

March 13, 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

REPORT AND DECISION

SUBJECT: King County For-Hire Licensing file no. **14670**

AHMED NOOR

For-Hire Driver Enforcement Appeal

License no.: 14670

Appellant: Noor Ahmed
represented by **Chris Van Dyk**
14120 International Boulevard
Tukwila, WA 98168
Telephone: (206) 965-0086
Email: cvandyk5@msn.com

King County: King County For-Hire Licensing
represented by **Mari Isaacson**
King County Courthouse
516 Third Avenue Room W400
Seattle, WA 98104
Telephone: (206) 477-1964
Email: mari.isaacson@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:
Department's Final Recommendation:
Examiner's Decision:

Deny appeal
Deny appeal
Deny appeal

EXAMINER PROCEEDINGS:

Hearing Opened: March 6, 2019
Hearing Closed: March 6, 2019

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

FINDINGS AND CONCLUSIONS:

1. On December 26, 2018, King County Records and Licensing Services Division (RALS, or the Director) issued a Notice and Order of Denial of an application for For-Hire Driver's License no. 14670, for Ahmed Abdi Noor. Mr. Noor timely appealed the order.
2. RALS had previously issued license 14670 to Mr. Noor on January 29, 2018, with an expiration date of October 31, 2018. On November 2, 2018, RALS received Mr. Noor's application for a dual King County and City of Seattle for-hire driver's license. As part of its review, RALS obtained Mr. Noor's driving records from the State Department of Licensing (DOL) and learned that Mr. Noor's driver's license was suspended several times in the past few years, as shown in Ex. D.
3. Ex. D shows that Mr. Noor's license has been suspended eleven times during the past five years, including several times during 2018. Mr. Noor's license was suspended during the period of June 29 – July 9, 2018 (for failure to pay child support) although Mr. Noor continued to drive during this time period for Eastside for Hire. After submitting his license application to RALS, Mr. Noor's license was suspended again (during the period of December 22, 2018 – January 9, 2019) for failure to respond to two traffic citations. Another suspension occurred in April of 2018.
4. Under KCC 6.64.600.B.2, the Director may deny a for-hire driver license application if the applicant has "exhibited past conduct in driving or operating as a for-hire driver that would lead the director to reasonably conclude that the applicant will not comply with the provisions of the chapter related to driver and operator conduct and the safe operation of the vehicle."
5. Mr. Taylor, the RALS license inspector who reviewed Mr. Noor's application and driving history, has reviewed 1,000 for-hire driver applications; he has never seen as many suspensions in an applicant's driving history as those in Mr. Noor's record. Typically, Mr. Taylor reviews a driver's three-year history, but may look at earlier records if more information is needed to assess an application under KCC 6.64. In this case, Mr. Taylor reviewed the records going back to 2011.

6. The Director asserts that Mr. Noor has shown a consistent pattern of being unable to maintain his driver's license, which is a required qualification of a for-hire driver under KCC 6.64.530.B. Indeed, at the time that RALS issued its December 26, 2018, denial of Mr. Noor's application, KCC 6.64.530.B would have required the Director to deny the application, since Mr. Noor's driver's license was suspended at that time. The Director's position is that even though Mr. Noor's driver's license was restored after the most recent suspensions (after he paid the fines for the underlying citations), he has demonstrated a continuous inability to stay licensed.
7. Mr. Noor was not aware that DOL had suspended his driver's license on December 22, 2018, and did not realize his license was suspended until he got notice of the suspension from RALS. Mr. Noor had contested the two underlying citations but apparently did not receive notice of the hearings, likely because he had moved and the notices were not sent to his new address. After he failed to appear at those hearings, DOL suspended his license for failure to effectively contest the citations. The suspension periods ended after Mr. Noor paid the fines for the underlying citations.
8. Mr. Noor raised several issues in his appeal. He pointed out that the appeal procedure requires him to appeal to both the City and the County hearing examiners and he argues that this confusing process results in double jeopardy. Confusing as this dual appeal process may be, the Examiner lacks jurisdiction to declare the County Code unconstitutional or to otherwise invalidate the Director's decision on account of the appeal process that is required by the Code.
9. Mr. Noor also points out that the December 2018 suspensions occurred because he did not receive the notice of the citation hearings due to a change of address, and argues that the suspensions were unfair and not valid. The validity of the DOL suspensions is not within the scope of this appeal hearing; they must be challenged in a different venue. For purposes of RALS and our review, the suspensions are valid and a part of Mr. Noor's record. It is unfortunate that Mr. Noor did not update his address with DOL during the pendency of his hearings, but he has a responsibility to maintain his drivers license in order to work as a professional driver. Furthermore, he has a responsibility to ensure that he has a valid driver's license in order to pick up passengers, and during the most recent suspensions, he continued to pick up passengers.
10. Mr. Noor has also been suspended several times for failure to file future proof of financial responsibility. It no doubt is financially challenging to afford the requisite insurance, but proof of financial responsibility is a requirement for a driver's license, and therefore required for a for-hire license.
11. Given the number of suspensions in the past year and the pattern of suspensions in previous years, the Director could reasonably conclude that Mr. Noor would continue the same pattern of becoming unlicensed and would not therefore meet the required qualifications for a for-hire driver.
12. Mr. Noor at hearing asked that rather than a denial, he be given a warning and granted a license on condition that he avoid future suspensions. The inability to drive obviously

harms Mr. Noor financially, but as noted above, Mr. Noor’s history of suspensions justifies the Director’s denial of this application. A natural question is how long Mr. Noor’s record, assuming no additional suspensions, would continue to justify denial of a future application, but it is difficult to provide reasonable guidance to the parties on this question. His pre-2018 record was apparently acceptable enough to RALS that it issued a for-hire drivers license in effect from January – October 2018. But 2018 was not a good year for Mr. Noor, and his suspensions that year, plus his willingness to continue to drive while suspended, would need to be carefully weighed against his future driving record before deciding on a future application.

DECISION:

1. Mr. Noor’s appeal is DENIED.

ORDERED March 13, 2019.



Anne Watanabe
Hearing Examiner pro tem

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 appealed to superior court by *April 12, 2019*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

MINUTES OF THE MARCH 6, 2019, HEARING IN THE APPEAL OF AHMED NOOR, KING COUNTY FOR-HIRE LICENSING FILE NO. 14670

Anne Watanabe was the Hearing Examiner in this matter. Participating in the hearing were Mari Isaacson, Tyson Taylor, Eddie Cantu, Chris Van Dyke, and Ahmed Noor.

The following exhibits were offered and entered into the record:

- | | |
|---------------|---|
| Exhibit no. A | King County For-Hire Licensing staff report to the Hearing Examiner |
| Exhibit no. B | Notice and order of for-hire driver’s license denial, issued December 26, 2018 |
| Exhibit no. C | Department of Licensing notices of suspension, dated November 5, 2018, March 1, 2018, May 15, 2018;
License status as of December 26, 2018 |
| Exhibit no. D | Driver license record |

Exhibit no. E	Seattle Municipal Court case no. 203810609 docket
Exhibit no. F	Cab log, dated June 29, 2018 to July 9, 2018
Exhibit no. G	Appeal, received January 10, 2019

AW/ld

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **14670**

AHMED NOOR

For-Hire Driver Enforcement Appeal

I, Liz Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** 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.
- placed via County INTEROFFICE MAIL to County staff to addresses on record.

DATED March 13, 2019.



Liz Dop
Legislative Secretary

Ahmed, Noor

Hardcopy

Cantu, Eddie

King County For-Hire Licensing

Isaacson, Mari

Prosecuting Attorney's Office

Hardcopy

Kham, Joanna

Finance and Admin Svcs, Consumer Protection Div

MacLeod, Cherie

Finance and Admin Svcs, Consumer Protection Div

Megow, John

Finance and Admin Svcs, Consumer Protection Div

Shapiro, Ken

Finance and Admin Svcs, Consumer Protection Div

Taylor, Tyson

King County For-Hire Licensing

Van Dyk, Chris

Eastside for Hire

Hardcopy