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**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Citation Issued to
SEATTLE EVENTS/HEMPFEST CENTRAL

by the Director, Department of Finance
and Administrative Services, for violation of the
Marijuana Businesses Code

NO. MJ17-04-002

**NOTICE OF APPEAL – OR, IN THE
ALTERNATIVE, MOTION FOR
RECONSIDERATION**

NOTICE OF APPEAL, or in the alternative, a Request for Reconsideration, is hereby
given. See the attached:

General Appeal Form

Order Finding Violation and Imposing Penalty (Failure to Respond)

APPELLANT: Seattle Events, a non-profit corporation, sponsor of Seattle Hempfest

ISSUES PRESENTED

1. Was a proper notice issued to Seattle Events?

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- 2. Is Seattle Events, a non-profit corporation, a “marijuana business” as defined in SMC 6.500.030?
- 3. Does the issuance of the citation for a member event of Seattle Events, held in connection with educational and free speech activity in support of marijuana law reform, violate or interfere with the free speech activities of Seattle Events, and its members, under the US and/or Washington Constitutions?
- 4. Does the issuance of the citation for a member event of Seattle Events, held in connection with educational and free speech activity in support of marijuana law reform, violate or interfere with the freedom of association of Seattle Events, and its members, under the US and/or Washington Constitutions?
- 5. If each and every ruling above is adverse to Seattle Events, should the penalty be modified or reduced in light of the non-profit status of Seattle Events, and other facts known to and available to the City of Seattle concerning the advocacy activities of Seattle Events, through the years.

FACTS and LAW

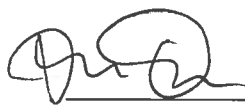
Appellant/Moving Party will supplement.

RELIEF REQUESTED

Set aside the Order Finding Violation and Imposing Penalty and set such hearing as is appropriate, or dismiss the citation outright as Seattle Events is simply not a “marijuana business.” As defined by the ordinance.

DATED this 17 day of July, 2017.

LAW OFFICES OF
FRED DIAMONDSTONE



Fred Diamondstone, WSBA No. 7138
Attorney for Plaintiff(s)

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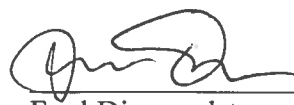
DECLARATION OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing Notice of Appeal or, in the Alternative, Motion for reconsideration upon the individual(s) listed herein by the following means:

Cherie Macleod FAS	Via Email to <u>Cherie.acLeod@Seattle.gov</u> and <u>marijuana@seattle.gov</u> on: July 17, 2017
City of Seattle Office of Hearing Examiner PO Box 94729 Seattle, WA 98124-4729	Via Email to <u>Tiffany.ku@seattle.gov</u> And via US MAIL on: July 17, 2017

I declare under the penalties of perjury of the laws of the State of Washington that the foregoing is true and correct to the best of my knowledge.

Signed at Seattle, Washington, on July 17, 2017.


Fred Diamondstone. WSBA 7138

GENERAL APPEAL FORM

It is not required that this form be used to file an appeal. However, whether you use the form or not, please make sure that your appeal includes all the information/responses requested in this form. An appeal, along with any required filing fee, must be received by the Office of Hearing Examiner, not later than 5:00 p.m. on the last day of the appeal period or it cannot be considered. Delivery of appeals filed by any form of USPS mail service may be delayed by several days. Allow extra time if mailing an appeal.

APPELLANT INFORMATION (Person or group making appeal)

1. Appellant:

If several individuals are appealing together, list the additional names, addresses, and numbers on a separate sheet and identify a representative in #2 below. If an organization is appealing, indicate the group's name, addresses, and numbers here and identify a representative in #2 below.

Name Seattle Events, a non-profit corporation
Address 3220 NE 125th St
Seattle, WA 98125

Phone: Work: 206 364-4367 Home: Attorney: 206-568-0082

Atty Fax: 206-568-1683 Email Address: fred@freddiamondstone.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: U.S. Mail Fax [checked] Email Attachment

2. Authorized Representative:

Name of representative if different from the appellant indicated above. Groups and organizations must designate one person as their representative/contact person.

Name Fred Diamondstone, Attorney
Address 1218 Third Ave. 211000

Phone: Work: 206 568-0082 Home:

Fax: 206-568-1683 Email Address: fred@freddiamondstone.com

In what format do you wish to receive documents from the Office of Hearing Examiner?

Check One: U.S. Mail Fax [checked] Email Attachment

DECISION BEING APPEALED

1. Decision appealed (Departmental File or Reference #.): MJ17-04-002 (dated 7-12-2017)

2. Address (if any) connected to decision being appealed: 120 N. 35th St Seattle, WA 98103 3220 NE 125th St Seattle WA 98125

3. Type of issue/decision being appealed if known (ask for assistance if unknown): (1) Failure to Provide Notice of Hearing (2) Whether Seattle Events, a non-profit is a "marijuana business" as defined in SMC 6.500.020 (over)

Issue (3) whether free speech & free association considerations bar the citation in this case?
APPEAL INFORMATION (4) whether the penalty should be modified.

Answer each question as completely and specifically as you can. Attach separate sheets if needed and refer to questions by number.

1. What is your interest in this appeal? (State how you are involved or affected by it)

Decision imposes a \$1,000 penalty on an event that is not connected to "marijuana business activity" as defined in the Code.

2. What are your objections to the issue being appealed? (List and describe what you believe to be the errors, omissions, or other problems and issues involved.)

(A) Failure to give proper notice
(B) Seattle Events/ Hempfest Central is Not a "Marijuana Business" as defined in SMC 6.500.030

(C) Seattle Events, sponsor of Hempfest, engages solely in advocacy for marijuana law reform. Free speech bars this citation

(D) Freedom of Association of members of a voluntary association

3. What relief do you want? (Specify what you want the Examiner to do: reverse the decision, modify conditions, etc.)

(A) Vacate the Decision
(B) Dismiss the citation, or
(C) Set a New Evidentiary Hearing

Signature

Date

~~7-17-2017~~ (7/17)

Fred Diamondstone W SBA #7138

7-17-2017

Deliver or mail appeal and appeal fee to:

MAILING ADDRESS: City of Seattle
Office of Hearing Examiner
P.O. Box 94729
Seattle WA 98124-4729

PHYSICAL ADDRESS: SEATTLE MUNICIPAL TOWER
700 5th Avenue, Suite 4000
40th Floor
Seattle, WA 98104

Note: Appeal fees may also be paid by credit or debit card over the phone (Visa or MasterCard only).

Phone: (206) 684-0521

Fax: (206) 684-0536

www.seattle.gov/examiner

**BEFORE THE HEARING EXAMINER
CITY OF SEATTLE**

In the Matter of the Citation Issued to

Citation: MJ17-04-002
Guice

SEATTLE EVENTS/HEMPFEST CENTRAL

by the Director, Department of Finance
and Administrative Services, for violation of the
Marijuana Businesses Code

**ORDER FINDING VIOLATION
AND IMPOSING PENALTY
(FAILURE TO RESPOND)**

As authorized by SMC 6.500.170.C, the Director served a Marijuana Civil Citation to **Seattle Events/Hempfest Central** on **June 15, 2017** for violation of the provisions of the Seattle Municipal Code pertaining to:

- **Engaging in business without a valid Seattle marijuana business license (SMC 6.500.030)**

Seattle Events/Hempfest Central failed to file a response to the notice of citation within 15 days. Therefore, **Seattle Events/Hempfest Central** is found to have committed the violation and is **ORDERED** to pay the standard penalty of **\$1,000.00**, as required by SMC 6.500.170.H.

If payment (via cash, check, money order, or credit/debit card (Visa and MasterCard only)) of the penalty for **\$1,000.00**, has not been received at the address noted below within 15 days of the date of this Order, the outstanding penalty will be referred to a collection agency and the costs of collection will be added to the penalty. Make checks or money orders payable to the "City of Seattle". Credit/debit cards are accepted in-person only.

Entered this 12th day of July, 2017.



Sue A. Tanner
City of Seattle Hearing Examiner

ADDRESS: City of Seattle
FAS-Consumer Protection
700 Fifth Avenue, Suite 4250
P.O. Box 94785
Seattle, WA 98124-7085
Phone: (206) 615-0760

**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 **Default Order** to each person listed below, or on the attached mailing list, in the matter of **Seattle Events/Hempfest Central**. Hearing Examiner File: **CITATION MJ17-04-002** in the manner indicated.

Party	Method of Service
Seattle Events/Hempfest Central 3220 NE 125th St Seattle, WA 98103	<input checked="" type="checkbox"/> U.S. First Class Mail, postage prepaid <input type="checkbox"/> Inter-office Mail <input type="checkbox"/> E-mail <input type="checkbox"/> Fax <input type="checkbox"/> Hand Delivery <input type="checkbox"/> Legal Messenger
Cherie MacLeod FAS Cherie.MacLeod@seattle.gov FAS Marijuana marijuana@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: July 12, 2017

TK

Tiffany Ku
Legal Assistant