



**King County**

# HEARING EXAMINER GUIDE

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**FOR-HIRE  
DRIVER'S LICENSE APPEALS**



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## **Hearing Examiner Guide For-Hire Driver's License Appeals**

### **What is this guide?**

This guide summarizes the hearing examiner process for for-hire driver's license appeals. It is meant to help laypersons, and it carries no legal weight. We invite questions.

### **Who is the examiner?**

The examiner is appointed by the King County Council to hold hearings and issue decisions on appeals of King County's Records and Licensing Sections (RALS) orders regarding for-hire driver's licenses. The examiner is a neutral decision-maker, like a judge. The examiner's office works for the council, *not* for RALS.

### **How about access?**

Sign language interpretation is available, for free, by calling TDD Number (206) 296-1024. Non-English language interpreters are available, for free. For those with travel barriers, contact the examiner to discuss alternatives, like appearing by telephone. Call (206) 477-0860 or email [hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov). Please make requests early in the process.

### **How do you start your appeal?**

People receiving RALS orders may decide to appeal and have the examiner hear the King County portion of the case. There is no appeal fee, but three requirements *must* be met:

- 1. Timing.** The deadline to submit your appeal is 24 calendar days after RALS *issues* its order. When RALS personally serves it to you, the clock starts ticking that day. When RALS mails an order, the clock starts ticking on the date RALS mails it, *not* on the date you actually receive it.
- 2. Delivery.** Getting your appeal statement to a post office by the deadline is *not* sufficient. RALS must actually *receive* your appeal by the deadline (and mail delivery often takes several days). Untimely appeals are not allowed—there is no flexibility. This may not seem fair, but it is the law. You can submit your appeal via:
  - mail or in-person (Monday – Friday, 8:30 a.m. – 4:30 p.m.) at 500 Fourth Avenue, Room 403, Seattle, WA, 98104;

- email to [ForHireDriver@kingcounty.gov](mailto:ForHireDriver@kingcounty.gov) (ask RALS to confirm receipt); or
- facsimile to (206) 296-4029.

**3. Content.** Your appeal statement must include:

- a) Either a copy of the RALS order(s) you are appealing or the RALS file number(s) and order date(s);
- b) A description of your interest in the case (for example, you are seeking a license);
- c) The error(s) you think RALS made in its order (“That infraction was dismissed” or “I pled to a lesser offense,” or “\_\_\_ happened, but \_\_\_,” etc.);
- d) Specific reason(s) why you think the RALS order(s) should be reversed (“\_\_\_ should not result in me losing my license,” etc.) or modified (“The penalty is too high,” etc.);
- e) How the RALS order(s) harms or would harm you (“Without a license, I \_\_\_”); and
- f) What outcome(s) you seek (“Overturn the denial,” or “Reduce the fine,” etc.).

While your appeal does not have to include all the evidence (like a document) you want to submit to support your appeal, it does need to include all the matters or issues you want to raise—see (c) and (d) above. If you are not sure about exactly what to say, make sure you still get *an* appeal, even if imperfect, delivered to RALS by the deadline.

If you get your initial appeal to RALS on time, the examiner has authority to later allow you, prior to the hearing, to modify or add to the issues you originally raised. But the Examiner has *no* authority to hear an appeal if your original appeal statement did not arrive at RALS on time. **Whatever you do, make sure RALS receives your appeal by the deadline!**

Filing a timely appeal does not prevent you from resolving your case without going to a hearing. It simply preserves your right to contest RALS’s order. Otherwise RALS’s order becomes final and unchallengeable once the appeal deadline passes.

### **What if RALS denied *both* a county and a Seattle license?**

The examiner only has jurisdiction over the portion of RALS’s order related to your *county* license. If you wish to object to the denial of a license to pick up passengers in Seattle, you need to appeal to *Seattle*. The final page of RALS’ order lists those details. Be aware, Seattle’s appeal period (10 days) is much shorter than the county’s (24 days).

### **Can I still drive while my appeal is being processed?**

If you are a new for-hire permit/license applicant, or you are a previously permitted/licensed driver with a break in service of greater than one year, you may not carry passengers until the examiner decides your case.

If you are a current permit/license holder, and RALS denied your renewal application, or suspended/revoked your driving privileges, you may continue to carry passengers while the examiner considers your appeal. If your current (including temporary) permit/license expires prior to the examiner issuing a decision, you must obtain a new (or extended) temporary permit/license from RALS.

## Is mediation a possibility?

Mediation may be available. First check Examiner Rule V (link at end). To initiate mediation, make a written request early in the process.

## What can you expect before a hearing?

Several weeks before a hearing, the examiner will send you a notice. Read that notice carefully. It sets the day, time, and location of the hearing. It sometimes includes descriptions of the examiner's initial interpretations of the issues for hearing and thoughts on potential resolution. It sets deadlines for amending the appeal issues (as described above) and for sending any information required *before* the hearing.

Two weeks before a hearing, RALS submits to the parties and to the examiner a report summarizing the issues and providing most or all of the documents RALS intends to offer as exhibits at the hearing. Read these carefully.

RALS's files on a case are public records; anyone wanting to review the entire file prior to the hearing may arrange this with RALS (by email to [pd.requests@kingcounty.gov](mailto:pd.requests@kingcounty.gov) or by calling (206) 263-1977). Anyone may request examiner documents as well; examiner records are usually available electronically, typically at no cost.

## Who can participate in the appeal process?

Normally, only RALS and the person who filed the appeal are involved in matters like (re) scheduling a conference or hearing, setting deadlines, making or responding to motions, and in deciding what evidence to present, witnesses to call, and questions to ask in a hearing.

Others with an interest in the case may request "intervenor" status to become a party. Please review Examiner Rule X.B (link at end) for information on requesting this. Intervenor requests are not automatically granted, but are reviewed on a number of specific criteria.

## What typically happens at an appeal hearing?

### *Where and when?*

Hearings are usually held in the King County Courthouse in downtown Seattle. Be on time, or you may forfeit your rights. Very occasionally, a prior hearing runs overtime and delays the next hearing's start. Please enter the room quietly (proceedings are recorded), refrain from side conversations, and turn off all phones.

### *What are the usual issues?*

While every case is different, in general, certain items (such as omitting essential information on your application, or a conviction related to driving under the influence of alcohol) result in *mandatory* denial. Other items (like an assault conviction or several lesser driving infractions) might or might not result in a denial.

### ***Can I challenge a previous conviction or infraction?***

No. An examiner cannot reconsider what the police, prosecutor, defendant, or court should have done in a past case. You may offer an *explanation* for, or the *context* surrounding, a conviction or infraction, but where your record says otherwise you may not dispute that you committed a crime or violation. Instead, the examiner decides whether, *given* your record plus any new information, to grant your appeal.

### ***How will the hearing go?***

1. Because RALS carries the burden of proof regarding any issues or matters you raised in your appeal, RALS speaks first. RALS offers testimony and its documents, typically only those RALS sent out two weeks before the hearing. Although examiners have a lower threshold for admitting evidence than courts do, you may offer specific objections to any documents. You may question any witness.
2. Then, it is your turn to offer testimony and any documents; RALS may raise objections and ask you questions. RALS may also question any witness you present.
3. Anyone wanting to introduce any document should bring at least three copies.
4. Afterwards, each party has some time to respond to what the other party presented, followed by brief closing statements.
5. At any time, the examiner may ask questions.
6. All testimony must be under oath, which means the examiner swears in each witness.

### ***How can I present the best case?***

First, carefully read the notice the examiner sends out before hearing. Effective testimony and argument often explain how a specific law applies to your case. Presentations can be in the form of notes, written statements, photographs, documentary records, and visual aids.

Statements offered in-person (or at least by telephone) and subject to cross examination (questioning) are generally given the most consideration. You may present documents and testimony describing any efforts you have made to address the situation.

### ***What about hearing records?***

Your hearing will be recorded and you may request a copy of the recording and/or any documents. Depending on the volume of data requested, there may be a duplication cost, although the examiner's office maintains most records digitally.

### ***What happens after the hearing?***

Within ten business days (meaning weekends and holidays are excluded) after the hearing, the examiner sends you a final decision that includes findings of fact based on the hearing record and conclusions drawn from those findings. It may wholly grant the appeal, wholly deny the appeal, or do something in the middle (modify conditions, reduce fines, etc.).

Examiner decisions end with general information for how to appeal. The examiner can offer no additional instruction beyond that written information. It is an appellant's responsibility to determine and meet the exact requirements for filing an appeal.

### **What is the proper way to communicate with our office?**

While you or RALS may contact the examiner with *procedural* questions, any questions or statements related to the *substance* of the appeal should be raised at a conference or hearing, or made in writing and addressed to all parties. Examiner staff screen correspondence and calls to prevent prohibited contacts to the examiner from either party. In general, emails should be sent to [hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov) and copied to [ForHireDriver@kingcounty.gov](mailto:ForHireDriver@kingcounty.gov).

### **How does the examiner ensure I have a fair hearing?**

Examiners are independent of RALS, and do not give any deference to RALS or to any other agency. Examiners may not hear appeals where they have financial interests, have pre-judged the issues, or may appear biased by a relationship to a party or property. A person with reasonable grounds to believe an examiner might be influenced by a factor outside the record should promptly bring that concern to the examiner's attention.

### **What rules and laws typically apply?**

It often helps to become familiar with standards governing the decision-making process, especially KCC chapters 20.22 and 6.64 and the examiner's rules:

- King County Codes: [http://www.kingcounty.gov/council/legislation/kc\\_code.aspx](http://www.kingcounty.gov/council/legislation/kc_code.aspx)
- Examiner's rules: <http://kingcounty.gov/independent/hearing-examiner/rules.aspx>

Examiners base decisions primarily on those sources, on constitutional principles, and on appellate court decisions. You may call with questions.

For past examiner for-hire driver's license decisions, by year, see: <https://www.kingcounty.gov/independent/hearing-examiner/case-digest/appeals/for-hire-enforcement.aspx>.

You may call the examiner's office with questions.

*Edited June 2018*