

April 19, 2019

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**
King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

ORDER OF DISMISSAL

SUBJECT: Department of Local Services file no. **ENFR180627**

VASHON BUILDERS & SUPPLY
Code Enforcement Appeal

Location: 14115 Glen Acres Road SW, Vashon

Appellant: **Doug Sudduth**
14115 Glen Acres Road SW
Vashon, WA 98070
Telephone: (206) 450-4707
Email: vashonbuilders@gmail.com

King County: Department of Local Services
represented by **Nick Stephens**
35030 SE Douglas Street Suite 210
Snoqualmie, WA 98065
Telephone: (206) 477-3950
Email: nick.stephens@kingcounty.gov

By law, an appeal of the Department of Local Services decision issued on February 22, 2019, was due by March 18, 2019. The instant appeal was received by Department of Local Services on March 19, 2019. Department of Local Services filed a motion to dismiss the appeal as untimely, and we held a motion hearing on April 18, 2019.

The examiner “shall” dismiss an untimely appeal. KCC 20.22.090.A. KCC 20.22.080(H) clarifies that where:

a person fails to timely deliver the appeal statement[, the] examiner does not have jurisdiction to consider the appeal and the decision of the department ... becomes final and unreviewable.


The appeal is accordingly DISMISSED.

We note that the implications of the notice and order being final and unreviewable are less clear than in other cases. The Department's February 22 notice and order required Appellant to submit revised plans. Appellant stated that he has, since February 22, submitted revised plans.

There seems to be a disconnect moving forward. Appellant believes the Department is analyzing his revised plans. The Code Enforcement officer believes the Department's Permitting arm is waiting for supplemental information from Appellant to move forward. Code Enforcement cited a September 27 email from the Department's Permitting arm requesting more information. But September 27 would have been well *before* Appellant says he submitted revised plans. If the Department believes those *revised* plans are not sufficient, presumably it would need to send an *amended* request explaining what, in light of the revised plans, is still required.

Again, we do not pretend to understand all the facts. But it is never a good sign, nor productive, when Party *A* thinks it is waiting on Party *B*, and Party *B* thinks it is waiting on Party *A*. The Department should clarify to Appellant what, as of today, it thinks is missing or required.

DATED April 19, 2019.



David Spohr
Hearing Examiner

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless proceedings for review of the decision are timely and properly commenced in superior court. Appeals are governed by the Land Use Petition Act, Chapter 36.70C RCW.

DS/ld

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **ENFR180627**

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Code Enforcement Appeal

I, Liz Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** to those listed on the attached page as follows:

- EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.
- placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 19, 2019.



Liz Dop
Legislative Secretary

Breazeal, Jeri

Department of Local Services

Deraitus, Elizabeth

Department of Local Services

Lux, Sheryl

Department of Local Services

Stephens, Nick

Department of Local Services

Sudduth, Doug

Vashon Builders & Supply, JSE Investments LLC

Hardcopy

Williams, Toya

Department of Local Services