

March 24, 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

REPORT AND DECISION

SUBJECT: King County For-Hire Licensing file no. **64466**

BANA NEGASH

For-Hire Driver Enforcement Appeal

License no.: 64466

Appellant: **Bana Negash**

[REDACTED]
Seattle, WA 98106

Telephone: [REDACTED]

Email: [REDACTED]

King County: King County For-Hire Licensing
represented by **Tyson Taylor**

King County For-Hire Licensing

500 Fourth Avenue Room 403

Seattle, WA 98104

Telephone: (206) 263-1373

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FINDINGS AND CONCLUSIONS:

Overview

1. Bana Negash appeals a King County For-Fire Licensing (Licensing) suspension of the County portion of his dual, Seattle/King County for-hire driver's license. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we uphold his suspension but retain jurisdiction to later revisit the suspension.

Background

2. On the afternoon of December 14, 2022, at Sea-Tac Airport, Mr. Negash ran his cab multiple times into another for-hire vehicle (with a driver inside). Seattle police officers were dispatched. Mr. Negash was cited for a disturbance. Ex. D2. That same night, officers were again dispatched to Sea-Tac Airport for an even more serious incident; Mr. Negash hit a private vehicle multiple times and pushed that vehicle (and its driver) a considerable distance. Mr. Negash was cited and charged with reckless driving and reckless endangerment. Ex. D3.
3. On December 21, 2022, Licensing issued Mr. Negash a Notice and Order suspending his annual, dual County/Seattle for-hire license through the normal expiration of that license (July 2, 2023). The document explained how and when to appeal to Seattle and to King County. Ex. D4.
4. Mr. Negash timely appealed the County portion of the suspension to our office. Ex. D5. His appeal did not challenge the basic December 14 facts or the suspension itself, but explained that he was experiencing a mental disorder, was currently receiving treatment, and wants to again drive for-hire once he is able to operate his vehicle safely. He later submitted his medical history.
5. Mr. Negash did not appeal the Seattle portion of the suspension to the City.
6. We held a hearing on the County portion of the suspension on March 10, 2023.

Hearing Testimony

Testimony of Tyson Taylor

7. Tyson Taylor testified that Mr. Negash currently has a 2020 criminal driving matter, with a court date pending. So, Mr. Negash has three pending matters that could each result in mandatory denial of his license for several years. Mr. Negash could re-apply for renewal of his license up to thirty days prior to July 2 and Licensing will re-evaluate.

Testimony of Bana Negash

8. Bana Negash does not dispute the events leading to the suspension of his license, explaining that on December 14 he had a mental health breakdown. He was diagnosed with a mental health disorder, and he started treatment about a month ago. Mr. Negash supports family back in his home country, and he is requesting that his suspension be overturned.

Legal Standards

9. Per KCC 6.64.610.A.2:

A for-hire driver's license shall be immediately suspended and is null and void if...

2. The director obtains information after license issuance that the driver fails to meet the qualifications of a for-hire driver.
10. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. For those matters or issues raised in an appeal statement, Licensing bears the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210.B.

Analysis

11. Mr. Negash’s claim of mental impairment on December 14 is clearly not a joke or an after-the-fact excuse. The responding officer that afternoon noted that Mr. Negash had no drugs or alcohol in his system, yet he had a tough time sticking to one topic and kept making references to “6-19”; the other driver believed Mr. Negash was having a mental episode. Ex. D2 at 003. The responding officer that evening noted that Mr. Negash was rambling, frantic, and struggling to stay still. Mr. Negash explained that God had told him to hit the vehicle and confirmed that he was hearing voices telling him to do it. He then continued to “make a irrational statements about colors falling from the sky, people spitting on him, and people trying to kill him.” It was evident to the officer that Mr. Negash was experiencing a mental health crisis, and Mr. Negash was transported in a gurney for medical evaluation. Ex. D3 at 004.
12. Mr. Negash sent extensive medical records, which we are reluctant to put in the public record. Suffice to say, Mr. Negash was first diagnosed with a psychotic disorder in January 2021 and had been receiving a variety of related medications. He was advised in January 2023 (a month after the incidents) to meet with a psychiatrist—that appears to be a new directive, as at his October 2022 checkup his general practitioner recommended only medications. And his prescriptions were updated in March 2023. Mr. Negash stated that he had just started treatment, which we assume (although we should have double-checked at hearing) has meant psychiatric treatment.
13. Again, this not a case where Mr. Negash claims he is *currently* fit to drive. His basic premise is that he is getting treatment and does not want the suspension to necessarily stay in place until the end of his annual licensing period (July 2, 2023). Giving the long-standing nature of his mental affliction, we would be *surprised* if the treatment would advance to that stage before July; he might not be fit to drive even after July. Presumably a treating psychiatrist will have the best insight on if or when Mr. Negash is stable enough to resume for-hire driving.
14. Thus, we uphold Mr. Negash’s suspension, but we do not definitively find that it should last until July 2. (Similarly, we are no way predicting that, if Mr. Negash reapplies for a license renewal, he would be fit to drive after July 2.) We will retain jurisdiction, should Mr. Negash’s treating psychiatrist certify that he is fit to resume for-hire driving.
15. We have no authority over the Seattle portion of the license suspension. Mr. Negash noted that his appeal window for the Seattle suspension expired while he was still


hospitalized. (Seattle has a very short, 10-day appeal period, as opposed to the County’s 24 days.) We advised him that only Seattle could determine whether to accept a late-filed appeal (Department of Finance and Administrative Services, Hearing Officer at 700 5th Ave., Suite 4200, Seattle, WA 98104). Our decision relates only to the County portion of the suspension. Similarly, if, between now and July 2 we lift the suspension, it would not allow him to pick up passengers withing Seattle; only the City can make that change.

16. Mr. Negash stated that his attorney is trying to get the criminal charges against him dismissed, due to his mental capacity issues. The attorney is probably aware, but license denial is *mandatory* in the County for five-years after certain driving convictions (such as reckless driving or reckless endangerment), with *discretionary* denial for other criminal convictions. KCC 6.64.600. Seattle has a slightly more relaxed standard, but convictions still have consequences for license renewal. KCC 6.310.430.

DECISION:

1. We deny Mr. Negash’s appeal of his suspension; the suspension is planned to run until July 2, 2023. The suspension does not prevent him from submitting a new (or renewed) license application after June.
2. We retain jurisdiction to revisit the suspension prior to July 2, 2023. If Mr. Negash’s treating psychiatrist certifies that he is fit to resume for-hire driving, send that certification to us and we will reopen the case.

ORDERED March 24, 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. Either party may appeal this decision by applying by *April 24, 2023*, or a writ of review in superior court in accordance with chapter 7.16 RCW, although we retain jurisdiction as noted above.

**MINUTES OF THE MARCH 10, 2023, HEARING IN THE APPEAL OF BANA
NEGASH, KING COUNTY FOR-HIRE LICENSING FILE NO. 64466**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Bana Negash, Tigise Wolodegeil, and Tyson Taylor. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

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 | Port of Seattle Police Department Case Report – Case #2022-00079574 |
| Exhibit no. 3 | Port of Seattle Police Department Case Report – Case #2022-00079631 |
| Exhibit no. 4 | Notice and order of for-hire driver's License Suspension, issued
December 21, 2022 |
| Exhibit no. 5 | Appeal, received January 17, 2023 |
| Exhibit no. A1 | Medical Record, submitted March 9, 2023 |

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CERTIFICATE OF SERVICE

SUBJECT: King County For-Hire Licensing file no. **64466**

BANA NEGASH

For-Hire Driver Enforcement Appeal

I, Jessica Oscoy, 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 March 24, 2023.



Jessica Oscoy
Office Manager

Cantu, Eddie

King County For-Hire Licensing

Megow, John

Finance and Admin Svcs, Consumer Protection Div

Negash, Bana

Hardcopy

Newhouse, Cregan

Finance and Admin Svcs, Consumer Protection Div

Taylor, Tyson

King County For-Hire Licensing

Wolodegeiel, Tigise