

1
2
3 **BEFORE THE CITY OF SEATTLE PUBLIC SAFETY**
4 **CIVIL SERVICE COMMISSION**

5 In Re the Appeal of

6 **PETER SUGGES**

7 Appellant

8 v.

9 **SEATTLE FIRE DEPARTMENT**
10 **City of Seattle**

11 Respondent

ORDER OF DISMISSAL
WITH PREJUDICE

PSCSC Appeal No. 05-001

12
13 The City of Seattle Public Safety Civil Service Commission hereby enters the following:

14 **ORDER AND DISMISSAL**

15 **ORDER OF DISMISSAL WITH PREJUDICE**

16 On December 16, 2004, Chief Gregory Dean of the Seattle Fire Department issued a letter
17 containing the reasons for the termination of Fire Department Employee Peter Sugges.

18 On December 22, 2004, William F. Malaier of the law firm McCarthy Causseaux Rouke, Inc.
19 P.S., attorneys for Mr. Sugges, transmitted by facsimile a letter to Assistant City Attorney Fritz
20 Wollet requesting an appeal of his termination through the Public Safety Civil Service
Commission. Mr. Wollet has in the past represented the Seattle Fire Department as an
employer in cases before the Commission.

21 On December 22, 2004, Mr. Wollet sent a fax to Mark F. Hurdlebrink of the same law firm
informing him that the appeal must be filed with the Commission.

22 The Commission did not receive a notice of appeal, nor was it informed of Mr. Sugges intent to
23 appeal until receiving a telephone call from Mr. Sugges on January 24, 2004 and subsequent
voice mail on January 25, 2004.

24 Seattle Municipal Code ("SMC") Section 4.08.100 provides that a Seattle Fire Department
25 regular employee who has been discharged "may within ten days from the date of service of

PSCSC APPEAL No. 05-001
ORDER OF DISMISSAL

Public Safety Civil Service Commission
700 5th Avenue, Ste. 1670
PO Box 94729
Seattle, WA 98124-4729

1 such statement, file with the Commission a written demand for a hearing, whereupon, in due
2 course, the Commission shall conduct such hearing.”

3 Public Safety Civil Service Commission Rule 6.01(a) provides that “any regular employee who is
4 demoted, suspended or terminated may appeal such action to the Commission.” Public Safety
5 Civil Service Commission Rule 6.03 further provides that “A notice of appeal shall be filed at the
6 Commission offices within ten (10) days of the action that is the subject of the appeal.”
7 [Emphasis added].

8 Mr. Sugges did not file a written demand for hearing within ten days of Chief Dean’s December
9 16, 2004 letter with the Commission.

10 The Seattle Municipal Code and the Commission’s Rules both require that a notice of appeal be
11 filed with the Commission, at the office of the Commission, not with the Seattle City Attorney.

12 The attorney for an adverse party has no duty to file a notice of appeal for an appellant. Mr.
13 Wollet had no duty to inform the Commission of Mr. Sugges’ intent to appeal.

14 Public Safety Civil Service Commission Rule 6.09 provides that the “[Executive Director] shall
15 review all appeals to determine whether the employee has timely filed an appeal and whether
16 the action appealed from is a final action. Upon a determination that the appeal is not timely,
17 the [Executive Director] shall issue a written order of dismissal with prejudice, setting forth the
18 basis of the dismissal.”

19 The Executive Director hereby concludes that Mr. Sugges has failed to timely file an appeal with
20 the Commission. Therefore, it is hereby ordered that his request for an appeal be dismissed
21 with prejudice.

22 This order may be appealed to the Commission pursuant to Public Safety Civil Service
23 Commission Rule 6.09.

24 Dated this 27th day of January, 2005.

25 

Mary E. Effertz
Executive Director