

March 7, 2022

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
Telephone (206) 477-0860  
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[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**ORDER OF DISMISSAL**

SUBJECT: Department of Local Services file no. **ENFR210850**

**TIM BARSUKOFF**  
Code Enforcement Appeal

Location: [REDACTED] Auburn

Appellant: **Tim Barsukoff**

[REDACTED]  
Kent, WA 98032

Telephone: [REDACTED]

Email: [REDACTED]

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

On January 28, we sent a calendar invite for our March 4 hearing on Local Services' motion to dismiss Mr. Barsukoff's appeal as untimely. On February 1, Mr. Barsukoff replied with, "I will attend." We emailed and mailed on February 2 our notice of remote hearing on motion to dismiss for the March 4 motion hearing. We received no communication in response.

Mr. Barsukoff, however, failed to appear at our March 4 motion hearing. That constitutes abandonment of his appeal. We DISMISS his appeal.

Moreover, Local Services issued its notice and order on November 22, 2021. That meant any appeal had to be received by Permitting on December 16, 2021, to be valid. KCC 20.22.080.B. Mr. Barsukoff appealed on January 6, 2022. Where “a person fails to timely deliver the appeal statement..., the office of the hearing examiner does not have jurisdiction to consider the appeal and the decision of the department...becomes final and unreviewable.” KCC 20.22.080.H.

Additionally, even if Mr. Barksukoff appeared at our March 4 hearing and we found his appeal timely, it would not have been clear whether Mr. Barksukoff would even have standing to directly challenge a notice and order that did not name him, did not state that he committed any violations, did not find him responsible for code compliance, did not order him to do anything, and did not create a threat that he could face civil penalties for failing to take corrective action.

For each of the above reasons we DISMISS Mr. Barksukoff’s appeal.

However, a representative for Mr. Shear (one of the two parties named in the November 22 notice and order) had timely filed an appeal of the notice and order with Local Services. The problem was that the appeal was sent to Local Services’ then-representative on the case, Mr. Bond, but then Mr. Bond left Local Services’ employment without forwarding the appeal on.

Thus, Mr. Shear’s appeal is timely. We will set a prehearing conference to discuss Mr. Shear’s appeal. When we issue a written notice of that conference, we will provide in that notice information on how Mr. Barksukoff can file a petition to *intervene* in Mr. Shear’s appeal. (The same would go for Allito Properties LLC, which also did not file an appeal but if they want to intervene in Mr. Shear’s appeal.)

DATED March 7, 2022.



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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/lo

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**CERTIFICATE OF SERVICE**

SUBJECT: Department of Local Services file no. **ENFR210850**

**TIM BARSUKOFF**  
Code Enforcement Appeal

I, Lauren Olson, 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 March 7, 2022.



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Lauren Olson  
Legislative Secretary

**Allito Properties LLC**

Hardcopy

**Barsukoff, Tim**

Hardcopy

**Breazeal, Jeri**

Department of Local Services

**Lux, Sheryl**

Department of Local Services

**Park, Justin**

Romero Parks P.S.

Hardcopy

**Shear, Ronald**

Hardcopy

**Stephens, Nick**

Department of Local Services