

November 3, 2023

**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. **E0900344 Waiver**

FRED AND SHARON HANQUET
Code Enforcement Appeal

Location: [REDACTED] Duvall

Appellants: **Fred and Sharon Hanquet**

[REDACTED]
Duvall, WA 98019

Telephone: [REDACTED]

Email: [REDACTED]

King County: Department of Local Services
represented by **LaDonna Whalen**
Department of Local Services
919 SW Grady Way Suite 300
Renton, WA 98057
Telephone: (206) 477-5567
Email: ladonna.whalen@kingcounty.gov

On August 24, 2023, Department of Local Services (Local Services) issued Fred and Sharon Hanquet a penalty waiver denial. As that document stated, an appeal had to be received by Local Services by September 11 or else the notice and order would become a final determination. That was consistent with KCC 20.22.080.B, which requires appeals to be received within 24 days of the date the agency determination is issued. Instead, Mr. Hanquet wrote out an appeal on September 15 and delivered it later that day. Local Services filed a motion to dismiss the appeal as untimely. We held a motion hearing on November 1.

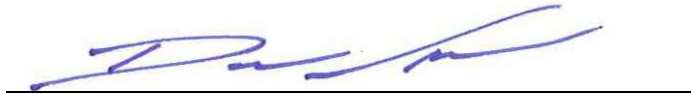
At hearing, Mr. Hanquet noted that he got it to Local Services the day he thought it was due (November 15). That is incorrect. There are many complexities in the permit process and confusions that can arise. But the only bolded language in Local Services' two-page, August 24 decision came in the line, "Failure to effectively appeal this decision **by September 11, 2023**, renders the decision final." It is unfortunate that Mr. Hanquet mis-remembered the date, but that misfortune does not give us jurisdiction to entertain the merits of his appeal.

The examiner "shall" (not "may") dismiss an untimely appeal. KCC 20.22.090.A. As KCC 20.22.080.H. states, 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.

DATED November 3, 2023.



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.

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CERTIFICATE OF SERVICE

SUBJECT: Department of Local Services file no. **E0900344 Waiver**

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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, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED November 3, 2023.



Lauren Olson
Legislative Secretary

Breazeal, Jeri

Department of Local Services

Campbell, Thomas

Department of Local Services

Hanquet, Fred/Sharon

Hardcopy

Hossienzadeh, Ben

Department of Local Services

Stewart, Larry

Whalen, LaDonna

Department of Local Services