottages is limited. The Zoning Code states in part that there may be “No  
10 more than one (1) guest cottage or accessory living quarters per single family dwelling unit,” that “No  
11 individual shall receive more than one (1) guest cottage permit per calendar year,” that “The accessory  
12 living quarters are subject to applicable Health Department standards for water and sewage disposal,”  
13 and “The applicant must apply for a building permit for a guest cottage. A guest cottage shall comply  
14 with applicable building, fire, and health and safety codes...” ICC 17.03.180.I.1.a.b.c.f & g.  
15  
16

17           3.29 According to the Planning Department, the Muresans never obtained any permits to  
18 allow guest cottages on the Property. Residents of the converted garage and carport report they pay rent  
19 to Mr. Muresan, often in cash, for these illegal dwellings. The converted garage and carport also violate  
20 the applicable building, fire, health and/or safety codes. The use of guest cottages as accessory dwelling  
21 units on the Property therefore violates ICC 17.03.180.I.  
22  
23

24           3.30 According to the Planning Department, the Muresans never obtained any permits for  
25 accessory living quarters on the Property. On March 29, 2021, Code Enforcement Officer John Brazier  
26 observed five RVs and one portable structure on the Muresans’ property. The Planning Department, the  
27 Health Department, the Camano Island Country Club, neighbors, and even Mr. Muresan himself have  
28 stated that Mr. Muresan maintains multiple accessory living quarters on the Property. Consequently, the  
29 accessory living quarters on the Property are unlawful, and a violation of ICC 17.03.180.I.  
30

1           3.31 Mr. Muresan has made illegal and unpermitted additions and alterations to a garage and  
2 a carport accessory structure on the Property without making application to County building officials  
3 and without obtaining the required permit or permits, all in violation of the International Residential  
4 Code (“IRC”) Section R105.1, ICC Chapter 17.03, et seq.  
5

6  
7           3.32 In June of 2020, Mr. Muresan’s neighbors, Bob and Debbie Christopher, wrote a  
8 declaration about the Muresans’ property. The Christophers noted that Mr. Muresan made “significant  
9 changes to his shop, constructing 5 rooms to rent.” They added, “Now including the enclosed carport,  
10 he has 7 rooms...The number of tenants occupying [Mr. Muresan’s] residence continues to grow at an  
11 alarming and unhealthy rate and way of life, thus diminishing the peace, serenity and value of the  
12 neighboring properties such as ours.”  
13

14  
15           3.33 On June 2, 2020, Dr. Baum, a neighbor of Mr. Muresan, wrote a declaration. He stated  
16 he was concerned that the Property was occupied “by more people than can be reasonably  
17 accommodated by the legally permitted three-bedroom home in the shop/garage, trailers, campers, and  
18 tents in the wooded portion of the property.” Dr. Baum wrote, “the only legal existing home is 3 bedroom  
19 and has a 3 bedroom septic system. Yet, he has 10-15 people living on his property, in the house, in the  
20 illegally subdivided garage and back in the woods in tents, campers, and trailers.”  
21

22  
23           3.34 The Island County Sheriff’s Office and Camano Island Fire and Rescue have had to  
24 respond to numerous medical, law enforcement, child welfare, fire, and other emergencies on the  
25 Property caused by the large number of individuals residing in the illegal dwelling units in numerous  
26 incidents, reducing the availability of emergency services that protect the entire community.  
27

28  
29           3.35 On December 7, 2021, law enforcement officers and code enforcement officers executed  
30 a search warrant on the Property and confirmed that numerous individuals on the Property, including

1 Mr. Muresan, were living in the garage and carport that had been converted, without permits, into  
2 multiple living units, including kitchen and bathroom areas.

3  
4 3.36 The Muresans' unpermitted dwelling units are in a residential neighborhood, adversely  
5 affect neighbors, and are in violation of ICC 17.03.180.I. It is unlawful for any person to construct,  
6 enlarge, alter, repair, move, demolish, use, occupy or maintain any use or cause the same to be done in  
7 violation of any of the provisions of the Zoning Code. Any such violation is also declared to be a public  
8 nuisance. ICC 17.03.260.  
9

10  
11 3.37 The long-term unlawful use of the unpermitted dwelling units has resulted in actual and  
12 substantial injury, detrimental to the public health, safety and welfare of his community and  
13 neighborhood. The Muresans' acts and omissions equally affect the rights of the entire community or  
14 neighborhood, although the extent of the damage may be unequal. These acts and omissions constitute  
15 a public nuisance, which must be abated to protect the public health, safety and welfare. RCW 7.48.120;  
16 RCW 7.48.130; RCW 7.48.220; RCW 7.48.230.  
17

18  
19 **D. Defendants' Unlawful Storage of Junk, Junk Vehicles and Garbage Constitutes a**  
20 **Public Nuisance.**

21 3.38 The Island County Code limits the presence of junk and junk vehicles on lots in the Rural  
22 Residential zone. "Junk" is defined in ICC 17.03.040. "Junk vehicle" is defined in ICC 17.03.040. Junk  
23 Yard and /or Salvage Yard" is defined in ICC 17.03.040.  
24

25 3.39 ICC 17.03.180.M.2 contains express limitations to the accumulation of junk on rural  
26 properties. Outdoor storage of junk is subject to the following standards:  
27

- 28 a. Outdoor storage of junk is permitted at a scale and intensity that is  
29 commonly associated with, and secondary to, a legally established permitted  
30 use; or

1 b. At a scale and intensity that exceeds what is commonly associated with  
2 and secondary to a permitted use, which may be permitted if all items are  
3 completely screened from view through the use of berms, landscaping,  
4 fencing and/or existing native vegetation.

5 3.40 Pursuant to ICC 17.03.180.M.1, "Outdoor storage of junk vehicles may be permitted in  
6 association with, and secondary to, a legally established permitted use." The Zoning Code limits the  
7 amount of junk vehicles. On a parcel that is 1 acre or less in size, 1 junk vehicle is permitted; on a parcel  
8 that is 1 to 5 acres in size, two junk vehicles are allowed; on a parcel that is greater than 5 acres in size,  
9 no more than 5 junk vehicles are allowed. ICC 17.03.180.M1.a & c.

11 3.41 Information provided by neighbors and the Planning Department shows that the Muresans  
12 have unlawfully stored junk and junk vehicles on the Property for years. In an email to Jill Wood of the  
13 Health Department dated January 16, 2014, neighbor Bob Christopher noted the condition of the  
14 Muresans' property. He described it as having "piles of debris ... cans, bags, trailers, vehicles etc..."  
15 and a growing "illegal dump area..." Mr. Christopher stated that from his property he could see  
16 "approximately 10 abandoned vehicles on the property..." Mr. Christopher also complained that garbage  
17 was dumped on the Muresans' property. He wrote, "The owner freely admits that his friend has been  
18 picking up refuse from job sites and rather than taking the refuse to an authorized state agency he has  
19 and continues to dump on the referenced property."

23 3.42 In an email dated September 9, 2016, the Christophers wrote to the Planning  
24 Department's Patricia Schultz and complained about Mr. Muresan and his renters burning garbage.  
25 They noted, "He and his recent renters have NEVER had garbage service. They burn all their garbage  
26 ... One of the roommates ... said that 'David is just waiting for the burn ban to lift so he can burn the  
27 huge pile of garbage.' And this pile of garbage has certainly attracted more rodents that my cats bring  
28 home daily."  
29  
30

1           3.43    A letter to Mr. Muresan from the Camano Island Country Club dated June 24, 2019,  
2  
3 contains a complaint made by a neighbor who explains that the Property has shown years of neglect,  
4 including garbage collecting in large quantities, several vehicles in disrepair, periodic burning, and a  
5 pungent smell. The letter states further that neighbors have observed garbage strewn all over the  
6 Property, as well as a collapsed shed “full of rotting debris and garbage.” The letter adds, “We demand  
7 you clean up all construction debris and garbage.”  
8

9           3.44    In a declaration dated June 2, 2020, neighbor Dr. Baum complained about burning  
10 garbage on the Property. He wrote, “I periodically observe smoke from open fires which sometimes is  
11 dense black suggesting that perhaps debris, rubber and plastics were being burned. His solution to  
12 minimizing garbage pick costs is to burn it, in my opinion...I arrived home to see a dense black, foul-  
13 smelling cloud coming from the area back by the trailers...When the wind is blowing toward my  
14 property, the smell is foul and certainly not that of normal vegetation burning.”  
15  
16

17           3.45    The Planning Department has repeatedly confirmed the presence of excessive junk and junk  
18 vehicles on the Property. On September 5, 2018, Code Enforcement Officer Brazier informed Mr. Muresan  
19 that junk, including junk vehicles, and trash needed to be removed. An Initial Enforcement Order on April  
20 18, 2019 also ordered Mr. Muresan to stop accumulating and remove junk and junk vehicles.  
21  
22

23           3.46    According to the County Assessor’s website, the Property is five acres. On March 29, 2021,  
24 Officer Brazier noted that he observed trash, junk and numerous junk vehicles, “more than the code allows  
25 on a five (5) acre parcel,” present on the Property.  
26

27           3.47    On December 7, 2021, law enforcement and code enforcement officers serving a search  
28 warrant on the Property confirmed that it was still littered with junk, trash and numerous junk vehicles, in  
29 volumes far exceeding that permitted by the Island County Code.  
30

1           3.48    At all times material herein, the Muresans have caused and/or allowed the Property to be  
2 used as a “Junk Yard and/or Salvage Yard” in that it is used to store, in an open area, junk vehicles, vehicle  
3 parts, discarded materials, and other junk items. Junk yards are not permitted in the Rural Residential zone.  
4 Defendants are therefore in violation of ICC 17.03.035, and 17.03.180.M.  
5

6           3.49    It is unlawful for any person to construct, enlarge, alter, repair, move, demolish, use,  
7 occupy or maintain any use or cause the same to be done in violation of any of the provisions of the  
8 Zoning Code. Any such violation is also declared to be a public nuisance. ICC 17.03.260.  
9

10           3.50    The junkyard conditions, garbage and illegal storage of junk and junk vehicles have  
11 annoyed, injured or endangered the comfort, repose, health or safety of others, and offended their  
12 decency. For years, the Muresans’ acts or omissions regarding junk, junk vehicles and garbage on the  
13 Property have constituted a public nuisance, adversely affecting neighbors due to unsightly conditions,  
14 blight, noise, and poor sanitation. These acts and omissions have resulted in actual and substantial injury,  
15 detrimental to the public health, safety and welfare of his community and neighborhood, and equally  
16 affect the rights of the entire community or neighborhood, although the extent of the damage may be  
17 unequal. These acts and omissions constitute a public nuisance, which must be abated to protect the  
18 public health, safety and welfare. RCW 7.48.120; RCW 7.48.130; RCW 7.48.220; RCW 7.48.230.  
19  
20  
21

22           E.       **Defendants’ Unpermitted and Unsafe Construction of Residential Living Units**  
23                   **Inside the Converted Garage and Carport in Violation of the Building Code**  
24                   **Constitutes a Public Nuisance.**  
25

26           3.51    ICC 14.01A.010 adopts uniform codes by reference, including, but not limited to, the  
27 International Residential Code (“IRC”).  
28

29           3.52    IRC Section R105.1, provides “[A]ny owner or owner’s authorized agent who intends to  
30 construct, enlarge, repair, move, demolish or change the occupancy of a building or structure, or to erect,

1 install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing  
2 system, the installation of which is regulated by this code, or to cause any such work to be performed,  
3 shall first make application to the building official and obtain the required permit.” Section R202 of the  
4 IRC defines a “Structure” as “[T]hat which is built or constructed.”  
5

6  
7 3.53 Prior neighborhood complaints of unpermitted construction on the Muresan property,  
8 including the converted garage and converted carport, are set forth above and incorporated herein. On  
9 December 7, 2021, code enforcement officers serving a search warrant inspected the Muresans’  
10 converted garage and converted carport which housed a number of residents, including Mr. Muresan.  
11 Numerous Building Code violations were readily apparent. Officers noted that the garage and carport  
12 had been converted into seven sleeping areas with a kitchen area, two bathrooms and no door for a  
13 vehicle. Building Official Dustin Curb noted, “All across the building open electrical junction boxes  
14 exist. In multiple locations, the wires supplying power suspend light fixtures. These exposed circuits  
15 pose life safety risks to occupants.” The illegal dwellings also lacked adequate fire safety and other  
16 protective measures such as smoke detectors, fire partitions, carbon monoxide detectors, and legally  
17 required sprinklers. Several units lacked proper egress; one had no direct exterior access at all, another  
18 had a fixed window that does not open, while another had a window that was taped shut.  
19  
20  
21  
22

23 3.54 Substandard and illegal electrical, plumbing and other unpermitted work threatens the  
24 health and safety of residents and visitors. These violations are being committed in crowded, confined  
25 indoor spaces occupied by numerous individuals, including children, during a pandemic.  
26

27 3.55 The Muresans’ construction and operation of unpermitted, unsafe living quarters in the  
28 converted garage and carport areas endangers residents and visitors inside. The danger of fires, similar  
29 to the one that already destroyed a nearby trailer on the Property, also threatens other residents on the  
30 Property, neighboring property owners, first responders and the community.





1 systems”), by allowing recreational vehicles (RVs), trailers, and tents to be used as temporary dwelling  
2 units on his Property without a temporary use permit, and alleging that the Property was continuously  
3 out of compliance with on-site sewage systems requirements. The Planning Department alleged that Mr.  
4 Muresan converted a standalone shop/garage on the Property into unpermitted and uninhabitable low-  
5 income housing units, consisting of seven poorly constructed bedrooms with a single bathroom, no  
6 insulation, no hot water, no refrigeration, no heating, no adequate septic system, and exposed electrical  
7 wires. Pursuant to ICC 17.03.180.M, the amended IEO ordered Mr. Muresan to cease operating an  
8 illegal campground, to cease renting unpermitted structures, to cease all unpermitted construction on the  
9 Property, and to remove all junk accumulation and junk vehicles on the Property. Pursuant to ICC  
10 17.03.260.E.1.c, the Planning Department assessed Mr. Muresan a civil penalty of \$500.00 for code  
11 violations on the Property that occurred prior to the issuance of the IEO. The Planning Department  
12 warned Mr. Muresan that if the initial civil penalty was not paid, and the alleged violations were not  
13 corrected within 14 days of the receipt of the amended IEO, further civil penalties of \$500.00 per  
14 violation, per day would be assessed. The amended IEO warned Mr. Muresan that the Planning Director  
15 could charge the full amount for all accrued civil penalties plus interest at the maximum rate allowed by  
16 RCW 19.52.020 from the date due, as a personal obligation and lien against the Property. The amended  
17 IEO provided Mr. Muresan notice of his right to appeal pursuant to ICC 17.03.260.E.3.  
18  
19  
20  
21  
22  
23

24 4.6 On June 5, 2021, Mr. Muresan appealed the amended IEO to the Hearing Examiner.

25 4.7 On June 15, 2020, the Hearing Examiner conducted a hearing on the appeal, which  
26 included several witnesses and numerous exhibits. While three violations of the Island County Code  
27 were alleged in the amended IEO, the County chose only to pursue violations of ICC 17.03.180.I, the  
28 unpermitted guest cottages and accessory living quarters.  
29  
30

1           4.8     On June 29, 2020, the Hearing Examiner issued a written decision regarding Mr.  
2 Muresan’s appeal of the June 1, 2020 IEO. The Hearing Examiner found “substantial evidence that  
3 violations of ICC 17.03.180.I related to the need for permits for guest cottages and accessory living  
4 quarters, have occurred.”  
5

6           4.9     The Hearing Examiner’s decision ordered Mr. Muresan to cease his illegal conduct:  
7

8           The Appellant must notify tenants on his property to vacate unpermitted residential  
9 structures and living quarters within 21 days of service of this order. He may not provide  
10 housing for others, except as guests within the single-family house on the subject  
11 property, unless and until the temporary use permits and building permits required for a  
12 guest cottages and accessory living quarters have been approved and issued by the  
County, including permits for converting the shop building into living quarters.

13           4.10    The Hearing Examiner, after noting his authority to modify the enforcement order,  
14 “including modification of the civil penalty requested by the county,” imposed civil penalties:  
15

16           Mr. Muresan is immediately assessed a \$500 fine for allowing persons to inhabit  
17 structures and otherwise reside on his property as tenants without first obtaining proper  
18 permits, including a temporary use permit while a structure is under construction and  
19 building permits for all living quarters. If residents on the property (other than Mr.  
20 Muresan and any immediate family) remain after 21 days from the date this order is  
21 served upon Mr. Muresan, or if Mr. Muresan fails to pay the \$500 fine by that time, Mr.  
22 Muresan shall be assessed an additional fine of \$500 per day until all residents (other than  
23 Mr. Muresan and any immediate family) are no longer residing on the property or  
otherwise inhabiting structures on the property. Residents may return to the property only  
if the required building permits are issued by the County, or if an initiative sponsored by  
Mr. Muresan is properly passed into law that obviates the need for those permits.

24           4.11    On September 8, 2020, the Planning Department requested approval of a lien on the  
25 Property for unpaid fines, costs and accrued interest. On September 14, the Hearing Examiner  
26 approved the request. On October 20, 2020, the Island County Board of County Commissioners  
27 (“BOCC”) passed Resolution C-85-20 to secure and record the lien with the Island County Auditor as  
28 ordered by the Hearing Examiner on September 14, 2020. The lien was recorded.  
29  
30

1           4.12 Mr. Muresan has not paid his fines, continues to be noncompliant with the Hearing  
2  
3 Examiner’s order and accrues civil penalties, with interest, daily as a result of his acts and/or omissions.

4                                       **V. RELIEF REQUESTED**

5           5.1 **Injunctive Relief.** The County respectfully requests the Court to grant preliminary  
6  
7 and/or permanent injunctions pursuant to RCW 7.40.020 et seq., ICC 17.03.260.D, and CR 65.

8           5.2 **Abatement of Public Nuisance.** The County respectfully requests that the Court issue a  
9  
10 Warrant of Abatement pursuant to RCW 7.48.200.

11           5.3 **Judgment Regarding Civil Penalties, Costs and Expenses.** The County respectfully  
12  
13 requests that the Court enter a civil judgment regarding financial penalties, costs and expenses. Mr.  
14 Muresan has failed to pay the civil penalty amounts imposed by the Island County Hearing Examiner. Mr.  
15 Muresan continues to accrue fines and penalties as a result of acts and/or omissions, all in violation of  
16 ICC 17.03.180.I, and ICC 17.03.260. As a direct and proximate result of the Muresans’ acts/omissions  
17  
18 and practices, the County is entitled recover all expenses and costs necessary to abate and respond to the  
19 public nuisances created by the Muresans. RCW 7.48.280; ICC 17.03.260.D.5 & H. The County seeks  
20 entry of a civil judgement for these financial penalties, expenses and costs in this Court as authorized by  
21 ICC 17.03.260D.5 & H and RCW 7.48.280.  
22

23           5.4 **Other Relief.** The County respectfully requests attorneys’ fees and costs pursuant to  
24  
25 RCW 4.84 et seq., post-judgment interest pursuant to RCW 4.56.110 and RCW 19.52.020, and such other  
26 relief as may be such other and further relief as the Court deems just and equitable.

27  
28        //

29        //

30        //

1 DATED this 23rd day of December 2021.  
2  
3

4 GREGORY M. BANKS  
5 ISLAND COUNTY PROSECUTING ATTORNEY

6 By:   
7 **GREGORY M. BANKS, WSBA # 22926**

8 Island County Prosecuting Attorney  
9 Attorney for Plaintiff Island County  
10 Island County Prosecuting Attorney's Office  
11 Law and Justice Center  
12 P.O. Box 5000  
13 Coupeville, WA 98239-5000  
14 (360) 240-5506 (Telephone)  
15 (360) 240-5566 (Fax)  
16 E-mail: gregb@islandcountywa.gov  
17 E-mail: c.cosby@islandcountywa.gov  
18 E-mail: k.berkhoudt@islandcountywa.gov  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30