

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Appeal of

DAVID M. MOEHRING

from a decision issued by the Director, Seattle
Department of Construction and Inspections

Hearing Examiner File:
MUP-18-001 (P)

**ORDER ON MOTION
FOR RECONSIDERATION**

The Appellant David M. Moehring (“Appellant”) timely submitted a Motion for Reconsideration (“Motion”) concerning the Hearing Examiner’s Findings and Decision issued in this matter on May 16, 2018.¹

The Appellant raises two issues in the Motion:

1. That the moving party was prevented from having a fair hearing, because Mr. Moehring was not allowed to testify as a witness.
2. That a clear mistake as to a material fact was made, because information Appellant believes should have been included in the record and findings was not.

Appellant is mistaken that an appellant has a unilateral right to appear as a witness at any time in a hearing. Mr. Moehring failed to identify himself as a witness in the required witness list prior to the hearing, and the applicant’s objection to him appearing as a witness at the hearing was sustained. The witness list was required by binding order of the hearing examiner, and was not optional. The prehearing order stated “Except for purposes of impeachment or rebuttal, only those witnesses and exhibits listed by the parties may be offered at the hearing.” Mr. Moehring failed to comply with this requirement. In addition, the Appellant did not state an objection to the ruling on the Applicant’s objection at the time of the hearing.

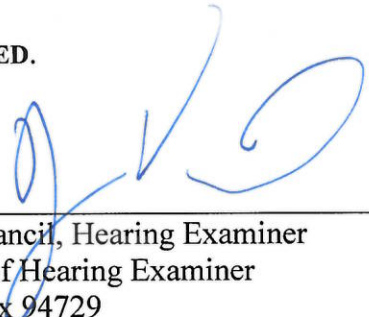
The Appellant’s second argument is based in part on his first argument, and in that regard has failed to state a basis for reconsideration. The remainder of Appellant’s argument is a recitation and attempt to re-argue issues at the hearing, and does not demonstrate a clear mistake as to a material fact. In addition, Appellant is mistaken that the Hearing Examiner’s findings need to be recitation of all evidence and facts raised by all parties at the hearing. The purpose of the findings are to identify evidence and testimony that explain the basis for the Hearing Examiner’s conclusions.

The Appellant does not show good cause to re-open the hearing on this matter, and the Hearing Examiner’s Findings and Decision issued in this matter on May 16, 2018 remains the final decision.

¹ Appellant submitted a Revised Motion for Reconsideration on May 31, 2018 which was untimely and not within the required time period, and was therefore not considered.

The Appellant's Motion for Reconsideration is **DENIED**.

Entered this 9th day of June, 2018.



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CERTIFICATE OF SERVICE

I certify under penalty of perjury under the laws of the State of Washington that on this date I sent true and correct copies of the attached **Order on Motion for Reconsideration** to each person listed below, or on the attached mailing list, in the matter of **David Moehring**. Hearing Examiner File: **MUP-18-001 (P)** in the manner indicated.

Party	Method of Service
Appellant David Moehring dmoehring@consultant.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Applicant Legal Counsel Brandon Gribben bgribben@helsell.com	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Department Joseph Hurley SDCI Joseph.hurley@seattle.gov	<input type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger

Dated: June 8, 2018



Alayna Johnson
Legal Assistant