November 1, 2024

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON
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ORDER OF DISMISSAL

SUBJECT: Department of Local Services file no. **ENFR240448**

DANE SCARIMBOLO AND DOMINIQUE TORGERSON
Code Enforcement Appeal

Location: [redacted] Kent

Appellants: **Dane Scarimbolo & Dominique Torgerson**
[redacted]
Kent, WA 98042
Telephone: [redacted]
Email: [redacted]

King County: Department of Local Services
represented by **John Fairbanks**
919 SW Grady Way Suite 300
Renton, WA 98057
Telephone: (206) 477-2323
Email: jfairbanks@kingcounty.gov

Appellants written challenge to the Department of Local Services' notice and order raised the normal grounds one raises in an appeal. They questioned Local Services' process, disputed their need to apply for a change-of-use permit (based on a prior license, Local Services' alleged statements, and building code standards), and asserted they were operating in compliance with County standards. We set in October 29 pre-hearing conference to clarify those issues, answer questions, and likely set prehearing deadlines and schedule a hearing on the merits.

However, as we started through our normal conference script, Ms. Torgerson moved to have the case dismissed, not for the reasons articulated in her appeal statement but for a supposedly "complete lack" of jurisdiction and direct conflicts with the supreme law of the land, common law, the U.S. Constitution, and federal statutes. It was difficult to track, but her claim seemed to be that since King County is a legislative authority, it does not have authority to enact laws. King County's code in its entirety is apparently unconstitutional, and the zoning code does not

supersede the "actual" law and fundamental law or derogate guaranteed rights enumerated in the U.S. Constitution. Local Services evidently lacks jurisdiction because King County's bylaws do not apply to her and other private individuals, and thus she should not need King County's permission for anything they do on private property. She added various references to "trespassing common law," bills of attainder, the supreme law of the land, and natural and unalienable rights.

We explained that we do not have jurisdiction to rule on any of those issues. *See* Exam. R. III.A. ("defenses or claims based on the constitutionality of County regulations may be raised to exhaust administrative remedies and make a record for judicial review, but they are beyond the examiner's jurisdiction to decide"). We outlined her two options moving forward: we could either (a) enter a summary order dismissing her appeal and allowing her expeditiously to take her issues to a tribunal that would address them, or (b) we could set a hearing and go through with our normal review, pursuant to the normal standards we apply, and then, if she did not agree with our decision, she could appeal our decision [on its merits] to the correct tribunal and raise her constitutional issues at the same time.

Our first attempt did not go over well, because Ms. Torgerson believed that an examiner, as a person in government, has a duty to uphold the constitution. We explained, for a second time, that addressing the particular constitutional issues she was raising went beyond our authority. *See* Exam. R. III.A.1 ("examiner's jurisdiction is limited to matters specifically identified in the KCC or assigned to the examiner by County ordinance or Council motion").

We again explained her two options for proceeding. Instead, Ms. Torgerson ventured into oaths of offices. We thus reiterated yet again that we would not be addressing those claims, and for the third time we explained her two options. Her response was that we were "impersonating" a government official. There being no reason to further waste everyone's time, we announced we would enter a summary order.

Accordingly, today we formally DISMISS the appeal, noting that Appellants have exhausted their administrative remedies as it relates to their motion.

DATED November 1, 2024.

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. **ENFR240448**

DANE SCARIMBOLO AND DOMINIQUE TORGERSON
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 1, 2024.

Lauren Olson

Lauren Olson
Legislative Secretary

Beach, Eric
Ombudsman's Office

Campbell, Thomas
Department of Local Services

Dominique Torgerson, Dane Scarimbolo
Hardcopy

Fairbanks, John
Department of Local Services

Whalen, LaDonna
Department of Local Services