

COPY RECEIVED

JUDGE



2009 JAN 22 AM 9:19

2009 J

10:00

Hon. Susan Barnett
Hearing Date: 11/26/08

SEATTLE CITY ATTORNEY

K
SU

FILED
COURT

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON
FOR KING COUNTY

CITY OF SEATTLE, SEATTLE POLICE
DEPARTMENT,

Petitioner,

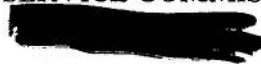
vs.

CITY OF SEATTLE, PUBLIC SAFETY CIVIL
SERVICE COMMISSION, and RICHARD
ROBERSON,

Respondents.

No. 08-2-08564-3SEA

ORDER ON PETITIONER'S REQUEST
FOR REVERSAL OF PUBLIC SAFETY
CIVIL SERVICE COMMISSION



THE COURT, having read and considered Petitioner Seattle Police Department's
Petition to Reverse the Findings of Fact, Conclusions of Law, and Order of the Seattle Public
Safety Civil Service Commission in regard to the discipline of Officer Roberson, including the
record of the proceedings below, the responsive briefs filed by Respondent Seattle Public Safety
Civil Service Commission and Respondent Roberson, and the Police Department's reply
briefing, and having heard the arguments of counsel, and considered the records and files herein,

NOW, THEREFORE,

ORDER ON PETITIONER'S BRIEF
SEEKING REVERSAL OF PSCSC - 1

Thomas A. Carr
Seattle City Attorney
600 Fourth Avenue, 4th Floor
PO Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 **IT IS HEREBY ORDERED** that:

2 1. The Public Safety Civil Service Commission's Findings of Fact, Conclusions of
3 Law, and Order is not arbitrary or capricious, is not based on an error of law, and is supported by
4 substantial evidence, and is therefore AFFIRMED.

5 2. Petitioner Seattle Police Department's request to reinstate the disciplinary
6 decision of the Chief of Police for a 30-day suspension for all misconduct found by the
7 Department, or in the alternative, to impose a 10-day suspension for the misconduct sustained by
8 the Respondent Public Safety Civil Service Commission, in the matter of the misconduct of
9 Officer Roberson is therefore DENIED.

10 3. Respondent Roberson's request for attorneys' fees and costs is DENIED.

11 4. Respondent Roberson's request to dismiss the writ because his counsel received a
12 timely electronic copy of the briefing, but untimely service of a "hard copy" of the briefing the
13 following day, is DENIED.

14 5. Respondent Roberson's request to dismiss all misconduct findings against him
15 based on his claim he was denied due process is DENIED.

16 6. Respondent Roberson's request that the Superior Court order the reinstatement of
17 the difference between the seven-day suspension sustained by the Public Safety Civil Service
18 Commission and the 30-day suspension imposed by the Department is not properly before the
19 Court and is therefore DENIED.

20 DATED this 20 day of January, 2009.

21 **SUZANNE M. BARNETT**

22 _____
23 Suzanne Barnett, Judge
King County Superior Court

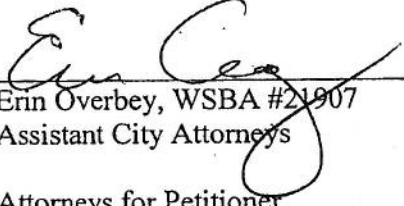
ORDER ON PETITIONER'S BRIEF
SEEKING REVERSAL OF PSCSC - 2

Thomas A. Carr
Seattle City Attorney
600 Fourth Avenue, 4th Floor
PO Box 94769
Seattle, WA 98124-4769
(206) 684-8200

1 Presented by:

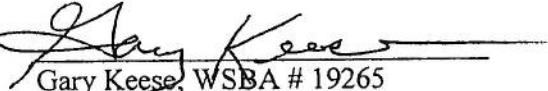
2 THOMAS A. CARR
3 Seattle City Attorney

4 By:


5 Erin Overbey, WSBA #21907
6 Assistant City Attorneys

7 Attorneys for Petitioner
8 Seattle Police Department

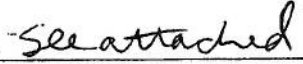
9 By:


10 Gary Keese, WSBA # 19265
11 Assistant City Attorney

12 Attorneys for Respondent
13 Seattle Public Safety Civil Service Commission

14 STANLEY D. TATE, LLC

15 By:


16 Stanley D. Tate, WSBA #17943

17 Attorney for Respondent
18 Richard Roberson

19
20
21
22
23
ORDER ON PETITIONER'S BRIEF
SEEKING REVERSAL OF PSCSC - 3

Thomas A. Carr
Seattle City Attorney
600 Fourth Avenue, 4th Floor
PO Box 94769
Seattle, WA 98124-4769
(206) 684-8200