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BEFORE THE LEWIS COUNTY
HEARING EXAMINER

IN RE APPLICATION OF GOOD)	HEARING NO. 26-2-001
CRUSHING, INC. TO AMEND SPECIAL)	
USE PERMIT SUP19-0002)	SUP25-0001
)	
)	GOOD CRUSHING, INC.'S
)	PETITION FOR
)	RECONSIDERATION OF ORDER
)	DENYING MOTION FOR
)	REASSIGNMENT

I. INTRODUCTION AND RELIEF REQUESTED

Good Crushing, Inc. respectfully requests reconsideration of the Hearing Examiner’s decision dated January 30, 2026 (“Decision”), denying Good Crushing’s motion for reassignment (“Motion”).¹ For the reasons set forth in the Motion and below, Mr. Scheibmeir is precluded from conducting the hearing and rendering a decision on the subject application under the appearance of fairness doctrine, which requires that quasi-judicial proceedings be conducted in a manner that avoids even the appearance of bias. Accordingly, Good Crushing, Inc., respectfully moves for reassignment of this matter from Mr. Scheibmeir to an alternative, deputy or special deputy Hearing Examiner.

¹ Good received the Decision via email on February 2, 2026.

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III. AUTHORITY AND ARGUMENT

Reconsideration is appropriate when, among other things, findings, conclusions, or conditions are not supported by the record, or there is an error in the interpretation or application of a law. LCC 2.45.120(6).

The appearance of fairness doctrine was developed to preserve the highest public confidence in governmental processes associated with land use and planning, recognizing the restrictions these impose on the free and unhampered use of private property. Motion p. 4. The doctrine requires quasi-judicial decision makers to be above suspicion and reproach, and recusal or reassignment is necessary if a reasonable person might believe that partiality could exist, including for or against a party involved in a matter. *Id.* p. 5.

As set forth in the Motion, Good requests that this matter should be assigned to an alternative Hearing Examiner, as a person could reasonably believe that partiality might exist in favor of Lona and/or Shirley Lewis. Motion pp. 6-7.

The Hearing Examiner denied the Motion, stating he is “unfamiliar with Lona or Shirley Lewis.” Decision. However, that is not consistent with the prior disclosure made by Mr. Scheibmeir during the 2021 SUP proceeding, where he acknowledged familiarity with Ms. Lewis is the mother of one of his best friends from law school. Muul Decl., Attach. 1 p. 1. Thus, the Decision is not supported by the record and it includes an erroneous application of the law to the facts. LCC 2.45.120(6).

Good appreciates that the Motion and supporting declaration stated an understanding that Ms. Lewis is the mother of one of Mr. Scheibmeir’s best friends from

1 childhood, when in fact the two were best friends from law school. Motion p. 3; First
2 Declaration of Alan Good ¶ 5. Good also appreciates that this misunderstanding, along
3 with not specifically naming Mr. Scheibmeir's best friend in the Motion, could have
4 caused the Hearing Examiner to state that he is unfamiliar with Lona or Shirley Lewis.
5 Decision. It does appear clear, however, that Mr. Scheibmeir is familiar with at least Lona
6 Lewis—the mother of one of his best friends from law school. Muul Decl., Attach. 1 p. 1.
7 It is also evident that Mr. Scheibmeir gave specific attention to concerns by Ms. Lewis
8 during the 2021 SUP case, including on an issue that went beyond the jurisdiction of the
9 Hearing Examiner (property boundary and trespass concerns). *Id.* p. 2. These facts could
10 lead a reasonable person to think that partiality may exist in this case, requiring this matter
11 to be reassigned based on the appearance of fairness doctrine.
12

13 IV. CONCLUSION

14 For the reasons set forth in the Motion and herein, Good Crushing, Inc.
15 respectfully requests that the Hearing Examiner reconsider the Decision and reassign this
16 matter from Mr. Scheibmeir to an alternative, deputy or special deputy Hearing Examiner.
17

18
19 RESPECTFULLY SUBMITTED this 6th day of February, 2026.

20 PLAUCHÉ & CARR LLP

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22 Jesse DeNike, WSBA #39526
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1 **DECLARATION OF SERVICE**

2 The undersigned hereby declares under penalty of perjury that on the 6th day of
3 February, 2026, she caused a true and correct copy of the foregoing document to be
4 transmitted for service as follows:

5 ***Sent via FedEx Priority Overnight & Electronic Mail***

6 Mark C. Scheibmeir
7 Lewis County Hearing Examiner
8 299 NW CENTER STREET
9 CHEHALIS, WA 98532-2008
10 Email: mark@centerstlaw.com; kristin@centerstlaw.com

11 ***Sent USPS First Class Mail & Electronic Mail***

12 Karen Witherspoon
13 Senior Project Planner
14 Lewis County Community Development
15 125 NW CHEHALIS AVE
16 CHEHALIS, WA 98532-2010
17 Email: karen.witherspoon@lewiscountywa.gov; mindy.brooks@lewiscountywa.gov

18 ***Sent USPS First Class Mail & Electronic Mail***

19 Karin Phomma
20 Deputy Prosecuting Attorney
21 Lewis County Prosecutor's Office
22 345 W Main Street, Second Floor
23 CHEHALIS, WA 98532-1900
24 Email: karin.phomma@lewiscountywa.gov

25 DATED this 6th day of February, 2026, at Seattle, Washington.

s/Aimeé Muul

Aimeé Muul, Legal Assistant
aimee@plauchecarr.com