

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

In the Matter of the Appeal of

Hearing Examiner File:  
**L-17-001**

**ALKI HERBAL, LLC**

from a decision by the Director, Department  
of Finance and Administrative Services,  
Division of Revenue and Consumer Affairs

**Introduction**

The Director of the Department of Finance and Administrative Services, Division of Revenue and Consumer Affairs (“Director”) declined to renew a marijuana business license application submitted by Alki Herbal, LLC. Michael and Rick Norberg, on behalf of Alki Herbal, LLC, exercised the right to appeal the Director’s decision, as provided in SMC 6.500.010 and SMC 6.202.270.

The matter was heard by the undersigned Hearing Examiner on February 21, 2017. The Appellant, Alki Herbal, LLC, was represented by Michael and Rick Norberg, *pro se*; and the Director was represented by Stephen Manning, attorney-at-law. The record closed at the conclusion of the hearing.

For purposes of this decision, all section numbers refer to the Seattle Municipal Code (“SMC” or “Code”) unless otherwise indicated. After considering the evidence elicited during the appeal hearing, the Examiner enters the following findings of fact, conclusions, and decision on the appeal.

**Findings of Fact**

1. The Appellant, Alki Herbal, is appealing a January 5, 2017 decision by the Director denying the Appellant’s application for renewal of its Marijuana Business License for failure to comply with City Code requirements concerning establishment of the use of the property on which the Appellant operates its business. *See* Exhibit 1. The Appellant is a tenant at the property, which is addressed as 1128 SW Spokane Street, #300.
2. A Marijuana Business License Application for Alki Herbal LLC was received by FAS on November 29, 2016. The application did not include a copy of the State of Washington license to operate as a marijuana business and the state’s website indicated the licenses were “On Hold,” a copy of the Certificate of Occupancy for the premises of the business, or a copy of SDCI permits for the premises (“Application Materials”).

3. Alki Herbal LLC was notified by email December 5, 2016 concerning the missing Application Materials.
4. As of the date of the hearing the Application Materials had not been submitted to FAS, and were not available at the hearing.
5. SMC 6.500.050.E.1 provides that "Failure to provide complete information required on an application form approved by the Director's form shall render the application incomplete and the license consequently shall be denied." Further, SMC 6.500.090.A.1 requires the Director to deny a license if the Director finds that the application fails to meet the requirements of Chapter 6.500 SMC.

### Conclusions

1. The Hearing Examiner has jurisdiction over this appeal pursuant to SMC 6.500.010 and SMC 6.202.270. The Licensing Code does not establish the burden of proof applicable in these proceedings. Hearing Examiner Rule 3.17 provides the following on burden of proof:

...

(c) Where the applicable law does not provide that the appellant has the burden of proof, the Department shall make a prima facie showing that its decision or action complies with the law authorizing the decision or action.

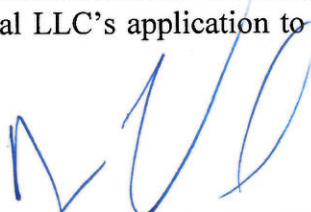
(d) Unless otherwise provided by applicable law, the standard of proof is a preponderance of the evidence.

2. The Department made the requisite prima facie showing that it properly denied the Appellant's application to renew its Marijuana Business License due to the Appellant's failure to provide necessary license application materials. Therefore, the Director's decision should be affirmed.

### Decision

The decision of the Director, Department of Finance and Administrative Services, Division of Revenue and Consumer Affairs, denying Alki Herbal LLC's application to renew its Marijuana Business License is **AFFIRMED**.

Entered this 7<sup>th</sup> day of March, 2017.

  
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Ryan Vancil  
Deputy Hearing Examiner

**CONCERNING FURTHER REVIEW**

NOTE: It is the responsibility of the person seeking to appeal a Hearing Examiner decision to consult Code sections and other appropriate sources, to determine applicable rights and responsibilities.

The decision of the Hearing Examiner is the final administrative decision for the City of Seattle. Any request for judicial review of the decision must be by application to King County Superior Court for a writ of review within fourteen (14) calendar days of the date of this decision.

If the Superior Court orders a review of the decision, the person seeking review must arrange for and bear the cost of preparing a verbatim transcript of the hearing, but will be reimbursed if successful in court. Instructions for preparation of the transcript are available from the Office of Hearing Examiner, PO Box 94729, Seattle, Washington 98124, (206) 684-0521.

**BEFORE THE HEARING EXAMINER  
CITY OF SEATTLE**

**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 **Findings and Decision** to each person listed below, or on the attached mailing list, in the matter of **Alki Herbal LLC**, Hearing Examiner Files: **L-17-001**, in the manner indicated.

<b>Party</b>	<b>Method of Service</b>
Michael Norberg Alki Herbal LLC mike@alkiherbal.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
Stephen Manning Assistant City Attorney Stephen.Manning@seattle.gov  Cheri Macleod FAS Cheri.Macleod@seattle.gov  Ianne Santos Ianne.Santos@seattle.gov  Debra Hernandez Debra.Hernandez@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: March 7, 2017

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Tiffany Ku  
Legal Assistant