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PINAL COUNTY HEARING OFFICE
(PO NUMBER 243360)

Morning Session
8:30 a.m.

January 13, 2022

Pinal County Superior Court Administration Building
971 N. Jason Lopez Circle, Building A, 3rd Floor
Florence, Arizona 85132

INDEX:

Respondent	Case No.	Activity/ Complaint No.
Linda Olson	Z021-0060	CC-0251-21

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ORIGINAL PREPARED FOR:
PINAL COUNTY, ARIZONA

1 KILE: Case number ZO-21-0060. Complaint number is
2 CC-0251-21. Parcel number's 10022021A. In the matter of
3 Linda Olson. It's for a violation of the Pinal County
4 Development Services Code, ordinance number 021010, based on
5 the following: Count 1, Outside Storage and Parking. Count
6 2, Outside Storage and Parking. Count 3, Storage and
7 Accessory Uses. All parties planning to testify, please stand
8 and raise your right hand to be sworn in. Do you solemnly
9 swear or affirm that the testimony you're about to give is the
10 truth, the whole truth and nothing but the truth so help you
11 God?

12 COLLECTIVE: I do.

13 KILE: You may be seated. The County will present
14 their testimony and then you will have a chance to respond to
15 that. Officer?

16 WRIGHT: Good morning and thank you. My name is
17 Heather Wright. I am the Pinal County code compliance officer
18 for this case, and at this point in time I would like to enter
19 into evidence my two hearing packets.

20 KILE: Okay. Thank you.

21 WRIGHT: Thank you. We are here today for subject
22 property 6179 East Shiprock Street, Apache Junction, Arizona
23 85119, which is in the jurisdiction of Pinal County. Code
24 compliance case number is CC-0251-21. The assessor's parcel
25 number is 100-22-021A - alpha. Current owner of record is

1 Linda Olson, with a mailing address of 6179 East Shiprock
2 Street, Apache Junction, Arizona 85119. This property
3 resides in specific zone CR-1A, which is residential.
4 Violation Count 1, 2.185.010-100, outside storage and parking
5 related to other items. The property owner has allowed the
6 outside storage of scrap and debris, including but not limited
7 to, scrap metal and lumber or wood, which is visible from the
8 roadway of Roundup Street and neighboring properties. Count
9 2, 2.185.010-050, outside parking - outside storage and
10 parking, vehicle parking, a partially demolished RV is stored
11 in the southern portion of the property. This RV was
12 previously observed in demolition stage in the northern
13 portion of the property near the detached garage. At this
14 point in time, I would also like to bring your attention to
15 the very last page of the packet, as I wish to address an
16 amendment to this case. This amendment, if accepted, would be
17 to add a third count, outside storage and parking, heavy
18 trucks, standing parking or storage, which is Pinal County
19 Community Development Service Code 2.185, and there is a typo.
20 Should be 185, the 3 needs to be struck out. .010-055, as the
21 property owner has stored and parked a white dump truck near
22 the southeast portion of the parcel, and its dump bed contains
23 indiscernible scrap and debris. This was observed onsite
24 during a pre-hearing inspection conducted on January the 10th,
25 2022. And this was observed from the roadway of Shiprock

1 Street and from Roundup Street. So it is visible from both
2 streets and all neighboring properties.

3 KILE: So this is the part of the Count 3?

4 WRIGHT: That is another typo and I do apologize.
5 This should have been Count 4. So I do apologize, it should
6 be Count 4.

7 KILE: Okay.

8 WRIGHT: Count 3 is related to a storage container
9 that is along the (inaudible) property line. It is at least
10 400 square feet, reddish in color. Storage containers are not
11 permitted in specific zone CR-1A. And the property owner has
12 stated that her husband feels that it is within regulations
13 and not in violation to have that container on site. This
14 property does have two prior cases, CC-0220-19, and CC-0685-
15 18. Those violation were related to outside storage of scrap
16 and debris, inoperable or unlicensed vehicles, and outside
17 storage of building materials. CC-0220-19 was referred to the
18 Civil Hearings Office and found in violation on two counts,
19 which were related to the outside storage of scrap and debris
20 and inoperable or unlicensed vehicles. A new complaint was
21 received on March the 30th of 2021. A courtesy notice was sent
22 on April the 8th, an initial inspection was performed on May
23 the 10th, and found the outside storage of scrap and debris,
24 most of which is indiscernible, but also includes, but not
25 limited to, scrap metal, scrap wood or lumber, all visible

1 from Shiprock Street and Roundup Street and neighboring
2 properties. A large storage container along the southern
3 property line painted reddish in color, and white, and clearly
4 visible from Roundup Road - Roundup Street and neighboring
5 properties, as well as an inoperable box truck located near
6 the southeast corner of the parcel, with a flat tire and
7 visible from roadways and neighboring properties. The initial
8 notification was sent on May 10th of 2021. A reinspection
9 occurred on June 14th - excuse me - of 2021 found scrap and
10 debris still present and storage containers still remained.
11 Inoperable vehicle violation appears to have been corrected,
12 with the box truck being moved and tires inflated. Multiple
13 additional inspections were made with no notable movement
14 towards correction. Scrap and debris was being shifted from
15 the front of the parcel, which is viewed from Shiprock, to the
16 rear of the parcel, which is viewed from Roundup. Demand
17 notice was sent on August the 31st. Another inspection was
18 performed on October the 10th - I'm sorry, October 4th, and
19 found no movement towards correction. RV that had been parked
20 near the front of the parcel is now in process of being
21 demolished. Re-inspection on November the 8th 2021, found no
22 movement towards correction and the addition of a white car on
23 a trailer in the southeastern corner of the parcel. The
24 partially demolished RV remains in the same state previously
25 observed October 4th, with a white classic heavy duty truck had

1 been parked near the RV with its passenger side hood open.
2 The complaint was submitted to the civil hearing office on
3 November the 24th of 2021. A pre-hearing inspection was
4 conducted on January 10th of 2022, from the right of ways of
5 Shiprock Street and Roundup Street. Found the violations of
6 2.185.010-100 concerning outside storage of scrap and debris.
7 2.150.160 concerning the presence of the storage container in
8 the prohibited zone of CR-1A are continuing. The inspection
9 also found a violation of 2.185.010-060 concerning an
10 inoperable RV to be continuing as it was moved from the - to
11 the southern portion of the property, and an additional
12 violation of 2.185.010-055 concerning the presence of a heavy
13 truck in prohibited zone CR-1A. I'd like to clarify a heavy
14 truck is any vehicle with a GVWR, which is the weight it can
15 haul, not the weight that the vehicle is, 19,500 pounds. This
16 was a dump truck, and its GRW is definitely at least 19,500.
17 The property continues to degrade and is a great blight to the
18 neighborhood. I have received multiple complaints and I do
19 have a witness here today to testify to the blight that it's
20 causing to the neighborhood as well.

21 KILE: You say you've had other complaints that have
22 called in?

23 WRIGHT: I've had other complaints, they were
24 anonymous. We don't record those.

25 KILE: But it was addressed to their parcel.

1 WRIGHT: Yes it was.

2 KILE: Okay. All right. Sir, please state your
3 name and address for the record.

4 KESSLER: Yes, it's Mark Kessler, 6222 East Roundup
5 Street, in Apache Junction 85019. I'm here actually
6 representing other neighbors that have voiced similar concerns
7 about the concerns of value to property, just the esthetics it
8 removes from the Sonoran Desert. Our properties (inaudible)
9 Superstition area. We're right up against the base of the
10 mountain, it's an area of high esthetics, of well-maintained
11 yards and beautiful homes. There's really no place for this
12 kind of activity to occur, and it's a very fluid situation.
13 The piles (inaudible) moved, you'll see a junk pile of
14 (inaudible) one spot, (inaudible) stuff being moved.
15 (Inaudible) a portion of each day on a bobcat moving stuff
16 around. It harbors rodents, it's bringing rattlesnakes.
17 There's probably others safety concerns. But for us it's an
18 esthetical issue, it affects our property values and it
19 impacts the County mission statement about why we're in - why
20 you're in the business that you are.

21 KILE: Okay, officer do you have any questions for
22 your witness?

23 WRIGHT: At this point in time, the questions that I
24 have for the witness are, approximately how many years do you
25 believe that this has - have you witnessed that this has been

1 occurring?

2 KESSLER: It's been quite a few years. In fact I
3 have emails here that I sent to Jim Meadows which preceded
4 your (inaudible).

5 WRIGHT: Yes.

6 KESSLER: (Inaudible).

7 WRIGHT: Yes, that probably would have been for the
8 previous case, CC-0220-19.

9 KESSLER: Possibly. It was March 25, 2019 and in
10 that I'm saying as you can see, it continues. So the
11 conversation in the email (inaudible) is a conversation about
12 Jim, as you can see, nothing has changed, it's only gotten
13 worse. And that was from March of 2019. So it has not gotten
14 better. The mini mobile was the last straw for most of the
15 neighbors around me. They said okay, I can't deal with this.
16 There was an attempt, in the defense of the defendant, he put
17 up a screen along a fence and it was an attempt to hide the
18 junk, but it wasn't high enough. And the fence itself, and
19 I've never submitted this, I don't think anybody else has,
20 there was a - there's a cyclone fence that was put up by
21 previous owner along the property lines. The setback on the
22 back side was abandoned, so it's okay, but the setback that
23 Arizona Water lines running along it, that 30 foot setback was
24 violated and there's the fence and the junk there. But like I
25 said, that wasn't part of this complaint, that's just

1 something he - you know.

2 KILE: Sir? Do you have any questions for the
3 witness?

4 ??: Not at this time.

5 KILE: Okay.

6 ??: Oh, I got one.

7 KILE: Okay.

8 ??: The RV that's supposed to be demolished, is not
9 being demolished. I'm making a car hauler out of it, so I can
10 make a toy hauler out of my RV. It's not being demolished.

11 KILE: Okay. Do you have anything further, officer?

12 WRIGHT: Oh yes ma'am, I do. For photo log Exhibit
13 G, you'll see that that is my initial inspection. I took
14 these pictures myself, all from the right of ways of Shiprock
15 and from Roundup. They were taken on May the 10th of 2021.
16 And photograph 1 is an RV as viewed from Shiprock Street near
17 the detached garage. This is the RV that I refer to as the
18 partially demolished RV. You can see that it is whole at this
19 point. Photograph number 2 just shows the northeast corner as
20 viewed from Shiprock. Scrap, debris and an inoperable
21 refrigerator on its back. On page 2, photograph 3 is the
22 front eastern portion of the parcel. You can see scrap and
23 debris between the driveway and the box truck is piled up.
24 Photograph number 4 is the southeast portion of the parcel,
25 scrap and debris and the unauthorized storage container, which

1 the witness referred to as the Mobile Mini can be seen. On
2 page 3, photograph 5 is the same as photograph 4, without the
3 zoom applied. Photograph number 6 is scrap and debris in the
4 rear southeast portion of the parcel. Zoom has been used in
5 this case and you can see scrap metal, pipe and other
6 indiscernible items there. Page number 4, picture number 7,
7 is the rear southwest portion of the parcel as viewed from
8 Roundup. This is with the camera zoom applied and you can see
9 some of the scrap and debris piles that's occurring there.
10 Photograph 8 is just - it's the same area just upwards. And
11 then in Exhibit H, these photographs are taken by myself from
12 the right of ways. Dela - I'm sorry, not Delaware, that was
13 the prior case - from Shiprock and from Roundup. Photo - and
14 this was taken on January the 10th, 2022, just this past
15 Monday. You see in photograph 1 the RV is gone, because it's
16 been moved. In photograph 2, this is the eastern property
17 line as viewed from the northeast corner of the parcel on
18 Shiprock Street, and you can see the heavy truck, the white
19 dump truck. You can also see some scrap and debris around it.
20 On the second page, photo 3, the zoom was applied so that you
21 could see the indiscernible scrap and debris in the bed of the
22 dump truck. Photograph 4 is the southeastern portion of the
23 rear of the parcel where you can see scrap and debris, the
24 unauthorized container. You can see the dump truck with all
25 the scrap and debris in it. Picture 5, again, rear of the

1 parcel as viewed from Roundup, you can see the storage
2 container and you can also see that inoperable RV right there
3 parked along next to it. Photograph 6, scrap and debris in
4 the rear southwest portion of the parcel, with the zoom
5 applied. Number 7, same. This is the southwest corner. And
6 photograph number 8, more scrap and debris and part of that
7 storage container is there. Also in your packet you'll see an
8 email from a complainant party with photographs, and the
9 photographs will clearly show the same thing that you've
10 already seen on my photo logs, however, they show a better
11 angle of that inoperable RV. The property owner's spouse is
12 claiming that that RV is being turned into a car hauler, so I
13 would have to ask, is it roadworthy right now and operational,
14 number 1, and number 2, does it have current license and tags
15 on it?

16 ??: That does not have current tags on it today.

17 WRIGHT: Okay, then it is still in violation. Per
18 the service code, they must be operational, not missing any
19 integral part. It's missing the rear portion of the RV and it
20 must have current license.

21 KILE: Okay. Did you have something, sir?

22 KESSLER: Well, I just wanted to make a comment or
23 voice a concern that it's very important on these cases to
24 site specific artifacts of discrepancies. But with the fluid
25 state of junk being moved in and out - or actually being moved

1 in, I haven't seen much moved out - I wouldn't want to say - I
2 would like to respect that we could have new findings between,
3 you know, if he cleaned up the stuff now and other crap moved
4 in, he could present - he can appeal and say oh, all that
5 stuff's gone, but what about all the new stuff that came in?
6 So I was wondering if there's any kind of a direction in
7 providing, going forward, as far as -

8 KILE: You would work with the officer on that.

9 KESSLER: Okay.

10 KILE: And it's a point of recitation, isn't that
11 correct?

12 KESSLER: Okay.

13 WRIGHT: Yes. If it's been corrected and that there
14 is a new violation, then that would warrant a new complaint,
15 and a new case would be opened up in that case. If it's a
16 case of, the case is open and it's a current investigation,
17 and we've had some correction, but then on the next inspection
18 we see that there's not any correction from the last and
19 there's more scrap and debris, it's one violation. So he
20 could have six inoperable vehicles, but it's just going to be
21 the one violation. I'm not saying that the property owner
22 should have six inoperable vehicles.

23 KILE: Okay sir, your response? And do you want to
24 give your testimony?

25 ??: How high of a fence can I put up?

1 WRIGHT: That's a very good question. Without a
2 building permit, you can erect a six foot solid fence on the
3 property line without obeying any setbacks for said fence,
4 however, you must obey the minimum front yard setbacks for the
5 front. So the front, I believe in CR-1A, is 30 feet. So your
6 solid six foot fence can be no closer than 30 feet to the
7 front property line, or easement line of your front property,
8 which is Shiprock. If you go above 6 feet, you have to recess
9 that by a minimum of a four foot setback and obtain a building
10 permit from Pinal County Community Development Building
11 Safety.

12 ??: Thank you.

13 WRIGHT: You're welcome.

14 KILE: Sir, do you have anything else?

15 ??: No.

16 KILE: No testimony to give about cleaning up the
17 property, or?

18 ??: Well I have no - the only inoperable vehicle I
19 have is my RV at the moment, because it's not tagged.

20 KILE: Okay. So what about the debris and all that?

21 ??: The only scrap metal I have is none. I make
22 metal art and I use all the metal I have. If they want, I'll
23 place it in a place where they cannot see it. And everybody
24 around me, like 90 percent of them, have storage containers
25 and businesses, and there's a house right up on the end of the

1 street, Shiprock, it's got a stupid tarp for a roof for the
2 last 3 years, flapping in the wind.

3 KILE: Okay.

4 ??: If he thinks that my house looks bad, go up the
5 street.

6 KILE: We're dealing with the violation on your
7 property.

8 ??: I understand.

9 KILE: So do you have a plan to clean up the debris?

10 ??: Yes, I will.

11 KESSLER: What about the mini mobile?

12 KILE: The what?

13 KESSLER: The mini mobile.

14 ??: I don't have a mini mobile.

15 WRIGHT: It is the storage container that you can
16 see in the photographs along the southern property line.

17 KILE: Okay. From the looks of the picture there,
18 it looks like you need to do quite a bit of clean-up there.

19 ??: Well my dump truck has the clean-up in it, but
20 the brakes went out and I have to fix my brakes. I'm waiting
21 for parts.

22 WRIGHT: You can't have that dump truck in CR-1A at
23 all. It cannot be stored or parked on the property.

24 ??: Can you have a business in CR-1A?

25 WRIGHT: No sir, you're only regulated to home

1 businesses in CR-1A.

2 ??: We have a-

3 WRIGHT: - and one personal (inaudible).

4 ??: My neighbor has a trucking business right
5 across the street, he parks semis there. There's a boat
6 business down the street, they've got 19 boats laying around
7 the yard.

8 WRIGHT: I've never seen semis across the street at
9 that property.

10 ??: Well I guess you're blind. Turn your head.

11 KILE: Okay, sir.

12 ??: Gee whiz.

13 KILE: You need to calm down a little bit. The
14 zoning department is trying to get you to come into
15 compliance.

16 ??: I will be in compliance right away.

17 KILE: However, what do you mean by right away?

18 ??: As soon as I can get all the stuff I have out
19 of there.

20 KILE: Are you going to remove the dump truck?

21 ??: Yes ma'am.

22 KILE: (Inaudible) subject RV?

23 ??: Yep.

24 KESSLER: And the mini mobile?

25 KILE: And the mini mobile?

1 ??: What's a mini mobile?

2 KESSLER: It's that 40 foot steel building that's
3 not legal in our residential area.

4 ??: Well if I put a roof on it I -

5 KILE: Is it illegal in the County, or is that
6 (inaudible)?

7 WRIGHT: No, it's not legal through the County. It
8 is not legal through the County.

9 KILE: (Inaudible) get a permit?

10 WRIGHT: No, they're prohibited in CR-1A altogether,
11 and I would defer to code compliance manager Paula Mullenix
12 for further explanation.

13 MULLENIX: Yeah, the update that was in 2011, CR-1A
14 is classified as a residential and they are not allowed to
15 have any cargo containers, MobileMini, any -

16 KILE: But they can have storage sheds.

17 MULLENIX: They can have sheds, like a site-built
18 shed, they can go to Home Depot, but they cannot have cargo
19 containers.

20 KILE: Okay, so there you have it. The MobileMini
21 is in violation.

22 ??: What kind of storage can I have?

23 MULLENIX: Well, you can just have like a regular
24 storage shed, site built that you can build yourself. 2 x 4s,
25 that kind of thing. You can have like Home Depot has storage

1 sheds.

2 ???: Can I have a steel shed?

3 MULLENIX: Pardon?

4 ???: Can I have a steel shed? I don't like wood, it
5 rots.

6 MULLENIX: Well you can have metal on the outside,
7 you know, however you want to construct it, you can have that.
8 You need to get a permit, and if it is all metal, the trusses
9 and everything, you do have - get with building safety, but
10 most of the time they require - you'd have to get an engineer
11 to approve the plans. But you would - I would defer to
12 building safety to find out.

13 ???: So I need to go to a Home Depot (inaudible) and
14 I can buy one of those to sit on my property.

15 MULLENIX: If it's over 200 square feet, you need a
16 permit. If it's under that, all you have to do is abide by
17 your setbacks.

18 OLSON: (Inaudible) one of those?

19 MULLENIX: You can. There is a coverage issue that
20 you are only allowed a certain amount of coverage on your
21 property with storage sheds and stuff, but -

22 OLSON: Do you know that is? I was told up to 10.

23 MULLENIX: No. It depends on the size.

24 OLSON: I was told up to 10. 10 by 10.

25 MULLENIX: Well, it would depend on the size again,

1 and I would have to do the calculations looking at your
2 property. It takes into account the setbacks and then you
3 have to calculate what you can have on it.

4 OLSON: Do I understand that we can have storage
5 sheds on the property, within limits, without getting a
6 permit?

7 MULLENIX: If they're under 200 square feet and they
8 meet the setbacks, you're allowed to have them. I would not -
9 I would check with the County to see how many you're allowed,
10 and you would have to do that. Get ahold of community
11 development with the customer service staff there and they can
12 look at the property and tell you what the maximum - it's
13 hard, because that's a floating number because if you come in
14 and say I've got a 10 by 10, and then you put a 10 by 15 on it
15 and think you can have the same amount of number, the coverage
16 is different because it's a certain percentage of the
17 coverage. So you would have to look at that.

18 ???: Okay, thank you.

19 KILE: Okay, the fact remains that it's in violation
20 and has been in violation for quite some time.

21 OLSON: May I speak?

22 KILE: In a moment. And we need to get that in
23 compliance. Okay, ma'am, you wanted to say something?

24 OLSON: Yes, I am the property owner. My husband
25 (inaudible) with me, so under Arizona law she is as well.

1 KILE: Okay.

2 OLSON: There's a lot that has gone on in 2021 that
3 has precluded my husband from trying to take care of this.
4 (Inaudible) made some attempts. Like I said, there's been
5 some problems. We had both of his parents on our property,
6 very invalid. We had to bathe them, feed them, very time
7 consuming things. They both passed this past year. Father in
8 April, he had Parkinson's, and his mom passed in July. Very
9 heart wrenching with my husband, he was very close to his mom,
10 especially. So I did not push - put pressure on him to go
11 ahead and take care of lot of the things that needed to be
12 taken care of. I kind of said, okay, because I know what he
13 was going through. Okay. I'm not using this as an excuse,
14 I'm just telling you what happened and what occurred. Okay?
15 So - and I recently just got over knee replacement surgery.
16 Not really over it, but getting there. So I haven't been able
17 to deal with anything myself. These things, you know,
18 everybody's got issues in their life that would preclude them
19 from, you know, tending to these violations. However, on
20 another note, I personally did not realize that we actually
21 had neighbors complaining because of - there's only been a
22 couple of conversations that I've had with Heather over the
23 phone, and I was told at our first, I believe it was our first
24 telephone conversation when I did make contact with her, that
25 some real estate agent had a flown a drone over the area and

1 had sent a complaint in because she could then see what's our
2 property. I was not aware that the neighboring properties had
3 issues with us. Had they come to us and voiced their
4 opinions, that could have made a difference and precluded this
5 whole thing.

6 KILE: Okay.

7 WRIGHT: That's incorrect. I never told her that a
8 real estate agent flew a drone over her property. I do not
9 accept drone photographs from directly over property. That
10 presents privacy issues. What I explained to her is that the
11 complainant is held in confidence and that per - it is the
12 guidance of the Pinal County Attorney's Office, we cannot
13 release complainant information. However, I had seen the
14 violations and therefore I was now the complainant as an
15 employee of the County.

16 KILE: Okay. The issue that I'm having is the fact
17 that it's been going on so long. There have been previous
18 complaints on the property and apparently it has never really
19 been completed. You have probably imposed a penalty - were
20 they imposed a penalty on (inaudible)?

21 WRIGHT: Hang on just a moment to take a look at
22 that. Yes, it was a violation on two counts. So they - and a
23 penalty was imposed at that point.

24 KILE: Okay. I just feel that I have to find you in
25 violation of Counts 1, 2, 3, and 4.

1 ??: Fine.

2 KILE: And impose a penalty of \$750 per count. You
3 can work with staff if you need to make payments on that -

4 ??: No, we'll get an attorney and I'll see you.

5 KILE: Okay. Sir, that's your prerogative to do so,
6 but that's a decision in the hearing. This is an informal
7 hearing just to decide whether you're in violation or not, and
8 I do believe that you are, according to the evidence that was
9 submitted by the County. I think it was a preponderance of
10 evidence to - for me to make this decision. You have the
11 right to appeal to Pinal County Board of Supervisors. You'll
12 need to file in a timely manner (inaudible) appeal.

13 OLSON: What is a timely manner?

14 KILE: Pardon?

15 OLSON: What is the timely manner?

16 KILE: The timely manner?

17 OLSON: Mm hm, you said in a timely manner. What is
18 that?

19 WRIGHT: (Inaudible) instructions. 35 days.

20 KILE: How long?

21 WRIGHT: 35 days.

22 KILE: Okay, did you get that?


23 OLSON: So approximately a month.

24 KILE: Yes. Okay. And this concludes the ZO-021-
25 0060. Thank you.

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I, Julie A. Fish, Transcriptionist, do hereby
certify that the foregoing pages constitute a full, true, and
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I FURTHER CERTIFY that I am not related to nor
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the outcome hereof.



Julie A. Fish