

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

In the Matter of the Appeal of

**HARIS HODZIC**

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

Hearing Examiner Files:  
**MUP-22-010**

**ORDER ON  
RECONSIDERATION**

The Appellant submitted a Motion for Reconsideration on December 16, 2022 (“Motion”).

The Hearing Examiner Rules of Practice and Procedure (“HER”) provide the following:

(a) The Hearing Examiner may grant a party’s motion for reconsideration of a Hearing Examiner decision if one or more of the following is shown:

- (1) Irregularity in the proceedings by which the moving party was prevented from having a fair hearing;
- (2) Newly discovered evidence of a material nature which could not, with reasonable diligence, have been produced at hearing;
- (3) Error in the computation of the amount of damages or other monetary element of the decision;
- (4) Clear mistake as to a material fact.

HER 3.20.

Appellant argues that the bases of his motion are HER 3.20.a.1 and 4.

In HER 3.20.a.1 “proceedings” refers to the hearing and prehearing proceedings before the Hearing Examiner (the rule specifically provides context for this by referring to the right to a fair hearing). It does not refer to proceedings or process concerning the matter that is being appealed by the Appellant – in this case a permit process. Therefore, Appellant’s reliance on references to perceived irregularities during the Department permit process and/or concerning communications with the Department as to the process concerning interpretations are not relevant bases in the consideration of a motion for reconsideration of the Examiner’s decision.

Appellant alleges in the Motion “Hearing examiner also did not provide postscript with his ‘Order on Motion To Dismiss,’” under HER 3.21. The “decision” referenced in HER 3.21 concerns final decisions issued in accordance with HER 3.18 (which specifically calls for a postscript concerning appeal in the decision). Motions are controlled by HER 2.16 which is silent with regard to the form of the Examiner’s decision, and does not require a postscript concerning appeal of the Examiner’s decision on the motion.

Appellant references a communication with the Office of Hearing Examiner Legal Assistant (“OHE”). The communication shows that the Legal Assistant, in an effort to be helpful, overstepped her bounds and provided legal advice, which is prohibited of both OHE staff and the Examiner. It appears that the advice provided may be accurate, but whether it is or not, it is the responsibility of the Appellant to determine his legal rights and responsibilities with regard to any additional steps he may wish to take concerning this matter.

“Material fact” referenced in HER 3.20.a.4 refers to material facts in the record of the hearing. No evidence was admitted into the record for this matter, as this matter was addressed by prehearing motion, prior to any evidence being admitted. Therefore, it is impossible for HER 3.20.a.4 to be utilized as a basis for reconsideration in this case.

Appellant’s Motion for Reconsideration is **DENIED**.

Entered December 16, 2022.

/s/Ryan Vancil  
Ryan Vancil, Hearing Examiner  
Office of Hearing Examiner

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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 RECONSIDERATION** to each person listed below, or on the attached mailing list, in the matter of **HARIS HODZIC**  
Hearing Examiner File: **MUP-22-010 (SE, SU)** in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
<b>Appellant</b> Haris Hodzic <a href="mailto:Haris.Hodzic@gmail.com">Haris.Hodzic@gmail.com</a>	<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
<b>Applicant</b> Mike Rayburn <a href="mailto:mbrarch@comcast.net">mbrarch@comcast.net</a>  Jim Rockwell <a href="mailto:jimrockwell@yahoo.com">jimrockwell@yahoo.com</a>	<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
<b>Department</b> Michael Houston SDCI <a href="mailto:MichaelT.Houston@seattle.gov">MichaelT.Houston@seattle.gov</a>	<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: December 16, 2022

/s/ Angela Oberhansly

Angela Oberhansly, Legal Assistant