

April 1, 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. **15620**

BORIS GRIGORYAN

For-Hire Driver Enforcement Appeal

License no.: 15620

Appellant: **Boris Grigoryan**
15329 2nd Avenue W Unit B
Lynnwood, WA 98087
Telephone: (206) 407-8817
Email: b_grigoryan@yahoo.com

King County: King County For-Hire Licensing
represented by **Debbi Linebarger**
500 Fourth Avenue Room 403
Seattle, WA 98104
Telephone: (206) 263-9182
Email: debbi.linebarger@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

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

EXAMINER PROCEEDINGS:

Hearing Opened:	March 27, 2019
Hearing Closed:	March 27, 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. Boris Grigoryan appeals a January 2, 2019, Notice and Order of Denial issued by King County Department of Records and Licensing (RALs), denying his application for renewal of for-hire license no. 15620.
2. On September 26, 2018, RALS received an application from Mr. Grigoryan for renewal of his county-only license. On the application form, Mr. Grigoryan checked "no" in response to the question as to whether "*Within the last 5 years have you had any moving traffic violation, tickets, or accidents including dismissed, postponed, at fault (caused accidents), not at fault (did not cause accidents), pending or other status?*" Ex. 2.
3. Upon reviewing Mr. Grigoryan's driving record, RALS discovered that there were 11 dispositions of contested citations for moving violations within five years of his application. (Two of the citations were issued during the same stop, the second citation issued because of Mr. Grigoryan's behavior after the officer had stopped him; Ex. 5-060). Five of the 11 citations were upheld, five were dismissed, and one was deferred.
4. RALS also conducted a criminal background check of Mr. Grigoryan as part of its license application review, which showed that Mr. Grigoryan entered a plea of guilty to Assault in the 4th Degree on December 19, 2018. This charge stemmed from an incident that occurred on May 24, 2018.
5. On that day, Mr. Grigoryan had gone to a car repair shop to complain about work that had been done on a vehicle. He and the owner, Mikhail Voloshin, have known each other for several years, and their respective families have known each other for 15 years. After paying for the repair work and leaving the shop, Mr. Grigoryan decided that the repair was faulty and went back to the shop to confront the owner. According to Mr. Grigoryan, at some point Mr. Voloshin hit him; Mr. Grigoryan left the shop but returned and struck Mr. Voloshin in the face, fracturing his eye socket and other facial bones. Mr. Grigoryan also testified that after he hit Mr. Voloshin, Mr. Voloshin hit him on the head with a pipe. Other people at the shop separated the men and Mr. Grigoryan left.
6. Police were called to the shop, and Mr. Voloshin initially did not wish to have Mr. Grigoryan prosecuted, but later agreed to assist the prosecution. The sheriff's department reviewed surveillance footage at the shop during the incident, described at Ex. 4-020. The footage showed Mr. Grigoryan coming up from behind and hitting Mr. Voloshin but did not show Mr. Voloshin striking Mr. Grigoryan. At hearing, Mr. Grigoryan claimed that Mr. Voloshin must have edited the footage to remove the parts where Mr. Voloshin was hitting him.

7. Mr. Grigoryan was initially charged with Assault in the 2nd Degree, but the charge was amended to Assault in the 4th Degree, and as noted above, Mr. Grigoryan entered a plea of guilty to that charge.
8. An agreed recommendation on sentencing was presented, citing: his age, lack of criminal history, the reduction in the charge to a gross misdemeanor, and the defendant's injuries. A judgment was entered on January 18, 2019, deferring his sentence for 24 months. The judgment set a review hearing for January 15, 2021, and required restitution, completion of community service, no contact with Mr. Voloshin, and commission of no criminal offenses.
9. Mr. Grigoryan was diagnosed in 2011 with cancer. He had surgery and chemotherapy, and did not work for six years afterwards, instead receiving social security disability (SSDI) benefits during that time. After those benefits ended, he began working again as a for-hire driver. He has reapplied for SSDI benefits and is currently awaiting the outcome of that application. Mr. Grigoryan wants his for-hire license, because if his health allows him to return to work, driving is what he can do; it is part-time work and he can control the hours of work.
10. Under KCC 6.64.600.A.1, the Director shall deny an application for a for-hire driver license if the applicant has made a "misstatement or omission of material fact in the application." Mr. Grigoryan checked "no" in answer to the question as to whether he had any moving traffic violations or tickets (including dismissed citations) during the previous five years. But he was cited for 11 moving violations during that time, and his failure to disclose the citations constituted an omission of material facts. RALS was thus required to deny the license application. Mr. Grigoryan noted that he didn't intend to deceive anyone, but has a hard time remembering his citations, especially since some of them were dismissed. However, KCC 6.64.600.A.1 does not consider the applicant's intent, only whether the applicant misstated or omitted material facts, which is what happened in this case.
11. Mr. Grigoryan could address KCC 6.64.600.A.1 by submitting an accurate application. But the Director's denial also relied on the KCC 6.64.600.B.1. Under that section, the Director may deny the application if the applicant "has had, within five years of the date of application, a criminal conviction...involving a crime pertaining to...physical violence or other crimes reasonably related to the applicant's honesty and integrity, including, but not limited to, fraud, larceny, burglary or extortion or reasonably related to the person's ability to operate as a for-hire driver."
12. Mr. Grigoryan assaulted the repair shop owner because he was angry and felt that the owner had cheated him; he later expressed regret and acknowledged the mistake of having come to the shop to confront the owner. But RALS at hearing pointed out that this assault occurred over a financial matter in a business setting, raising concerns about Mr. Grigoryan's ability to safely operate as a for-hire driver. The assault broke Mr. Volochin's facial bones, and even if it is assumed that Mr. Grigoryan had valid reasons to be upset with the repair shop owner, his physical reaction was uncontrolled and dangerous. The situation at the shop is not unlike situations he might face as a for-hire

driver, where conflicts over fares or other business-related matters might arise. On the record here, the Director could reasonably rely on KCC 6.64.600.B.1 and deny the application on account of the assault conviction that occurred within the past five years.

13. Mr. Grigoryan has experienced many hardships over the last few years, both physical and financial. Indeed, it seems conceivable that his emotional reactions at the repair shop and in other settings are related at least in part to the health challenges and other burdens he has experienced. It is regrettable to add to those burdens with a denial of a license, but the assault cannot be overlooked. Under the circumstances presented here, the conviction falls squarely within the criteria for denial set forth in KCC 6.64.600.B.1 and will be a barrier to obtaining a new license for five years from the date of conviction.

DECISION:

1. The appeal is DENIED.

ORDERED April 1, 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 *May 1, 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 27, 2019, HEARING IN THE APPEAL OF BORIS GRIGORYAN, KING COUNTY FOR-HIRE LICENSING FILE NO. 15620

Anne Watanabe was the Hearing Examiner in this matter. Participating in the hearing were Debbi Linebarger, Boris Grigoryan, and Diana Noman (Interpreter).

The following exhibits were offered and entered into the record:

- | | |
|---------------|---|
| Exhibit no. 1 | King County For-Hire Licensing staff report to the Hearing Examiner |
| Exhibit no. 2 | Taxi and for-hire license application, dated September 26, 2018 |
| Exhibit no. 3 | King County Sheriff case no. C18023203 records of May 24, 2018 incident |

- Exhibit no. 4 King County Superior Court case no. 18-1-01988 KNT records
- Exhibit no. 5 King County District Court case no. 8Z0970677 WSP IT records;
Grant County District Court case no. 8Z0889459 WSP IT records;
King County District Court case no. 8Z0316627 WSP IT records;
King County District Court case no. 7Z0992843 WSP IT records;
King County District Court case no. 7Z0772172 WSP IT records;
Pierce County District Court case no. 6Z0881620 WSP IT records;
King County District Court case no. 6Z0904260 WSP IT records;
King County District Court case no. 6Z0006015 WSP IT records;
Snohomish County District Court case no. 5Z0818759 WSP IT records;
Snohomish County District Court case no. 5Z0818758 WSP IT records;
and Snohomish County District Court case no. 4Z0869014 WSP IT records
- Exhibit no. 6 Notice and order of for-hire driver’s license denial, issued January 2, 2019
- Exhibit no. 7 Appeal, received January 28, 2019

AW/ld

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **15620**

BORIS GRIGORYAN
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.

DATED April 1, 2019.



Liz Dop
Legislative Secretary

Cantu, Eddie

King County For-Hire Licensing

Grigoryan, Boris Mr.

Hardcopy

Grigoryan, Samwell

Kham, Joanna

Finance and Admin Svcs, Consumer Protection Div

Linebarger, Debbi

King County For-Hire Licensing

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

Statilko, Galina

Hardcopy