

**BEFORE THE HEARING EXAMINER
FOR CITY OF REDMOND**

In the Matter of the Appeal of)	NO. _____
)	
)	
Dr. John Brunsman)	Brunsman Relocation Claim
)	Determination Appeal
)	
of the August 22, 2017)	
Relocation Claim Determination)	ORDER SETTING RESPONSE
related to property at)	SCHEDULE ON RECEIPT OF
16146 NE Cleveland Street, Redmond)	APPELLANT'S MOTION TO DISMISS
_____)	

The above-captioned appeal is scheduled to be heard on January 12, 2018.

On November 20, 2017, counsel for the Appellant submitted a motion to dismiss for lack of jurisdiction, arguing:

- That Ordinance 2894, which confers jurisdiction on the City's Hearing Examiner to hear and decide relocation appeals pursuant to RCW 8.26/WAC 468-100/WAC 10-08, did not take effect until some unknown date after October 17, 2017, the date on which the appeal was filed¹;
- That the City cannot change the procedure once an appeal is filed; and
- That pursuant to WAC 10-08-050, the City is required to petition for a state administrative law judge.

The Appellant asks that the undersigned rule that the City's Examiner lacks jurisdiction to hear the instant appeal and direct the City to refer the matter to a state administrative law judge.

A response from the City is required. A reply from the Appellant is invited.

The following schedule is affected both by the City's legal holidays of November 23rd and 24th due to thanksgiving and also to the unavailability of the undersigned between November 27th and December 5th due to previously scheduled international travel.

Order

1. The City shall respond to the Appellant's motion not later than November 29, 2017.

¹ Communications from the Clerk's Office with respect to scheduling indicated that the appeal was submitted October 16, 2017.

2. The Appellant shall submit a reply, if desired, not later than December 6, 2017.
3. The ruling on the motion will be issued December 11, 2018.
4. To be considered timely, **submittals shall be sent via email not later than 4:00 pm on the due date identified.** All email submittals shall be directed to the attention of the Office of the Hearing Examiner at the email address below. The Clerk's office will circulate email communications to all parties and the Examiner.

Office of the Hearing Examiner
Attention Cheryl Xanthos, Deputy City Clerk
cdxanthos@redmond.gov

5. In order to avoid *ex parte* contact: At no time should any party email the Examiner directly absent exigent circumstances, and all parties should be cc'd on any such urgent communications.
6. Should either party desire/need to amend the schedule as issued herein, the attorneys are encouraged to attempt to submit stipulated schedule revisions. However, issuance of the ruling cannot be moved up significantly due to the unavailability of the undersigned.
7. Clarifying questions about this order and any other procedural questions may be directed to the Examiner via email to the same contact information above.

Ordered November 20, 2017.

By:



Sharon A. Rice
Redmond Hearing Examiner