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

4 In the matter of the appeal of

5 **ERIC WERNER,**

6 Appellant

7 v.

8 **SEATTLE POLICE DEPARTMENT,  
CITY OF SEATTLE**

9 Respondent/Employer  
10

**PSCSC No. 09-006**

**DISMISSAL ORDER**

11  
12 The Executive Director of the City of Seattle Public Safety Civil Service Commission  
hereby enters the following:

13 **BACKGROUND**

14 On July 1, 2009 Appellant Eric Werner, filed an appeal with the Commission regarding  
15 his termination from employment as a Seattle Police Officer on June 29, 2009.

16 A hearing was held before the Public Safety Civil Service Commission on October 5<sup>th</sup>  
17 and 6<sup>th</sup>, 2009. The Commission consisted of Terry Carroll, Joel Nark, and Herbert  
Johnson.

18 On January 21, 2010, the Commission issued their Findings of Fact, Conclusions of  
19 Law, and Order reducing the discipline to a 30-day suspension with a partial dissent by  
Commissioner Terry Carroll.

20 On February 18, 2010, the Seattle Police Department filed an Application for Writ of  
21 Review with the King County Superior Court.

22 On April 28, 2010, Christian Halliburton was appointed to the Commission to replace  
Herbert Johnson.  
23

1 On June 4, 2010, the King County Superior Court (Cause No. 10-2-07645-0 SEA)  
2 issued an order reversing the Order of the Commission and remanding the case for  
3 additional findings on "whether termination is appropriate where there is no evidence of  
4 lack of even-handedness in the Department's disciplinary history "and conclusion.

5 On September 19, 2011, Washington State Court of Appeals, Division One (No. 65632-  
6 5-1), affirmed the decision of the King County Superior Court reversing the  
7 Commission's Order and remanding the case to the Commission.

8 On December 16, 2012, the Commission issued an Order denying Appellant's motions  
9 to supplement the hearing record and have the original Commissioners hear the case  
10 on remand.

11 On February 17, 2012, the Commission voted to uphold the Chief's decision to  
12 terminate Appellant's employment. The Commissioners subsequently signed a Decision  
13 and Order, with Commissioner Joel Nark dissenting.

14 **ORDER**

15 The appeal is hereby dismissed with prejudice.

16 Dated this 17<sup>th</sup> day of September, 2012

17 FOR THE CITY OF SEATTLE PUBLIC SAFETY CIVIL SERVICE COMMISSION

18   
19 \_\_\_\_\_  
20 Jennifer Greenlee, Executive Director  
21 Public Safety Civil Service Commission  
22 (206) 233-7118 \* FAX: (206) 684-0755

23 Per Commission Rule 2.09 all Orders entered by the Executive Director may be appealed to the  
Commission. Orders issued on preliminary matters prior to hearing shall control the subsequent  
course of the appeal and hearing and shall be subject to modification only upon the timely filing  
of written exceptions within twenty (20) days after receipt of said Order. Failure to timely raise  
objections to an Order shall constitute a waiver of such objections, and will preclude the party  
from introducing new evidence, exhibits, witnesses, issues, objections pertaining thereto, or any  
other pre-hearing matters at the hearing.