

July 13, 2023

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
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[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**ORDER OF DISMISSAL**

SUBJECT: King County For-Hire Licensing file no. **8757**

**MEBRAHTU GEBREKIDAN**  
For-Hire Driver Enforcement Appeal

Permit no.: 8757

Appellant: Mebrahtu Gebrekidan  
*represented by* **Mahni Alizadeh**

[REDACTED]  
Tukwila, WA 98168

Telephone: [REDACTED]

Email: [REDACTED]

King County: King County For-Hire Licensing  
*represented by* **Tyson Taylor**  
King County For-Hire Licensing  
201 S. Jackson Street, Suite 206  
Seattle, WA 98124  
Telephone: (206) 263-1373  
Email: [ttaylor@kingcounty.gov](mailto:ttaylor@kingcounty.gov)

Overview

1. King County For-Hire Licensing (Licensing) mailed Mebrahtu Gebrekidan a violation notice. Because Mr. Gebrekidan had halted his mail days before, he did not receive the violation notice until after the 24-day appeal window closed. Mr. Gebrekidan filed an appeal a month late. Licensing moved to dismiss his appeal as untimely. After hearing the testimony and argument, we grant Licensing's motion.

### Background

2. On February 27, 2023, Licensing sent Mr. Gebrekidan a passenger complaint alleging that Mr. Gebrekidan had failed to comply with the posted rate requirements.
3. Mr. Gebrekidan responded on March 3. That same day, Mr. Gebrekidan learned that his mother-in-law had passed away. He halted his mail receipt to attend to family matters.
4. Licensing considered the complaint and Mr. Gebrekidan’s response and on March 7 mailed Mr. Gebrekidan a violation notice assessing a \$145 fine, along with our guide (translated into Tigrinya) to the hearing process. Both the violation notice and our guide explained that Mr. Gebrekidan had to get his appeal notice to Licensing within 24 days (i.e., by March 31) for it to be considered. *See* KCC 20.22.080.B (agency must “receive an appeal within 24 days of the date it issues its decision”). Our guide goes one step further, explaining (in bold, underscore and color) that:

If you get your initial appeal to [Licensing] on time, the examiner has authority to later allow you, prior to the hearing, to modify or add to the issues you originally raised. But the examiner has *no* authority to hear an appeal if your original appeal statement did not arrive at [Licensing] on time. **Whatever you do, make sure [Licensing] receives your appeal by the deadline!**

5. Unfortunately, because Mr. Gebrekidan had halted his mail service, he did not receive the violation notice or our guide.
6. On April 19, Licensing emailed Mr. Gebrekidan a courtesy notice, giving him additional time to pay the \$145 penalty. Two weeks after that, Mr. Gebrekidan paid the penalty but also filed an appeal requesting a refund. His challenge arrived 33 days after the appeal deadline closed.
7. Licensing moved to dismiss his appeal as untimely. Mr. Gebrekidan’s union representative, Mahni Alizadeh, filed an opposition brief. We held a motion hearing on July 12, at which we provided a Tigrinya interpreter for Mr. Gebrekidan.

### Analysis

8. Where “a person fails to timely deliver the appeal statement..., the office of the hearing examiner does not have jurisdiction to consider the appeal and the decision of the department...becomes final and unreviewable.” KCC 20.22.080.H. An examiner has only the authority granted us by ordinance. *HJS Dev., Inc. v. Pierce Co.*, 148 Wn.2d 451, 471, 61 P.3d 1141 (2003). We derive no authority from the statute (and caselaw interpreting that statute) involving the *unemployment compensation commission’s* ability to hear late-filed appeals cited in Mr. Alizadeh’s response.
9. We are empathetic to Mr. Gebrekidan’s loss. We understand why he made the choices he made during that time period, including stopping mail so he could attend to family


matters during an extended mourning period. But that it insufficient ground to give us jurisdiction to reach the merits of his late-filed appeal.

10. In past cases where a driver’s *livelihood* was at stake (i.e., a license revocation or a license denial), we have sometimes gotten creative. For example, in *Owens* we dismissed an untimely appeal to a license denial. However, we explained that Licensing’s basis for license denial—that Mr. Owens’ four-year-old conviction for solicitation to commit possession of cocaine qualified as a “crime reasonably related to the applicant’s honesty and integrity including, but not limited to, fraud, larceny, burglary or extortion”—was likely incorrect. Unless Mr. Owens had obtained (or was trying to obtain) the cocaine by shaking down a dealer or stealing someone’s stash, his crime was not in the same ballpark as fraud, larceny, burglary, or extortion, and thus was not an honesty-or integrity-related crime.
11. We then explained that, even if Mr. Owens’ conviction qualified, because it was a discretionary denial (“may deny”), Licensing needed to weigh other factors in determining whether or not to deny the license application. And we sketched out the extreme racial disparity in drug arrests and convictions (Mr. Owens was black), the disparate impact of criminal convictions on black ex-offenders in the job market, and the state’s policy to encourage rehabilitation of felons into a meaningful vocation, factors Licensing should consider. We closed by sending the case back to Licensing to reconsider Mr. Owens’ application and issue a new decision (which would start the appeal clock anew).<sup>1</sup>
12. Was ours a legally defensible decision or did we exceed our authority in doing that, given Mr. Owens’ appeal was well past the deadline? If Licensing had challenged our decision to superior court, the court may have overturned us. But it was a weighty matter we were willing to do the right thing for. A \$145 fine that became final during the period where Mr. Gebrekidan elected to put a hold on his mail, and where he missed his appeal deadline by over a month, is not in the same ballpark.

#### Conclusion

13. We dismiss Mr. Gebrekidan’s appeal as untimely. Because Mr. Gebrekidan has already paid the \$145 penalty, there is no further action for anyone to take.

ORDERED July 13, 2023.



David Spohr  
Hearing Examiner

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<sup>1</sup> [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/for-hire%20enforcement/2019/Owens\\_Owens.ashx?la=en](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/for-hire%20enforcement/2019/Owens_Owens.ashx?la=en).

**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 *August 14, 2023*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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**CERTIFICATE OF SERVICE**

SUBJECT: King County For-Hire Licensing file no. **8757**

**MEBRAHTU GEBREKIDAN**  
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 **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 July 13, 2023.



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Jessica Oscoy  
Office Manager

**Alizadeh, Mahni**  
Drivers Union  
Hardcopy

**Cantu, Eddie**  
King County For-Hire Licensing

**Gebrekidan, Mebrahtu Mr.**  
Hardcopy

**Megow, John**  
Finance and Admin Svcs, Consumer Protection Div

**Newhouse, Cregan**  
Finance and Admin Svcs, Consumer Protection Div

**Taylor, Tyson**  
King County For-Hire Licensing