

FINDINGS AND DECISION
OF THE HEARING EXAMINER FOR THE CITY OF SEATTLE

In the Matter of the Appeal of

MARSHALL VANGEMERT

HEARING EXAMINER FILE NO. G-87-006
DCLU FILE NO. 871031

from a DCLU Notice of
Violation of the
Grading Code

ORDER AND DECISION AFFIRMING
NOTICE OF VIOLATION

Appellant, a contractor, submitted this appeal from a Notice of Violation of the Grading Code issued by Seattle's Department of Construction and Land Use (DCLU).

Wayne Maxwell, land owner, submitted comments to the Office of Hearing Examiner which were received by the Hearing Examiner as a request to intervene.

This matter came on for hearing before the undersigned on June 8, 1987. Appellant Vangemert was represented by Gary Jacobson of Jacobson and Snodgrass. Marshall appeared pro se and the DCLU Director was represented by Sandy Watson, code compliance coordinator.

The Hearing Examiner hereby affirms from said hearing the following:

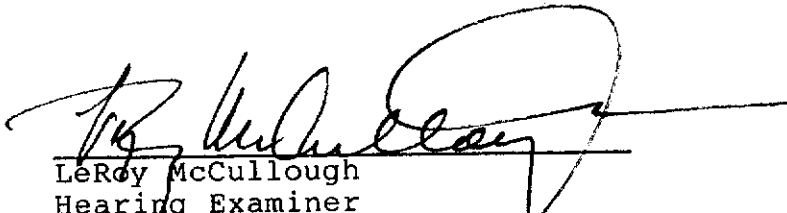
1. The March 31, 1987 Notice of Violation is amended to delete as named person Thomas M. Payne, 11557 - 19th N.E., Seattle, Washington 98125.

2. There is no dispute that the cited violation occurred. The Notice of Violation, including corrective measures, is therefore AFFIRMED as to appellant and as to the property owner.

3. Apportionment of the cost or of other corrective measure elements is beyond the jurisdiction of the Hearing Examiner.

4. This Order shall be filed and in every other way be treated as the final Hearing Examiner decision on this appeal.

Entered this 4th day of June, 1987.


Leroy McCullough
Hearing Examiner

CONCERNING FURTHER REVIEW

The decision of the Hearing Examiner in this case is the final administrative determination by the City, and is not subject to reconsideration except to correct errors on the ground of fraud, mistake, or irregularity in vital matters. Any request for judicial review must be filed with the Superior Court pursuant to Chapter 7.16, RCW, within fourteen days of the date of this decision. Should such request be filed, instructions for preparation of a verbatim transcript are available at the Office of Hearing Examiner. The appellant must initially bear the cost of the transcript but will be reimbursed by the City if appellant is successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, 400 Yesler Building, 5th Floor, Seattle, Washington 98104.