

CITY OF SEATTLE
ORDINANCE 127303
COUNCIL BILL 121082

AN ORDINANCE relating to unsworn declarations; updating references to state law on unsworn declarations by amending all references to RCW 9A.72.085 to chapter 5.50 RCW; and amending Sections 6.430.040, 6.500.170, 6.600.120, 7.24.130, 8.37.220, 8.38.220, 10.52.035, 14.16.050, 14.16.070, 14.16.105, 14.17.045, 14.17.080, 14.19.050, 14.19.070, 14.19.105, 14.20.030, 14.20.050, 14.20.085, 14.21.050, 14.22.065, 14.22.085, 14.22.120, 14.23.085, 14.23.120, 14.26.150, 14.26.220, 14.27.150, 14.27.220, 14.28.150, 14.28.220, 14.29.150, 14.29.220, 14.30.120, 14.30.190, 14.33.110, 14.33.150, 14.33.220, 14.34.150, 14.34.220, 15.91.004, 15.91.012, 18.12.278, 22.212.110, 23.91.012, 25.08.900, and 25.08.940 of the Seattle Municipal Code and Section 112 of the Seattle Fire Code.

WHEREAS, chapter 232, Laws of 2019 consolidated material relating to unsworn statements and their certification by repealing RCW 9A.72.085 and amending chapter 5.50 RCW; and

WHEREAS, that law contained 21 sections of conforming amendments, the majority of changed RCW 9A.72.085 references to chapter 5.50 RCW references; and

WHEREAS, according to Seattle Municipal Code Section 1.03.070, “[t]he code reviser may prepare legislation for submission or make written recommendations to the City Council concerning correction or removal of deficiencies, conflicts, or obsolete provisions in the code or otherwise improving the form or substance of city laws”; and

WHEREAS, the Code Reviser has prepared this ordinance to conform the Seattle Municipal Code to the RCW; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6.430.040 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

6.430.030 Applications and examinations.

A. Applications. Applications for gas piping mechanic licenses shall be made to SDCI on a form provided by the department, accompanied by the following:

1. Affidavits or declarations made pursuant to chapter 5.50 RCW (~~9A.72.085~~) signed by the applicant and employer(s), documenting that the applicant has one of the following:

a. At least 12 months of full-time experience as:

- (1) A gas piping mechanic;
- (2) An unlicensed worker under the supervision of a gas piping mechanic; or
- (3) A combination of subsections 6.430.040.A.1.a(1) and 6.430.040.A.1.a(2); or

b. At least six months of full-time experience as:

- (1) A gas piping mechanic;
- (2) An unlicensed worker under the supervision of a gas piping mechanic; or
- (3) A combination of subsections 6.430.040.A.1.b(1) and 6.430.040.A.1.b(2); and
- (4) A certificate of completion for a Board-approved gas piping mechanic class; or

c. A valid plumbers license;

2. Picture identification; and

3. The required examination fee, as specified in the Fee Subtitle, Chapter 22.900E, which fee will be assessed each time the examination is given.

* * *

Section 2. Section 6.500.170 of the Seattle Municipal Code, last amended by Ordinance 125516, is amended as follows:

6.500.170 Penalties

* * *

B. Citation

1. If after investigation the Director determines that the standards or requirements of provisions of this Chapter 6.500 have been violated, the Director may issue a citation to the owner and/or other person or entity responsible for the violation. The citation shall include the following information: (1) the name and address of the person to whom the citation is issued; (2) a reasonable description of the location of the property on which the violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date of the violation; (5) a statement that the person cited must respond to the citation within 15 days after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due; (8) the name, address, and phone number of the Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this Chapter 6.500; and (10) a certified statement of the Director's representative issuing the citation, authorized by chapter 5.50 RCW ((9A.72.085)), setting forth facts supporting issuance of the citation.

2. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.

* * *

F. Contested hearing

1. Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 days after the written response to the citation requesting such hearing is received.

2. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 6.500.170. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

3. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail or such defects or imperfections do not prejudice substantial rights of the person cited.

4. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

1 5. Evidence at hearing. The certified statement or declaration authorized by
2 chapter 5.50 RCW ((9A.72.085)) shall be prima facie evidence that a violation occurred and that
3 the person cited is responsible. The certified statement or declaration authorized under chapter
4 5.50 RCW ((9A.72.085)) and any other evidence accompanying the report shall be admissible
5 without further evidentiary foundation. Any certifications or declarations authorized under
6 chapter 5.50 RCW ((9A.72.085)) shall also be admissible without further evidentiary foundation.
7 The person cited may rebut the Department evidence and establish that the cited violation(s) did
8 not occur or that the person contesting the citation is not responsible for the violation.

9 6. Disposition. The Hearing Examiner shall determine by a preponderance of the
10 evidence whether the violation occurred. If the Hearing Examiner determines that the violation
11 occurred, the citation shall be sustained and the Hearing Examiner shall enter an order finding
12 that the person cited committed the violation and imposing the applicable penalty. If the Hearing
13 Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order
14 dismissing the citation.

15 7. Final decision. The Hearing Examiner's decision is the final decision of the
16 City.

17 * * *

18 Section 3. Section 6.600.120 of the Seattle Municipal Code, enacted by Ordinance
19 125490, is amended as follows:

20 **6.600.120 Short-term rental operator and bed and breakfast operator – Violations and**
21 **enforcement**

22 * * *

1 B. Enforcement. If after investigation the Director determines that any of the provisions
2 of Chapter 6.600 applicable to operators or bed and breakfast operators have been violated, the
3 Director may issue a civil citation to the operator, bed and breakfast operator, or other person
4 responsible for the violation.

5 1. Citation. The civil citation shall include the following information: (1) the
6 name and address of the person to whom the citation is issued; (2) the address of the short-term
7 rental or bed and breakfast unit involving the violation; (3) a separate statement of each
8 provision violated; (4) the date of the violation; (5) a statement that the person cited must
9 respond to the civil citation within 15 business days after service; (6) a space for entry of the
10 applicable penalty; (7) a statement that a response must be sent to the Hearing Examiner and
11 received not later than 5 p.m. on the day the response is due; (8) contact information for the
12 Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a
13 determination that a violation has been committed by the person named in the citation and that
14 the determination shall be final unless contested as provided in this chapter; and (10) a certified
15 statement of the Director's representative issuing the citation, authorized by chapter 5.50 RCW
16 ~~((9A.72.085))~~, setting forth facts supporting issuance of the citation.

17 2. Service. The citation shall be served by first-class mail, addressed to the
18 operator, bed and breakfast operator, or other person responsible for the violation. Service shall
19 be deemed complete three days after the mailing. If a citation sent by first class mail is returned
20 as undeliverable, service may be made by posting the citation at a conspicuous place on the
21 property where the violation occurred and service shall be complete on the date of posting. The
22 citation may also be served in person.

3. Response to citations

a. A person cited must respond to a citation in one of the following ways:

1) Paying the amount of the monetary penalty specified in the citation, in which case the record shall show a finding that the person cited committed the violation; or

2) Requesting in writing a mitigation hearing to explain the circumstances surrounding the commission of the violation and providing an address to which notice of such hearing may be sent; or

3) Requesting in writing a contested hearing specifying the reason why the cited violation did not occur or why the person cited is not responsible for the violation, and providing an address to which notice of such hearing may be sent.

b. A response to a citation must be received by the Office of the Hearing Examiner no later than 15 calendar days after the date the citation is served. When the last day of the appeal period so computed is a Saturday, Sunday, or federal or City holiday, the period shall run until 5 p.m. on the next business day.

c. Failure to respond. If a person fails to respond to a citation within 15 calendar days of service, an order shall be entered by the Hearing Examiner finding that the person cited committed the violation stated in the citation, and assessing the penalty specified in the citation.

4. Hearings

a. Mitigation hearings

1) Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 calendar days after written response to the citation

1 requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date
2 of the hearing shall be sent to the address specified in the request for hearing not less than ten
3 calendar days prior to the date of the hearing.

4 2) Procedure at hearing. The Hearing Examiner shall hold an
5 informal hearing that shall not be governed by the Rules of Evidence. The person cited may
6 present witnesses, but witnesses may not be compelled to attend. A representative from the
7 Department may also be present and may present additional information, but attendance by a
8 representative from the Department is not required.

9 3) Disposition. The Hearing Examiner shall determine whether the
10 cited person's explanation justifies reduction of the monetary penalty; however, the monetary
11 penalty may not be reduced unless the Department of Finance and Administrative Services
12 affirms or certifies that the violation has been corrected prior to the mitigation hearing. Factors
13 that may be considered in whether to reduce the penalty include whether the violation was
14 caused by the act, neglect, or abuse of another; or whether correction of the violation was
15 commenced prior to the issuance of the citation but that full compliance was prevented by a
16 condition or circumstance beyond the control of the person cited.

17 4) Entry of order. After hearing the explanation of the person cited
18 and any other information presented at the hearing, the Hearing Examiner shall enter an order
19 finding that the person cited committed the violation and assessing a monetary penalty in an
20 amount determined pursuant to subsection 6.600.120.B.5. The Hearing Examiner's decision is
21 the final decision of the City on the matter.

b. Contested hearings

1) Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 calendar days after the written response to the citation requesting such hearing is received.

2) Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 6.600.110. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of documents.

3) Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail, or defects or imperfections do not prejudice substantial rights of the person cited.

4) Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

5) Evidence at hearing. The certified statement or declaration authorized by chapter 5.50 RCW ((~~9A.72.085~~)) shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration authorized under chapter 5.50 RCW ((~~9A.72.085~~)) and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((~~9A.72.085~~)) shall also be admissible without

1 further evidentiary foundation. The person cited may rebut the Department of Finance and
2 Administrative Services' evidence and establish that the cited violation(s) did not occur or that
3 the person contesting the citation is not responsible for the violation.

4 6) Disposition. If the citation is sustained at the hearing, the
5 Hearing Examiner shall enter an order finding that the person cited committed the violation and
6 impose the applicable penalty pursuant to subsection 6.600.120.B.5. The Hearing Examiner may
7 reduce the monetary penalty in accordance with the mitigation provisions in subsection
8 6.600.120.B.4.a.3. If the Hearing Examiner determines that the violation did not occur, the
9 Hearing Examiner shall enter an order dismissing the citation.

10 7) Final decision. The Hearing Examiner's decision is the final
11 decision of the City.

12 c. Failure to appear for hearing. Failure to appear for a requested hearing
13 will result in an order being entered finding that the person cited committed the violation stated
14 in the citation and assessing the penalty specified in the citation. For good cause shown and upon
15 terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered
16 upon a failure to appear and schedule a new contested hearing date.

17 5. Citation penalties

18 a. First violation. The first time a person is found to have violated one of
19 the provisions referenced in subsection 6.600.120.A the person shall be subject to a penalty of
20 \$500. The Director may, in an exercise of discretion, issue a warning to the person responsible
21 for the violation if that person has not been previously warned or cited for violating this Chapter
22 6.600.

b. Second and subsequent violations. Any second or subsequent time a person is found to have violated one of the provisions referenced in subsection 6.600.120.A within a five (5) year period, the person shall be subject to a penalty of \$1,000 for each subsequent violation.

c. Collection of penalties. If the person cited fails to pay a penalty imposed pursuant to this subsection 6.600.120.B, the penalty may be referred to a collection agency. The cost to the City for the collection services will be assessed as costs, at the rate agreed to between the City and the collection agency, and added to the penalty. Alternatively, the City may pursue collection in any other manner allowed by law.

d. Each day a separate violation. Each day a person violates or fails to comply with one of the provisions referenced in subsection 6.600.120.A, may be considered a separate violation for which a civil citation may be issued.

Section 4. Section 7.24.130 of the Seattle Municipal Code, enacted by Ordinance 125222, is amended as follows:

7.24.130 Citation

A. Citation. If after investigation the Director determines that the standards or requirements of this Chapter 7.24 have been violated, the Director may issue a citation to the person responsible for the violation. The citation shall include the following information:

1. The name and address of the responsible person to whom the citation is issued;
2. A reasonable description of the location of the property on which the violation occurred;
3. A separate statement of each standard or requirement violated;
4. The date of the violation;

5. A statement that the person cited must respond to the citation within 15 days after service;

6. A space for entry of the applicable penalty;

7. A statement that a response must be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is due;

8. The name, address, and phone number of the Hearing Examiner where the citation is to be filed;

9. A statement that the citation represents a determination that a violation has been committed by the responsible person named in the citation and that the determination shall be final unless contested as provided in subsection 7.24.130.C; and

10. A certified statement of the inspector issuing the citation, authorized by chapter 5.50 RCW ((9A.72.085)), setting forth facts supporting issuance of the citation.

* * *

E. Hearings

1. Mitigation hearings

a. Date and notice. If a mitigation hearing is requested, the mitigation hearing shall be held within 30 days after written response to the citation requesting such hearing is received by the Hearing Examiner. Notice of the time, place, and date of the hearing shall be sent to the address specified in the request for hearing not less than ten days prior to the date of the hearing.

b. Procedure at hearing. The Hearing Examiner shall hold an informal hearing that shall not be governed by the Rules of Evidence. The person cited may present witnesses, but witnesses may not be compelled to attend. A representative from the Seattle

1 Department of Construction and Inspections may also be present and may present additional
2 information, but attendance by a representative from the Seattle Department of Construction and
3 Inspections is not required.

4 c. Disposition. The Hearing Examiner shall determine whether the cited
5 person's explanation justifies reduction of the monetary penalty; however, the monetary penalty
6 may not be reduced unless the Seattle Department of Construction and Inspections affirms or
7 certifies that the violation has been corrected prior to the mitigation hearing. Factors that may be
8 considered in whether to reduce the penalty include whether the violation was caused by the act,
9 neglect, or abuse of another; or whether correction of the violation was commenced promptly
10 prior to citation but that full compliance was prevented by a condition or circumstance beyond
11 the control of the person cited.

12 d. Entry of order. After hearing the explanation of the person cited and any
13 other information presented at the hearing, the Hearing Examiner shall enter an order finding that
14 the person cited committed the violation and assessing a monetary penalty in an amount
15 determined pursuant to subsection 7.24.130.F. The Hearing Examiner's decision is the final
16 decision of the City on the matter.

17 2. Contested hearing

18 a. Date and notice. If a person requests a contested hearing, the hearing
19 shall be held within 60 days after the written response to the citation requesting such hearing is
20 received.

21 b. Hearing. Contested hearings shall be conducted pursuant to the
22 procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by
23 the Hearing Examiner for hearing contested cases, except as modified by this subsection

1 7.24.130.E.2. The issues heard at the hearing shall be limited to those that are raised in writing in
2 the response to the citation and that are within the jurisdiction of the Hearing Examiner. The
3 Hearing Examiner may issue subpoenas for the attendance of witnesses and the production of
4 documents.

5 c. Sufficiency. No citation shall be deemed insufficient for failure to
6 contain a detailed statement of the facts constituting the specific violation which the person cited
7 is alleged to have committed or by reason of defects or imperfections, provided such lack of
8 detail or defects or imperfections do not prejudice substantial rights of the person cited.

9 d. Amendment of citation. A citation may be amended prior to the
10 conclusion of the hearing to conform to the evidence presented if substantial rights of the person
11 cited are not thereby prejudiced.

12 e. Evidence at hearing. The certified statement or declaration authorized
13 by chapter 5.50 RCW ((~~9A.72.085~~)) shall be prima facie evidence that a violation occurred and
14 that the person cited is responsible. The certified statement or declaration authorized under
15 chapter 5.50 RCW ((~~9A.72.085~~)) and any other evidence accompanying the report shall be
16 admissible without further evidentiary foundation. The person cited may rebut the Department of
17 Construction and Inspections' evidence and establish that the cited violation(s) did not occur or
18 that the person contesting the citation is not responsible for the violation.

19 f. Disposition. If the citation is sustained at the hearing, the Hearing
20 Examiner shall enter an order finding that the person cited committed the violation. If the
21 violation remains uncorrected, the Hearing Examiner shall impose the applicable penalty. The
22 Hearing Examiner may reduce the monetary penalty in accordance with the mitigation provisions
23 in subsection 7.24.130.E.1 if the violation has been corrected. If the Hearing Examiner

1 determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing
2 the citation.

3 g. Appeal. The Hearing Examiner's decision is final and conclusive
4 unless, within ten calendar days of the date of the Hearing Examiner decision, an application or
5 petition for a writ of review is filed in King County Superior Court. Judicial review shall be
6 confined to the record of the administrative hearing. The Superior Court may reverse the Hearing
7 Examiner decision only if the decision is arbitrary and capricious, contrary to law, in excess of
8 the authority or jurisdiction of the Hearing Examiner, made upon unlawful procedure, or in
9 violation of constitutional provisions.

10 3. Failure to appear for hearing. Failure to appear for a requested hearing will
11 result in an order being entered finding that the person cited committed the violation stated in the
12 citation and assessing the penalty specified in the citation. For good cause shown and upon terms
13 the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a
14 failure to appear.

15 * * *

16 Section 5. Section 8.37.220 of the Seattle Municipal Code, enacted by Ordinance 126595,
17 is amended as follows:

18 * * *

19 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
20 within the time period set forth in subsection 8.37.200.A, the order of the Hearing Examiner
21 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
22 Order by entering judgment in favor of the City for all amounts and relief due under the order of
23 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence

1 that the violations contained therein occurred and shall be admissible without further evidentiary
2 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
3 containing evidence that the respondent has failed to comply with the order or any parts thereof,
4 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
5 accordance with subsection 8.37.200.A, shall also be admissible without further evidentiary
6 foundation.

7 * * *

8 Section 6. Section 8.38.220 of the Seattle Municipal Code, enacted by Ordinance 126665,
9 is amended as follows:

10 **8.38.220 Debt owed The City of Seattle**

11 * * *

12 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
13 within the time period set forth in subsection 8.38.200.A, the order of the Hearing Examiner
14 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
15 Order by entering judgment in favor of the City for all amounts and relief due under the order of
16 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
17 that the violations contained therein occurred and shall be admissible without further evidentiary
18 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
19 containing evidence that the respondent has failed to comply with the order or any parts thereof,
20 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
21 accordance with subsection 8.38.200.A, shall also be admissible without further evidentiary
22 foundation.

23 * * *

Section 7. Section 10.52.035 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

10.52.035 Contested case hearing.

* * *

E. Evidence at Hearing. The certified statement or declaration authorized by chapter 5.50 RCW ((~~9A.72.085~~)) to be submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under chapter 5.50 RCW ((~~9A.72.085~~)) and any other evidence accompanying the report shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((~~9A.72.085~~)) shall also be admissible without further evidentiary foundation. The person cited may rebut the Seattle Department of Construction and Inspections evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

* * *

Section 8. Section 14.16.050 of the Seattle Municipal Code, last amended by Ordinance 125499, is amended as follows:

14.16.050 Employer records

* * *

C. Respondents in any case closed by the Agency shall allow the Office of City Auditor access to such records to permit the Office of City Auditor to evaluate the Agency's enforcement efforts. Before requesting records from such a respondent, the Office of City Auditor shall first consult the Agency's respondent records on file and determine if additional records are necessary. The City Auditor may apply by affidavit or declaration in the form allowed under

1 chapter 5.50 RCW (~~(9A.72.085)~~) to the Hearing Examiner for the issuance of subpoenas under
2 this subsection 14.16.050.C. The Hearing Examiner shall issue such subpoenas upon a showing
3 that the records are required to fulfill the purpose of this subsection 14.16.050.C.

4 * * *

5 Section 9. Section 14.16.070 of the Seattle Municipal Code, last amended by Ordinance
6 124960, is amended as follows:

7 **14.16.070 Investigation**

8 E. The Director may apply by affidavit or declaration in the form allowed under chapter
9 5.50 RCW (~~(9A.72.085)~~) to the Hearing Examiner for the issuance of subpoenas requiring an
10 employer to produce the records identified in subsection 14.16.050.A, or for the attendance and
11 testimony of witnesses, or for the production of documents required to be retained under
12 subsection 14.16.050.A, or any other document relevant to the issue of whether any employee or
13 group of employees has been or is afforded proper amounts of paid sick and paid safe time under
14 this Chapter 14.16 and/or to whether an employer has violated any provision of this Chapter
15 14.16. The Hearing Examiner shall conduct the review without hearing as soon as practicable
16 and shall issue subpoenas upon a showing that there is reason to believe that a violation has
17 occurred if a complaint has been filed with the Agency, or that circumstances show that
18 violations are likely to occur within a class of businesses because the workforce contains
19 significant numbers of workers who are vulnerable to violations of this Chapter 14.16 or the
20 workforce is unlikely to volunteer information regarding such violations.

21 Section 10. Section 14.16.105 of the Seattle Municipal Code, enacted by Ordinance
22 124960, is amended as follows:

14.16.105 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.16.085.B, the Director's Order shall be final, and the Director may petition the Seattle Municipal Court, or any court of competent jurisdiction, to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((~~9A.72.085~~)) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.16.085.B, and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.16.095.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((~~9A.72.085~~)) containing evidence that the respondent has failed to comply with the order or any parts thereof,

1 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
2 accordance with subsection 14.16.095.A, shall also be admissible without further evidentiary
3 foundation.

4 * * *

5 Section 11. Section 14.17.045 of the Seattle Municipal Code, enacted by Ordinance
6 124960, is amended as follows:

7 **14.17.045 Investigation**

8 * * *

9 E. The Director may apply by affidavit or declaration in the form allowed under chapter
10 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas for the
11 attendance and testimony of witnesses, or for the production of documents relevant to the issue
12 of whether an employer has violated any provision of this Chapter 14.17. The Hearing Examiner
13 shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a
14 showing that there is reason to believe that a violation has occurred if a complaint has been filed
15 with the Agency, or that circumstances show that violations are likely to occur within a class of
16 businesses because the workforce contains significant numbers of workers who are vulnerable to
17 violations of this Chapter 14.17 or the workforce is unlikely to volunteer information regarding
18 such violations.

19 * * *

20 Section 12. Section 14.17.080 of the Seattle Municipal Code, enacted by Ordinance
21 124960, is amended as follows:

22 **14.17.080 Debt owed The City of Seattle**

23 * * *

1 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the
2 time period set forth in subsection 14.17.060.B, the Director's Order shall be final, and the
3 Director may petition the Seattle Municipal Court, or any court of competent jurisdiction, to
4 enforce the Director's Order by entering judgment in favor of the City finding that the
5 respondent has failed to exhaust its administrative remedies and that all amounts and relief
6 contained in the order are due. The Director's Order shall constitute prima facie evidence that a
7 violation occurred and shall be admissible without further evidentiary foundation. Any
8 certifications or declarations authorized under chapter 5.50 RCW (~~9A.72.085~~) containing
9 evidence that the respondent has failed to comply with the order or any parts thereof, and is
10 therefore in default, or that the respondent has failed to appeal the Director's Order to the
11 Hearing Examiner within the time period set forth in subsection 14.17.060.B, and therefore has
12 failed to exhaust the respondent's administrative remedies, shall also be admissible without
13 further evidentiary foundation.

14 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
15 within the time period set forth in subsection 14.17.070.A, the order of the Hearing Examiner
16 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
17 Order by entering judgment in favor of the City for all amounts and relief due under the order of
18 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
19 that the violations contained therein occurred and shall be admissible without further evidentiary
20 foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~9A.72.085~~)
21 containing evidence that the respondent has failed to comply with the order or any parts thereof,
22 and is therefore in default, or that the respondent has failed to avail itself of judicial review in

1 accordance with subsection 14.17.070.A, shall also be admissible without further evidentiary
2 foundation.

3 * * *

4 Section 13. Section 14.19.050 of the Seattle Municipal Code, last amended by Ordinance
5 124960, is amended as follows:

6 **14.19.050 Employer records**

7 * * *

8 C. Respondents in any case closed by the Agency shall allow the Office of City Auditor
9 access to such records to permit the Office of City Auditor to evaluate the Agency's enforcement
10 efforts. Before requesting records from such a respondent, the Office of City Auditor shall first
11 consult the Agency's respondent records on file and determine if additional records are
12 necessary. The City Auditor may apply by affidavit or declaration in the form allowed under
13 chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas under
14 this subsection 14.19.050.C. The Hearing Examiner shall issue such subpoenas upon a showing
15 that the records are required to fulfill the purpose of this subsection 14.19.050.C.

16 Section 14. Section 14.19.070 of the Seattle Municipal Code, last amended by Ordinance
17 124960, is amended as follows:

18 **14.19.070 Investigation**

19 * * *

20 E. The Director may apply by affidavit or declaration in the form allowed under chapter
21 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring an
22 employer to produce the records identified in subsection 14.19.050.A, or for the attendance and
23 testimony of witnesses, or for the production of documents required to be retained under

1 subsection 14.19.050.A or any other document relevant to the issue of whether any employee or
2 group of employees has been or is afforded proper amounts of compensation under this Chapter
3 14.19 and/or to whether an employer has violated any provision of this Chapter 14.19. The
4 Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue
5 subpoenas upon a showing that there is reason to believe that a violation has occurred if a
6 complaint has been filed with the Agency, or that circumstances show that violations are likely to
7 occur within a class of businesses because the workforce contains significant numbers of
8 workers who are vulnerable to violations of this Chapter 14.19 or the workforce is unlikely to
9 volunteer information regarding such violations.

10 * * *

11 Section 15. Section 14.19.105 of the Seattle Municipal Code, enacted by Ordinance
12 124960, is amended as follows:

13 **14.19.105 Debt owed The City of Seattle**

14 * * *

15 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the
16 time period set forth in subsection 14.19.085.B, the Director's Order shall be final, and the
17 Director may petition the Seattle Municipal Court to enforce the Director's Order by entering
18 judgment in favor of the City finding that the respondent has failed to exhaust its administrative
19 remedies and that all amounts and relief contained in the order are due. The Director's Order
20 shall constitute prima facie evidence that a violation occurred and shall be admissible without
21 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
22 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
23 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the

Director's Order to the Hearing Examiner within the time period set forth in subsection 14.19.085.B, and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.19.095.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to avail itself of judicial review in accordance with subsection 14.19.095.A shall also be admissible without further evidentiary foundation.

* * *

Section 16. Section 14.20.030 of the Seattle Municipal Code, last amended by Ordinance 124960, is amended as follows:

14.20.030 Employer records

* * *

C. Respondents in any case closed by the Agency shall allow the Office of City Auditor access to such records to permit the Office of City Auditor to evaluate the Agency's enforcement efforts. Before requesting records from such a respondent, the Office of City Auditor shall first consult the Agency's respondent records on file and determine if additional records are

1 necessary. The City Auditor may apply by affidavit or declaration in the form allowed under
2 chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas under
3 this subsection 14.20.030.C. The Hearing Examiner shall issue such subpoenas upon a showing
4 that the records are required to fulfill the purpose of this subsection 14.20.030.C.

5 Section 17. Section 14.20.050 of the Seattle Municipal Code, last amended by Ordinance
6 124960, is amended as follows:

7 **14.20.050 Investigation**

8 * * *

9 E. The Director may apply by affidavit or declaration in the form allowed under chapter
10 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring an
11 employer to produce the records identified in subsection 14.20.030.A, or for the attendance and
12 testimony of witnesses, or for the production of documents required to be retained under
13 subsection 14.20.030.A, or any other document relevant to the issue of whether any employee or
14 group of employees has been or is afforded proper amounts of compensation under this Chapter
15 14.20 and/or to whether an employer has violated any provision of this Chapter 14.20. The
16 Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue
17 subpoenas upon a showing that there is reason to believe that a violation has occurred if a
18 complaint has been filed with the Agency, or that circumstances show that violations are likely to
19 occur within a class of businesses because the workforce contains significant numbers of
20 workers who are vulnerable to violations of this Chapter 14.20 or the workforce is unlikely to
21 volunteer information regarding such violations.

22 * * *

Section 18. Section 14.20.085 of the Seattle Municipal Code, enacted by Ordinance 124960, is amended as follows:

14.20.085 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.20.065.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~(9A.72.085)~~) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.20.065.B and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.20.075.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~(9A.72.085)~~)

1 containing evidence that the respondent has failed to comply with the order or any parts thereof,
2 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
3 accordance with subsection 14.20.075.A, shall also be admissible without further evidentiary
4 foundation.

5 * * *

6 Section 19. Section 14.21.050 of the Seattle Municipal Code, enacted by Ordinance
7 125100, is amended as follows:

8 **14.21.050 Enforcement**

9 * * *

10 E. Citation

11 1. If the Director determines that a violation of this Chapter 14.21 has occurred,
12 the Director shall issue a citation to the provider or providers. The citation shall include the
13 following information: (1) the name and address of the person to whom the citation is issued; (2)
14 the date of the violation; (3) a statement that the person cited must respond to the citation within
15 15 days after service; (4) the applicable penalty; (5) a statement that a response must be sent to
16 the Hearing Examiner and received not later than 5 p.m. on the day the response is due; (6) the
17 name, address, and phone number of the Hearing Examiner where the citation is to be filed; (7) a
18 statement that the citation represents a determination that a violation has been committed by the
19 person named in the citation and that the determination shall be final unless contested as
20 provided in this Chapter 14.21; and (8) a certified statement of the Director's representative,
21 authorized by chapter 5.50 RCW (~~9A.72.085~~), setting forth facts supporting issuance of the
22 citation.

2. The citation may be served by personal service in the manner set forth in RCW 4.28.080 for service of a summons or sent by first class mail, addressed to the last known address of such person(s). Service shall be complete at the time of personal service, or if mailed, on the date of mailing. If a citation sent by first class mail is returned as undeliverable, service may be made by posting the citation at a conspicuous place on the property.

* * *

H. Contested hearing

1. Date and notice. If a person requests a contested hearing, the hearing shall be held within 60 days after the written response to the citation requesting such hearing is received.

2. Hearing. Contested hearings shall be conducted pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this Section 14.21.050. The issues heard at the hearing shall be limited to those that are raised in writing in the response to the citation and that are within the jurisdiction of the Hearing Examiner.

3. Sufficiency. No citation shall be deemed insufficient for failure to contain a detailed statement of the facts constituting the specific violation which the person cited is alleged to have committed or by reason of defects or imperfections, provided such lack of detail or such defects or imperfections do not prejudice substantial rights of the person cited.

4. Amendment of citation. A citation may be amended prior to the conclusion of the hearing to conform to the evidence presented if substantial rights of the person cited are not thereby prejudiced.

5. Evidence at hearing. The certified statement or declaration authorized by chapter 5.50 RCW (~~(9A.72.085)~~) shall be prima facie evidence that a violation occurred and that

1 the person cited is responsible. The certified statement or declaration authorized under chapter
2 5.50 RCW ((~~9A.72.085~~)) and any other evidence accompanying the report shall be admissible
3 without further evidentiary foundation. Any certifications or declarations authorized under
4 chapter 5.50 RCW ((~~9A.72.085~~)) shall also be admissible without further evidentiary foundation.
5 The person cited may rebut the Department's evidence and establish that the cited violation(s)
6 did not occur or that the person contesting the citation is not responsible for the violation.

7 6. Disposition. The Hearing Examiner shall determine by a preponderance of the
8 evidence whether the violation occurred. If the Hearing Examiner determines that the violation
9 occurred, the citation shall be sustained and the Hearing Examiner shall enter an order finding
10 that the person cited committed the violation and imposing the applicable penalty. If the Hearing
11 Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order
12 dismissing the citation.

13 7. Final decision. The Hearing Examiner's decision is the final decision of the
14 City.

15 * * *

16 Section 20. Section 14.22.065 of the Seattle Municipal Code, enacted by Ordinance
17 125135, is amended as follows:

18 **14.22.065 Employer records**

19 * * *

20 D. Respondents in any case closed by the Agency shall allow the Office of City Auditor
21 access to such records to permit the Office of City Auditor to evaluate the Agency's enforcement
22 efforts. Before requesting records from such a respondent, the Office of City Auditor shall first
23 consult the Agency's respondent records on file and determine if additional records are

necessary. The City Auditor may apply by affidavit or declaration in the form allowed under chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas under this subsection 14.22.065.D. The Hearing Examiner shall issue such subpoenas upon a showing that the records are required to fulfill the purposes of this subsection 14.22.065.D.

Section 21. Section 14.22.085 of the Seattle Municipal Code, enacted by Ordinance 125135, is amended as follows:

14.22.085 Investigation

* * *

E. The Director may apply by affidavit or declaration in the form allowed under chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the employer to produce the records identified in subsection 14.22.065.A, or for the attendance and testimony of witnesses, or for the production of documents required to be retained under subsection 14.22.065.A, or any other document relevant to the issue of whether any employee or group of employees has been or is afforded proper amounts of compensation under this Chapter 14.22 and/or to whether the employer has violated any provision of this Chapter 14.22. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that a violation has occurred if a complaint has been filed with the Agency, or that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of workers who are vulnerable to violations of this Chapter 14.22 or the workforce is unlikely to volunteer information regarding such violations.

* * *

Section 22. Section 14.22.120 of the Seattle Municipal Code, enacted by Ordinance 125135, is amended as follows:

14.22.120 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.22.100.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~(9A.72.085)~~) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.22.100.B and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.22.110.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~(9A.72.085)~~)

1 containing evidence that the respondent has failed to comply with the order or any parts thereof,
2 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
3 accordance with subsection 14.22.110.A, shall also be admissible without further evidentiary
4 foundation.

5 * * *

6 Section 23. Section 14.23.085 of the Seattle Municipal Code, enacted by Ordinance
7 125627, is amended as follows:

8 **14.23.085 Investigation**

9 * * *

10 E. The Director may apply by affidavit or declaration in the form allowed under chapter
11 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the
12 attendance and testimony of witnesses, or any document relevant to the issue of whether any
13 domestic worker or group of domestic workers has been or is afforded proper amounts of
14 compensation under this Chapter 14.23 and/or to whether the hiring entity has violated any
15 provision of this Chapter 14.23. The Hearing Examiner shall conduct the review without hearing
16 as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe
17 that a violation has occurred if a complaint has been filed with the Agency, or that circumstances
18 show that violations are likely to occur within a class of businesses because the workforce
19 contains significant numbers of workers who are vulnerable to violations of this Chapter 14.23 or
20 the workforce is unlikely to volunteer information regarding such violations.

21 * * *

22 Section 24. Section 14.23.120 of the Seattle Municipal Code, enacted by Ordinance
23 125627, is amended as follows:

14.23.120 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.23.100.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.23.100.B and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.23.110.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence that the violations contained therein occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to avail itself of judicial review in

1 accordance with subsection 14.23.110.A, shall also be admissible without further evidentiary
2 foundation.

3 * * *

4 Section 25. Section 14.26.150 of the Seattle Municipal Code, enacted by Ordinance
5 125923, is amended as follows:

6 **14.26.150 Investigation**

7 * * *

8 E. The Director may apply by affidavit or declaration in the form allowed under chapter
9 5.50 RCW ((~~9A.72.085~~)) to the Hearing Examiner for the issuance of subpoenas requiring the
10 attendance and testimony of witnesses, or any document relevant to the issue of whether any
11 employee or group of employees has been or is afforded proper amounts of compensation under
12 this Chapter 14.26 and/or to whether the employer has violated any provision of this Chapter
13 14.26. The Hearing Examiner shall conduct the review without hearing as soon as practicable
14 and shall issue subpoenas upon a showing that there is reason to believe that a violation has
15 occurred if a complaint has been filed with the Agency, or that circumstances show that
16 violations are likely to occur within a class of businesses because the workforce contains
17 significant numbers of workers who are vulnerable to violations of this Chapter 14.26 or the
18 workforce is unlikely to volunteer information regarding such violations.

19 * * *

20 Section 26. Section 14.26.220 of the Seattle Municipal Code, enacted by Ordinance
21 125923, is amended as follows:

22 **14.26.220 Debt owed The City of Seattle**

23 * * *

1 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the
2 time period set forth in subsection 14.26.180.B the Director's Order shall be final, and the
3 Director may petition the Seattle Municipal Court to enforce the Director's Order by entering
4 judgment in favor of the City finding that the respondent has failed to exhaust its administrative
5 remedies and that all amounts and relief contained in the order are due. The Director's Order
6 shall constitute prima facie evidence that a violation occurred and shall be admissible without
7 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
8 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
9 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the
10 Director's Order to the Hearing Examiner within the time period set forth in subsection
11 14.26.180.B and therefore has failed to exhaust the respondent's administrative remedies, shall
12 also be admissible without further evidentiary foundation.

13 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
14 within the time period set forth in subsection 14.26.200.A, the order of the Hearing Examiner
15 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
16 Order by entering judgment in favor of the City for all amounts and relief due under the order of
17 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
18 that the violations contained therein occurred and shall be admissible without further evidentiary
19 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
20 containing evidence that the respondent has failed to comply with the order or any parts thereof,
21 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
22 accordance with subsection 14.26.200.A, shall also be admissible without further evidentiary
23 foundation.

* * *

Section 27. Section 14.27.150 of the Seattle Municipal Code, enacted by Ordinance 125928, is amended as follows:

14.27.150 Investigation

* * *

E. The Director may apply by affidavit or declaration in the form allowed under chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the attendance and testimony of witnesses, or any document relevant to the issue of whether any employee or group of employees has been or is afforded proper amounts of compensation under this Chapter 14.27 and/or to whether the employer has violated any provision of this Chapter 14.27. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that a violation has occurred if a complaint has been filed with the Agency, or that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of workers who are vulnerable to violations of this Chapter 14.27 or the workforce is unlikely to volunteer information regarding such violations.

* * *

Section 28. Section 14.27.220 of the Seattle Municipal Code, enacted by Ordinance 125928, is amended as follows:

14.27.220 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.27.180.B the Director's Order shall be final, and the

1 Director may petition the Seattle Municipal Court to enforce the Director's Order by entering
2 judgment in favor of the City finding that the respondent has failed to exhaust its administrative
3 remedies and that all amounts and relief contained in the order are due. The Director's Order
4 shall constitute prima facie evidence that a violation occurred and shall be admissible without
5 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
6 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
7 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the
8 Director's Order to the Hearing Examiner within the time period set forth in subsection
9 14.27.180.B and therefore has failed to exhaust the respondent's administrative remedies, shall
10 also be admissible without further evidentiary foundation.

11 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
12 within the time period set forth in subsection 14.27.200.A, the order of the Hearing Examiner
13 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
14 Order by entering judgment in favor of the City for all amounts and relief due under the order of
15 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
16 that the violations contained therein occurred and shall be admissible without further evidentiary
17 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
18 containing evidence that the respondent has failed to comply with the order or any parts thereof,
19 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
20 accordance with subsection 14.27.200.A, shall also be admissible without further evidentiary
21 foundation.

22 * * *

Section 29. Section 14.28.150 of the Seattle Municipal Code, enacted by Ordinance 125930, is amended as follows:

14.28.150 Investigation

* * *

E. The Director may apply by affidavit or declaration in the form allowed under chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the attendance and testimony of witnesses, or any document relevant to the issue of whether any employee or group of employees has been or is afforded proper amounts of compensation under this Chapter 14.28 and/or to whether the employer has violated any provision of this Chapter 14.28. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that a violation has occurred if a complaint has been filed with the Agency, or that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of workers who are vulnerable to violations of this Chapter 14.28 or the workforce is unlikely to volunteer information regarding such violations.

* * *

Section 30. Section 14.28.220 of the Seattle Municipal Code, enacted by Ordinance 125930, is amended as follows:

14.28.220 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.28.180.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering

1 judgment in favor of the City finding that the respondent has failed to exhaust its administrative
2 remedies and that all amounts and relief contained in the order are due. The Director's Order
3 shall constitute prima facie evidence that a violation occurred and shall be admissible without
4 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
5 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
6 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the
7 Director's Order to the Hearing Examiner within the time period set forth in subsection
8 14.28.180.B and therefore has failed to exhaust the respondent's administrative remedies, shall
9 also be admissible without further evidentiary foundation.

10 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
11 within the time period set forth in subsection 14.28.200.A, the order of the Hearing Examiner
12 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
13 Order by entering judgment in favor of the City for all amounts and relief due under the order of
14 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
15 that the violations contained therein occurred and shall be admissible without further evidentiary
16 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
17 containing evidence that the respondent has failed to comply with the order or any parts thereof,
18 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
19 accordance with subsection 14.28.200.A, shall also be admissible without further evidentiary
20 foundation.

21 * * *

22 Section 31. Section 14.29.150 of the Seattle Municipal Code, enacted by Ordinance
23 125929, is amended as follows:

14.29.150 Investigation

* * *

E. The Director may apply by affidavit or declaration in the form allowed under chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the attendance and testimony of witnesses, or any document relevant to the issue of whether any employee or group of employees has been or is afforded proper amounts of compensation under this Chapter 14.29 and/or to whether the employer has violated any provision of this Chapter 14.29. The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue subpoenas upon a showing that there is reason to believe that a violation has occurred if a complaint has been filed with the Agency, or that circumstances show that violations are likely to occur within a class of businesses because the workforce contains significant numbers of workers who are vulnerable to violations of this Chapter 14.29 or the workforce is unlikely to volunteer information regarding such violations.

* * *

Section 32. Section 14.29.220 of the Seattle Municipal Code, enacted by Ordinance 125929, is amended as follows:

14.29.220 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.29.180.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order

1 shall constitute prima facie evidence that a violation occurred and shall be admissible without
2 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
3 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
4 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the
5 Director's Order to the Hearing Examiner within the time period set forth in subsection
6 14.29.180.B and therefore has failed to exhaust the respondent's administrative remedies, shall
7 also be admissible without further evidentiary foundation.

8 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
9 within the time period set forth in subsection 14.29.200.A, the order of the Hearing Examiner
10 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
11 Order by entering judgment in favor of the City for all amounts and relief due under the order of
12 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
13 that the violations contained therein occurred and shall be admissible without further evidentiary
14 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
15 containing evidence that the respondent has failed to comply with the order or any parts thereof,
16 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
17 accordance with subsection 14.29.200.A, shall also be admissible without further evidentiary
18 foundation.

19 * * *

20 Section 33. Section 14.30.120 of the Seattle Municipal Code, enacted by Ordinance
21 125684, is amended as follows:

22 **14.30.120 Investigation**

23 * * *

1 E. The Director may apply by affidavit or declaration in the form allowed under chapter
2 5.50 RCW ((~~9A.72.085~~)) to the Hearing Examiner for the issuance of subpoenas requiring the
3 employer to produce the records identified in subsection 14.30.070.A, or for the attendance and
4 testimony of witnesses, or for the production of documents required to be retained under
5 subsection 14.30.070.A, or any other document relevant to the issue of whether any employee or
6 group of employees has been or is afforded proper amounts of compensation under this Chapter
7 14.30 and/or to whether the employer has violated any provision of this Chapter 14.30. The
8 Hearing Examiner shall conduct the review without hearing as soon as practicable and shall issue
9 subpoenas upon a showing that there is reason to believe that a violation has occurred if a
10 complaint has been filed with the Agency, or that circumstances show that violations are likely to
11 occur within a class of businesses because the workforce contains significant numbers of
12 workers who are vulnerable to violations of this Chapter 14.30 or the workforce is unlikely to
13 volunteer information regarding such violations.

14 * * *

15 Section 34. Section 14.30.190 of the Seattle Municipal Code, enacted by Ordinance
16 125684, is amended as follows:

17 **14.30.190 Debt owed The City of Seattle**

18 * * *

19 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the
20 time period set forth in subsection 14.30.150.B the Director's Order shall be final, and the
21 Director may petition the Seattle Municipal Court to enforce the Director's Order by entering
22 judgment in favor of the City finding that the respondent has failed to exhaust its administrative
23 remedies and that all amounts and relief contained in the order are due. The Director's Order

1 shall constitute prima facie evidence that a violation occurred and shall be admissible without
2 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
3 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order
4 or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the
5 Director's Order to the Hearing Examiner within the time period set forth in subsection
6 14.30.150.B and therefore has failed to exhaust the respondent's administrative remedies, shall
7 also be admissible without further evidentiary foundation.

8 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
9 within the time period set forth in subsection 14.30.170.A, the order of the Hearing Examiner
10 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
11 Order by entering judgment in favor of the City for all amounts and relief due under the order of
12 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
13 that the violations contained therein occurred and shall be admissible without further evidentiary
14 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085))
15 containing evidence that the respondent has failed to comply with the order or any parts thereof,
16 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
17 accordance with subsection 14.30.170.A, shall also be admissible without further evidentiary
18 foundation.

19 * * *

20 Section 35. Section 14.33.110 of the Seattle Municipal Code, enacted by Ordinance
21 126189, is amended as follows:

22 **14.33.110 TNC records**

23 * * *

1 C. Respondents in any case closed by the Agency shall allow the Office of City Auditor
2 access to such records to permit the Office of City Auditor to evaluate the Agency's enforcement
3 efforts. Before requesting records from such a respondent, the Office of City Auditor shall first
4 consult the Agency's respondent records on file and determine if additional records are
5 necessary. The City Auditor may apply by affidavit or declaration in the form allowed under
6 chapter 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas under
7 this subsection 14.33.110.C. The Hearing Examiner shall issue such subpoenas upon a showing
8 that the records are required to fulfill the purposes of this subsection 14.33.110.C.

9 Section 36. Section 14.33.150 of the Seattle Municipal Code, enacted by Ordinance
10 126189, is amended as follows:

11 **14.33.150 Investigation**

12 * * *

13 E. The Director may apply by affidavit or declaration in the form allowed under chapter
14 5.50 RCW ((9A.72.085)) to the Hearing Examiner for the issuance of subpoenas requiring the
15 TNC to produce the records identified in Section 14.33.110, or for the attendance and testimony
16 of witnesses, or for the production of documents required to be retained under Section 14.33.110,
17 or any other document relevant to the issue of whether any TNC driver or group of TNC drivers
18 has been or is afforded proper amounts of compensation under this Chapter 14.33 and/or to
19 whether the TNC has violated any provision of this Chapter 14.33. The Hearing Examiner shall
20 conduct the review without hearing as soon as practicable and shall issue subpoenas upon a
21 showing that there is reason to believe that a violation has occurred if a complaint has been filed
22 with the Agency, or that circumstances show that violations are likely to occur within a business
23 or class of businesses because the workforce contains significant numbers of workers who are

vulnerable to violations of this Chapter 14.33 or the workforce is unlikely to volunteer information regarding such violations.

* * *

Section 37. Section 14.33.220 of the Seattle Municipal Code, enacted by Ordinance 126189, is amended as follows:

14.33.220 Debt owed The City of Seattle

* * *

B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the time period set forth in subsection 14.33.180.B the Director's Order shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City finding that the respondent has failed to exhaust its administrative remedies and that all amounts and relief contained in the order are due. The Director's Order shall constitute prima facie evidence that a violation occurred and shall be admissible without further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085)) containing evidence that the respondent has failed to comply with the order or any parts thereof, and is therefore in default, or that the respondent has failed to appeal the Director's Order to the Hearing Examiner within the time period set forth in subsection 14.33.180.B and therefore has failed to exhaust the respondent's administrative remedies, shall also be admissible without further evidentiary foundation.

C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner within the time period set forth in subsection 14.33.200.A, the order of the Hearing Examiner shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's Order by entering judgment in favor of the City for all amounts and relief due under the order of

1 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
2 that the violations contained therein occurred and shall be admissible without further evidentiary
3 foundation. Any certifications or declarations authorized under chapter 5.50 RCW (~~9A.72.085~~)
4 containing evidence that the respondent has failed to comply with the order or any parts thereof,
5 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
6 accordance with subsection 14.33.200.A, shall also be admissible without further evidentiary
7 foundation.

8 * * *

9 Section 38. Section 14.34.150 of the Seattle Municipal Code, enacted by Ordinance
10 126373, is amended as follows:

11 **14.34.150 Investigation**

12 * * *

13 E. The Director may apply by affidavit or declaration in the form allowed under chapter
14 5.50 RCW (~~9A.72.085~~) to the Hearing Examiner for the issuance of subpoenas requiring a
15 hiring entity to produce the records required by Section 14.34.110, or for the attendance and
16 testimony of witnesses, or for the production of documents required to be retained under Section
17 14.34.110, or any other document relevant to the issue of whether any independent contractor or
18 group of independent contractors received the information or other benefits required by this
19 Chapter 14.34, and/or to whether a hiring entity has violated any provision of this Chapter 14.34.
20 The Hearing Examiner shall conduct the review without hearing as soon as practicable and shall
21 issue subpoenas upon a showing that there is reason to believe that: a violation has occurred, a
22 complaint has been filed with the Agency, that circumstances show that violations are likely to
23 occur within a class of businesses because the workforce contains significant numbers of

1 independent contractors who are vulnerable to violations of this Chapter 14.34, the workforce is
2 unlikely to volunteer information regarding such violations, or the Agency has gathered
3 preliminary information indicating that a violation may have occurred.

4 * * *

5 Section 39. Section 14.34.220 of the Seattle Municipal Code, enacted by Ordinance
6 126373, is amended as follows:

7 **14.34.220 Debt owed The City of Seattle**

8 * * *

9 B. If a respondent fails to appeal a Director's Order to the Hearing Examiner within the
10 time period set forth in subsection 14.34.180.B, the Director's Order shall be final, and the
11 Director may petition the Seattle Municipal Court, or any court of competent jurisdiction, to
12 enforce the Director's Order by entering judgment in favor of the City finding that the
13 respondent has failed to exhaust its administrative remedies and that all amounts and relief
14 contained in the order are due. The Director's Order shall constitute prima facie evidence that a
15 violation occurred and shall be admissible without further evidentiary foundation. Any
16 certifications or declarations authorized under chapter 5.50 RCW (~~9A.72.085~~) containing
17 evidence that the respondent has failed to comply with the order or any parts thereof, and is
18 therefore in default, or that the respondent has failed to appeal the Director's Order to the
19 Hearing Examiner within the time period set forth in subsection 14.34.180.B, and therefore has
20 failed to exhaust the respondent's administrative remedies, shall also be admissible without
21 further evidentiary foundation.

22 C. If a respondent fails to obtain judicial review of an order of the Hearing Examiner
23 within the time period set forth in subsection 14.34.200.A, the order of the Hearing Examiner

1 shall be final, and the Director may petition the Seattle Municipal Court to enforce the Director's
2 Order by entering judgment in favor of the City for all amounts and relief due under the order of
3 the Hearing Examiner. The order of the Hearing Examiner shall constitute conclusive evidence
4 that the violations contained therein occurred and shall be admissible without further evidentiary
5 foundation. Any certifications or declarations authorized under chapter 5.50 RCW ((~~9A.72.085~~))
6 containing evidence that the respondent has failed to comply with the order or any parts thereof,
7 and is therefore in default, or that the respondent has failed to avail itself of judicial review in
8 accordance with subsection 14.34.200.A, shall also be admissible without further evidentiary
9 foundation.

10 * * *

11 Section 40. Section 15.91.004 of the Seattle Municipal Code, enacted by Ordinance
12 120822, is amended as follows:

13 **15.91.004 Citation.**

14 A. Citation. If after investigation the Director determines that the standards or
15 requirements of provisions referenced in Section 15.91.002 have been violated, the Director may
16 issue a citation to the owner and/or other person or entity responsible for the violation. The
17 citation shall include the following information: (1) the name and address of the person to whom
18 the citation is issued; (2) a reasonable description of the location of the property on which the
19 violation occurred; (3) a separate statement of each standard or requirement violated; (4) the date
20 of the violation; (5) a statement that the person cited must respond to the citation within 15 days
21 after service; (6) a space for entry of the applicable penalty; (7) a statement that a response must
22 be sent to the Hearing Examiner and received not later than 5 p.m. on the day the response is
23 due; (8) the name, address, and phone number of the Hearing Examiner where the citation is to

1 be filed; (9) a statement that the citation represents a determination that a violation has been
2 committed by the person named in the citation and that the determination shall be final unless
3 contested as provided in this Chapter 15.91; and (10) a certified statement of the Director's
4 representative issuing the citation, authorized by chapter 5.50 RCW (~~9A.72.085~~), setting forth
5 facts supporting issuance of the citation.

6 * * *

7 Section 41. Section 15.91.012 of the Seattle Municipal Code, last amended by Ordinance
8 121925, is amended as follows:

9 **15.91.012 Contested hearing.**

10 * * *

11 E. Evidence at hearing. The certified statement or declaration authorized by chapter 5.50
12 RCW (~~9A.72.085~~) shall be prima facie evidence that a violation occurred and that the person
13 cited is responsible. The certified statement or declaration authorized under chapter 5.50 RCW
14 (~~9A.72.085~~) and any other evidence accompanying the report shall be admissible without
15 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
16 RCW (~~9A.72.085~~) shall also be admissible without further evidentiary foundation. The person
17 cited may rebut the Department of Transportation evidence and establish that the cited
18 violation(s) did not occur or that the person contesting the citation is not responsible for the
19 violation.

20 * * *

21 Section 42. Section 18.12.278 of the Seattle Municipal Code, enacted by Ordinance
22 118607, is amended as follows:

23 **18.12.278 Park exclusion.**

* * *

G. At the hearing, the violation must be proved by a preponderance of the evidence in order to uphold the exclusion notice. If the exclusion notice was issued because of the alleged violation of any criminal law, the offender need not be charged, tried, or convicted for the exclusion notice to be upheld. The exclusion notice establishes a prima facie case that the offender committed the violation as described. The Superintendent's Hearing Officer shall consider a sworn report or a declaration under penalty of perjury as authorized by chapter 5.50 RCW (~~9A.72.085~~), written by the individual who issued the exclusion notice, without further evidentiary foundation. The certifications authorized in Rule 6.13 of the Criminal Rules for Courts of Limited Jurisdiction shall be considered without further evidentiary foundation. The Superintendent's Hearing Officer may consider information that would not be admissible under the evidence rules in a court of law but which the Superintendent's Hearing Officer considers relevant and trustworthy.

* * *

Section 43. Section 22.212.110 of the Seattle Municipal Code, enacted by Ordinance 126451, is amended as follows:

22.212.110 Citations

* * *

E. Hearings

1. Mitigation hearing

a. Date and notice. If the person cited requests a mitigation hearing, the Hearing Examiner shall hold a mitigation hearing within 30 days after the Hearing Examiner receives the written response to the citation requesting such hearing. The Hearing Examiner shall

1 send notice of the time, place, and date of the hearing to the address specified in the request for
2 hearing no later than ten days prior to the date of the hearing.

3 b. Procedure at hearing. The Hearing Examiner shall hold an informal
4 hearing that shall not be governed by the Rules of Evidence. The person cited may present
5 witnesses, but witnesses may not be compelled to attend. The Director may also attend the
6 hearing and may present additional information, but is not required to attend.

7 c. Disposition. The Hearing Examiner shall determine whether the person
8 cited's explanation justifies reducing the citation penalty, but the citation penalty may not be
9 reduced unless the Director affirms or certifies that the violation has been corrected prior to the
10 mitigation hearing. Factors that may be considered in whether to reduce the citation penalty
11 include: whether the violation was caused by the act, neglect, or abuse of another; or whether
12 correction of the violation was commenced promptly prior to citation, but full compliance was
13 prevented by a condition or circumstance beyond the control of the person cited.

14 d. Entry of order. After hearing the explanation of the person cited and any
15 other information presented at the hearing, the Hearing Examiner shall enter an order finding that
16 the person cited committed the violation and assessing a citation penalty in an amount
17 determined pursuant to subsection 22.212.110.F, which amount the Examiner may reduce
18 pursuant to the mitigation factors in subsection 22.212.110.E.1.c. The Hearing Examiner's
19 decision is the final decision of the City on the matter.

20 2. Contested hearing

21 a. Date and notice. If the person cited requests a contested hearing, the
22 Hearing Examiner shall hold the hearing within 60 days after the Hearing Examiner receives the
23 written response to the citation requesting such hearing.

1 b. Hearing. The Hearing Examiner shall conduct a contested hearing
2 pursuant to the procedures for hearing contested cases contained in Section 3.02.090 and the
3 rules adopted by the Hearing Examiner for hearing contested cases, except as modified by this
4 subsection 22.212.110.E.2. The issues heard at the hearing shall be limited to those that are
5 raised in writing in the response to the citation and that are within the jurisdiction of the Hearing
6 Examiner. The Hearing Examiner may issue subpoenas for the attendance of witnesses and the
7 production of documents.

8 c. Sufficiency. No citation shall be deemed insufficient for failure to
9 contain a detailed statement of the facts constituting the specific violation that the person cited is
10 alleged to have committed or by reason of defects or imperfections, provided that such lack of
11 detail or defects or imperfections do not prejudice a substantial right of the person cited.

12 d. Amendment of citation. A citation may be amended prior to the
13 conclusion of the hearing to conform to the evidence presented if a substantial right of the person
14 cited is not thereby prejudiced.

15 e. Evidence at hearing. A certified statement or declaration that complies
16 with chapter 5.50 RCW ((9A.72.085)) and is made by the Director shall be prima facie evidence
17 that a violation occurred and that the person cited is responsible. The certified statement or
18 declaration and any other evidence accompanying it shall be admissible without further
19 evidentiary foundation. The person cited may rebut the Director's evidence and establish that the
20 cited violation did not occur or that the person contesting the citation is not responsible for the
21 violation.

22 f. Disposition. If the citation is sustained at the hearing, the Hearing
23 Examiner shall enter an order finding that the person cited committed the violation. If the

violation remains uncorrected, the Hearing Examiner shall impose a citation penalty in an amount determined pursuant to subsection 22.212.110.F. If the violation has been corrected, the Hearing Examiner may reduce the citation penalty pursuant to the mitigation factors in subsection 22.212.110.E.1.c. If the Hearing Examiner determines that the violation did not occur, the Hearing Examiner shall enter an order dismissing the citation. The Hearing Examiner's decision is the final decision of the City on the matter.

3. Failure to appear for hearing. Failure of the person cited or their attorney to appear for a requested hearing will result in an order being entered finding that the person cited committed the violation stated in the citation and assessing the citation penalty specified in the citation. For good cause shown and upon terms the Hearing Examiner deems just, the Hearing Examiner may set aside an order entered upon a failure to appear.

* * *

Section 44. Section 23.91.012 of the Seattle Municipal Code, last amended by Ordinance 124919, is amended as follows:

23.91.012 Contested hearing.

* * *

E. Evidence at Hearing

1. The certified statement or declaration authorized by chapter 5.50 RCW ((9A.72.085)) submitted by an inspector shall be prima facie evidence that a violation occurred and that the person cited is responsible. The certified statement or declaration of the inspector authorized under chapter 5.50 RCW ((9A.72.085)) and any other evidence accompanying the report shall be admissible without further evidentiary foundation.

1 2. Any certifications or declarations authorized under chapter 5.50 RCW
2 ~~((9A.72.085))~~ shall also be admissible without further evidentiary foundation. The person cited
3 may rebut the Seattle Department of Construction and Inspections evidence and establish that the
4 cited violation(s) did not occur or that the person contesting the citation is not responsible for the
5 violation.

6 Section 45. Section 25.08.900 of the Seattle Municipal Code, enacted by Ordinance
7 122614, is amended as follows:

8 **25.08.900 Citation.**

9 A. Citation. The citation shall include the following information:

- 10 1. The name and address of the person to whom the citation is issued;
- 11 2. A reasonable description of the location of the property on which the violation
12 occurred;
- 13 3. A separate statement of each requirement or provision of the Chapter violated;
- 14 4. The date of the violation;
- 15 5. A statement that the person cited must respond to the citation within fifteen
16 (15) days after service;
- 17 6. A space for entry of the applicable penalty;
- 18 7. A statement that a response must be received at the Office of Hearing Examiner
19 not later than five p.m. on the date the response is due;
- 20 8. The name, address and phone number of the Office of Hearing Examiner where
21 the citation is to be filed;

9. A statement that the citation represents a determination that a violation has been committed by the person named in the citation and that the determination shall be final unless contested as provided in this chapter; and

10. A certified statement of the person issuing the citation, authorized by chapter 5.50 RCW ((9A.72.085)), setting forth facts supporting issuance of the citation.

* * *

Section 46. Section 25.08.940 of the Seattle Municipal Code, last amended by Ordinance 125603, is amended as follows:

25.08.940 Contested case hearing

* * *

E. Evidence at hearing. The certified statement or declaration authorized by chapter 5.50 RCW ((9A.72.085)) submitted by a representative of the Administrator shall be prima facie evidence that a violation occurred and that the person cited is responsible. Any certifications or declarations authorized under chapter 5.50 RCW ((9A.72.085)) shall be admissible without further evidentiary foundation. The person cited may rebut the evidence and establish that the cited violation(s) did not occur or that the person contesting the citation is not responsible for the violation.

* * *

Section 47. Section 112 of the Seattle Fire Code, last amended by Ordinance 127139, is amended as follows:

**SECTION 112
VIOLATIONS**

* * *

1 **[S] 112.4.1 Documentation.** If after investigation the *fire code official* determines that the
2 standards or requirements of provisions referenced in Section 112.4 have been violated, the *fire*
3 *code official* may issue a citation to the owner and/or other *person(s)* responsible for the
4 violation. The citation shall include the following information: (1) the name and address of the
5 *person* to whom the citation is issued; (2) a reasonable description of the location of the property
6 on which the violation occurred; (3) a separate statement of each standard or requirement
7 violated; (4) the date of the violation; (5) a statement that the *person* cited must respond to the
8 citation within 15 days after service; (6) a space for entry of the applicable penalty; (7) a
9 statement that a response must be sent to the Hearing Examiner and received not later than 5
10 p.m. on the day the response is due; (8) the name, address, and phone number of the Office of the
11 Hearing Examiner where the citation is to be filed; (9) a statement that the citation represents a
12 determination that a violation has been committed by the *person(s)* named in the citation and that
13 the determination shall be final unless contested as provided in this Section 112.4; and (10) a
14 certified statement of the *fire code official's* representative issuing the citation, authorized by
15 chapter 5.50 RCW ((9A.72.085)), setting forth facts supporting issuance of the citation.

16 * * *

17 **[S] 112.4.6.5 Evidence at hearing.** The certified statement or declaration authorized by chapter
18 5.50 RCW ((9A.72.085)) shall be prima facie evidence that a violation occurred and that the
19 *person* cited is responsible. The certified statement or declaration authorized under chapter 5.50
20 RCW ((9A.72.085)) and any other evidence accompanying the report shall be admissible without
21 further evidentiary foundation. Any certifications or declarations authorized under chapter 5.50
22 RCW ((9A.72.085)) shall also be admissible without further evidentiary foundation. The *person*

1 cited may rebut the Seattle Fire Department's evidence and establish that the cited violation(s)
2 did not occur or that the *person* contesting the citation is not responsible for the violation.

3 * * *

Section 48. This ordinance shall take effect as provided by Seattle Municipal Code
Sections 1.04.020 and 1.04.070.

Passed by the City Council the 23rd day of September, 2025,
and signed by me in open session in authentication of its passage this 23rd day of
September, 2025.



President _____ of the City Council

☒ Approved / ☐ returned unsigned / ☐ vetoed this 26th day of September, 2025.



Bruce A. Harrell, Mayor

Filed by me this 26th day of September, 2025.



Scheereen Dedman, City Clerk

(Seal)