

March 4, 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

ORDER OF DISMISSAL

SUBJECT: King County For-Hire Licensing file no. **17417**

GIZAW WARA

For-Hire Driver Enforcement Appeal

License no.: 17417

Appellant: **Gizaw Wara**
16831 40th Avenue S
Seatac, WA 98188
Telephone: (206) 922-9554
Email: gizaw@ymail.com

King County: King County For-Hire Licensing
represented by **Tyson Taylor**
500 Fourth Avenue Room 403
Seattle, WA 98104
Telephone: (206) 263-1373
Email: ttaylor@kingcounty.gov

On November 30, 2018, King County For-Hire Licensing (“Licensing”) issued a notice assessing Gizaw Wara a \$125 penalty, in relation to an alleged August 27 incident with a customer. As the notice stated, the appeal of that notice was due by December 24.

Mr. Wara’s candor was refreshing—he indeed received the notice, understood the process, and then lost the paperwork. He did not get his appeal into Licensing until January 18, 2019. King County For-Hire Licensing filed a motion to dismiss the appeal as untimely. We held a motion hearing on February 28.

In many scenarios, an examiner has a fair amount of discretion and flexibility. For example if an appeal is timely but inadequate in content, an examiner “may” dismiss the appeal, but alternatively “may” allow a party to clarify the appeal issues. KCC 20.22.090.B. Requiring clarification, instead of dismissal, is almost always the approach we choose in such a scenario. We would do so here if *content* were the shortcoming in this appeal.

However, untimely appeal statements are decidedly different. The examiner “shall” (not “may”) dismiss an untimely appeal. KCC 20.22.090.A. There is no alternative option an examiner can select, regardless of empathy level. KCC 20.22.080.H is crystal clear that 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.

We note that we are making no comment on the merits of what actually happened in relation to the complaint about August 27. Our dismissal is simply based on the timing of the penalty appeal. Also, we note that Mr. Wara has already paid the \$125. Thus, there is no other step for Mr. Wara to take, other to continue being a good driver.

DATED March 4, 2019.



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 appealed to superior court by *April 3, 2019*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

DS/lid

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **17417**

GIZAW WARA
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 **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 4, 2019.



Liz Dop
Legislative Secretary

Cantu, Eddie

King County For-Hire Licensing

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

Wara, Gizaw

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