

City of Seattle Office of Hearing Examiner

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This is an informal guide to Citation Hearings before the Seattle Hearing Examiner.

More complete information is available in Seattle Municipal Code Chapters 23.91 (Land Use Code Violations); 10.52 (Weed and Vegetation Code Violations); 22.920 (Energy Benchmarking); 15.91 (Street Use Violations); 25.08 (Public Nuisance Noise Code Violations); 6.500 (Cannabis Business Code Violations); 6.600 (Short Term Rental Code Violations); and 22.600.020 (Seattle Fire Code Violations). These Code chapters are available on the City's website at <http://clerk.seattle.gov>

Hearing Location

Appeal hearings for citations will be held by video conference. Parties may request, or the Examiner may order, in-person or telephonic participation for such matters. In-person participation occurs in one of the hearing rooms at the Office of Hearing Examiner on the 40th floor of the Seattle Municipal Tower, 700 5th Avenue, between Cherry and Columbia Streets in downtown Seattle. Instructions to attend the hearing remotely are sent with the hearing notice.

What types of citation cases does the Hearing Examiner hear?

Citations issued for violations of the Land Use Code, Weed and Vegetation Code, and Noise Code (issued by the Seattle Department of Construction and Inspections/SDCI); citations issued for various street use violations (issued by the Seattle Department of Transportation/SDOT); citations issued for building energy use violations (issued by the

Office of Sustainability and Environment); citations issued for various fire code violations (issued by the Seattle Fire Department/SFD); and citations issued for violations of Short Term Rental Code, Nightlife Noise Code, and Cannabis Business Code (issued by the Seattle Finance & Administrative Services/FAS).

The City of Seattle does not discriminate on the basis of race, ethnicity, sex, marital status, sexual orientation, political ideology, age, creed, religion, ancestry, national origin, or the presence of any sensory, mental or physical disability.

When and How to File an Appeal

When: Appeals must be received by the Office of Hearing Examiner by 5 p.m. on the last day of the appeal period. A postmark on the last day is not sufficient. A response to a citation must be received by the Office of Hearing Examiner no later than 15 days after the date the citation is served. If the last day of the appeal period is a Saturday, Sunday, or federal or City holiday, the period is extended to 5:00 p.m. on the next business day.

How: The form to appeal a citation is included on the citation, usually on the back. If any of the information on the citation differs from the information in this pamphlet, the information on the citation controls. You can also e-file your appeal request using the Office of Hearing Examiner's website at: www.seattle.gov/examiner/efile.htm.

A person may request a **mitigation hearing** to explain the circumstances surrounding the violation. A person who requests a mitigation hearing is agreeing that the violation occurred but believes there are circumstances surrounding the violation that justify a reduction of the penalty. NOTE: For Land Use Code citations, the Hearing Examiner cannot reduce the penalty unless the property has been brought into compliance with the Code before the date of the mitigation hearing.

A person may, instead, request a **contested hearing** by stating on the appeal why they believe the cited violation did not occur, or why the person cited is not responsible for the violation.

Hearing Date

When an appeal is filed, a hearing date is assigned, and notice of the date, time, and place for the hearing is sent to each party to the appeal (the appellant and Department) via email or U.S. mail.

The Hearing

Location: Most hearings are held in a hybrid setting by remote video-conference and in one of the hearing rooms at the Office of Hearing Examiner on the 40th floor of the Seattle Municipal Tower, 700 5th Avenue, between Cherry and Columbia Streets in downtown Seattle.

Exhibits: The parties shall send electronic copies of documents they intend to submit as evidence to the Examiner and other parties, with receipt by the Examiner and other parties no later than seven days before the hearing (or such other date the Examiner identifies).

Procedure: It is important to be on time for a hearing, and to call if you are unexpectedly detained. Failure to call could result in your appeal being dismissed. If attending a hearing remotely, please review the Office of Hearing Examiner Zoom Meeting Guidelines and Remote Appeal Hearing Procedural Protocols. In contested hearings, the Department presents its case first, explaining why the citation was issued and how it complied with Code requirements for citations. Then the appellant presents their case, explaining why the violation did not occur, or why the person cited is not responsible for the violation. Each witness testifies under oath, and the other party may ask the witness questions about the subjects covered in the witness' testimony. Each party may use exhibits, such as photographs, diagrams, etc., as evidence. After all evidence has been presented, each party may summarize its arguments.

Procedures in mitigation hearings are less formal, and the Examiner will ask questions of both the appellant and the department to determine whether the penalty for the violation should be reduced.

Do You Need an Attorney?

It is not necessary to have an attorney, and you don't have to be an attorney to represent yourself or someone else in a proceeding before the Hearing Examiner. Some people and organizations are represented by attorneys in appeal hearings, but many citizens and City agencies represent themselves. To make the process more accessible for non-lawyers, the examiners explain various aspects of the hearing during their opening remarks and encourage questions on procedure. Outside the hearing, if you have questions about the process, you may ask them of staff in the Office of Hearing Examiner, although they cannot advise you on substantive matters, such as organizing your presentation or selecting your witnesses.

The Hearing Examiner's Decision

The Hearing Examiner considers evidence presented in light of what the law requires and issues a decision on the appeal. For mitigation cases, the decision issuance timeline depends on the circumstances of the case. For contested cases, the Examiner will issue a written decision after the hearing is closed that will normally include "Findings of Fact," "Conclusions," and the "Decision" in the case. The Hearing Examiner's decision can be appealed to King County Superior Court.