

HARDY MYERS
Attorney General



PETER D. SHEPHERD
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DEPARTMENT OF JUSTICE
CIVIL ENFORCEMENT DIVISION

October 5, 2007


~~Samantha Fair
Administrative Law Judge
Office of Administrative Hearings
12901 SW Jenkins, Suite C
Beaverton, OR 97005~~

Re: In the Matter of ESA NW, INC.
OAH Case No. 700156-135694
Agency Case No. 1101041-6

Dear Judge Fair:

I have enclosed the Department of Revenue's Motion for Summary Determination for your consideration. You may note that this is the second time that I have filed this motion. On July 23, 2007, I mailed this motion to ALJ Lynne J. Wehrlie, the ALJ previously assigned to this case. At that time, I also mailed a copy of this motion to ESA NW, Inc. c/o Chet Davis. To my knowledge, Judge Wehrlie did not rule upon this motion before the case was re-assigned to you.

Sincerely,


Michael W. Grant
Assistant Attorney General

MXG:cl/CEDU7874
Enclosure

✓ cc: ESA NW, Inc., c/o Chet Davis (w/Enc.)