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

8 In the Matter of the Appeal of

9  
10 **Dr. John Brunzman**

11  
12  
13 of the August 22, 2017  
14 Relocation Claim Determination  
15 Related to property at  
16 16146 NE Cleveland Street, Redmond  
17

NO.

APPELLANTS' MOTION TO CHANGE  
FORUM FOR APPEAL

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19 Appellants Dr. John Brunzman and Foot Care Associates move the City of Redmond  
20 Hearing Examiner to issue an order: (1) holding that she does not have jurisdiction to hear this  
21 appeal, and (2) directing the City to submit this matter to a state Administrative Law Judge.  
22

23 The appeal was filed with the City on October 17. That night, apparently, the City passed  
24 the Ordinance in question, which the Hearing Examiner mentioned during the prehearing  
25 conference. The Ordinance states, under 1.18.010(A), that any person believing that the City did  
26 not comply with relocation assistance laws can appeal to the Hearing Examiner. Part (B) says  
27 the appeal shall be filed with the Hearing Examiner within 60 days. Part (C) governs the form of  
28 the appeal. And then Parts (D) through (E) provide rules for the appeal discovery and  
29 hearing. Finally, Section 4 of the Ordinance states it will not become effective until five days  
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31  
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MOTION RE: JURISDICTION AND FORUM - 1

**CARSON | NOEL**  
PLLC

20 Sixth Ave NE, Issaquah, WA 98027  
P. 425.837.4717 | F. 425.837.5396

1 after publication. I'm not sure when that occurred, but the earliest would have been the next day,  
2 October 18.


3  
4 Critically, nothing in the ordinance states anything about existing appeals. Nothing in the  
5 ordinance states it is retroactive. By its own terms, it applies to new appeals (parts A-C), and did  
6 not take effect until after the appeal was filed. Once filed, however, the Appellants' were vested  
7 in whatever legal process was in place at that time for his appeal. The City cannot change the  
8 process after the appeal has started.  
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10 Instead, since the City did not have a process in question (at least that undersigned  
11 counsel is aware of), the dictates of the Relocation Act come into play. Under WAC 468-100-  
12 010(6), the process is as described in WAC 468-10. Under WAC 468-10-410, the rules set forth  
13 in WAC 10-08 govern, to the extent not inconsistent with 468-10 and 468-100. Under WAC 10-  
14 08-050, the City is obligated to petition for a state administrative law judge for an appeal.  
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17 In sum, since the City did not have a process in place to govern this appeal at the time the  
18 appeal was filed, this appeal properly belongs before a state administrative law  
19 judge. Appellants move for the Hearing Examiner to withdraw from the case and order the City  
20 follow the dictates of WAC 10-08 to have this appeal heard.  
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22

23 DATED this 20th day of November, 2017.

24 CARSON & NOEL, PLLC

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27 \_\_\_\_\_  
28 Todd Wyatt, WSBA #31608  
29 Attorney for Appellants  
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