

FILED  
SUPREME COURT  
STATE OF WASHINGTON  
11/8/2019 10:05 AM  
BY SUSAN L. CARLSON  
CLERK

No. 97755-1

SUPREME COURT  
OF THE STATE OF WASHINGTON

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BURIEN COMMUNITIES FOR INCLUSION,

Respondent and Plaintiff below,

vs.

RESPECT WASHINGTON,

Petitioner, Appellant and Defendant below,

and

KING COUNTY ELECTIONS; JULIE WISE, KING COUNTY  
DIRECTOR OF ELECTIONS, in her official capacity at KING COUNTY  
ELECTIONS; and the CITY OF BURIEN,

Defendants Below.

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ANSWER TO PETITION FOR REVIEW

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**TABLE OF AUTHORITIES**

**CASES**

Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend  
Constitution, 185 Wn.2d 97, 369 P.3d 140 (2016) .....1

**RULES**

Rules of Appellate Procedure (RAP) 13.4..... 2

Respondent City of Burien (“City”) hereby joins the arguments made by Respondent Burien Communities for Inclusion in its Answer to Petition for Review. The Court of Appeals correctly affirmed the decision of the trial court in Burien Communities for Inclusion v. Respect Wash., No. 77500-6-1 (Ct. App. Sept. 9, 2019) (“the Decision”).

On January 9, 2017, the Burien City Council passed Ordinance 651 (“the Ordinance”) which governs City employees’ behavior by prohibiting inquiry into citizenship or immigration status; withholding City services based on citizenship or immigration status; initiating any inquiry or enforcement action based solely on a person’s civil immigration status, race, inability to speak English, or inability to understand City personnel or officers; and creating a registry for the purpose of classifying people on the basis of religious affiliation, or conducting a study related to the collection of such information.

The Decision correctly affirmed the trial court’s ruling that Measure 1, which would repeal the Ordinance, should not appear on the City of Burien ballot because Measure 1 exceeds the scope of the City’s initiative powers, as it regulates administrative matters, not legislative matters. See also Spokane Entrepreneurial Ctr. v. Spokane Moves to Amend Constitution, 185 Wn.2d 97, 107, 369 P.3d 140 (2016).

Respect Washington’s Petition for Review fails to satisfy the criteria under RAP 13.4. Respect Washington fails to show the Court of Appeals’ ruling conflicts with any precedent established by this Court or by the Court of Appeals, poses a “significant question of law” under the state or federal constitution, or that there is an issue of substantial public interest that should be determined by the Supreme Court. This Court should deny review.

RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of November, 2019.

KENYON DISEND, PLLC

By s/ Hillary Evans Graber

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## DECLARATION OF SERVICE

I, Margaret C. Starkey, declare and state:

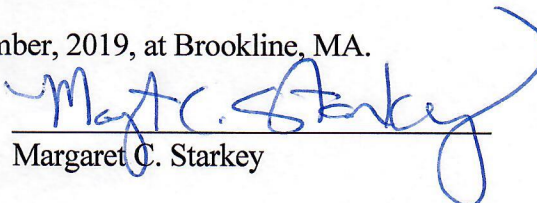
1. I am over the age of eighteen years, not a party to this action, and competent to be a witness herein.

2. On the 8<sup>th</sup> day of November, 2019, I served a true copy of the foregoing *ANSWER TO PETITION FOR REVIEW* on the following using the method of service indicated below:

Jennifer L. Robbins Dmitri Iglitzin Laura Ewan Barnard Iglitzin & Lavitt LLP 18 W Mercer St, Suite 400 Seattle, WA 98119	<input checked="" type="checkbox"/> E-Mail: <a href="mailto:robbins@workerlaw.com">robbins@workerlaw.com</a> <input checked="" type="checkbox"/> E-Mail: <a href="mailto:iglitzin@workerlaw.com">iglitzin@workerlaw.com</a> <input checked="" type="checkbox"/> E-Mail: <a href="mailto:ewan@workerlaw.com">ewan@workerlaw.com</a> <input checked="" type="checkbox"/> E-Mail: <a href="mailto:owens@workerlaw.com">owens@workerlaw.com</a> <input checked="" type="checkbox"/> E-Mail: <a href="mailto:woodward@workerlaw.com">woodward@workerlaw.com</a>
Janine Joly Sr. Deputy Prosecuting Attorney CIVIL DIVISION 500 4th Avenue Seattle, WA 98104-2337	<input checked="" type="checkbox"/> E-Mail: <a href="mailto:Janine.joly@kingcounty.gov">Janine.joly@kingcounty.gov</a>
Richard Stephens Stephens & Klinge LLP 601 108 <sup>th</sup> Ave. NE, Suite 1900 Bellevue, WA 98004-4376	<input checked="" type="checkbox"/> E-Mail: <a href="mailto:stephens@sklegal.pro">stephens@sklegal.pro</a>

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED this 8<sup>th</sup> day of November, 2019, at Brookline, MA.

  
Margaret C. Starkey

**KENYON DISEND, PLLC**

**November 08, 2019 - 10:05 AM**

**Transmittal Information**

**Filed with Court:** Supreme Court  
**Appellate Court Case Number:** 97755-1  
**Appellate Court Case Title:** Burien Communities for Inclusion v. Respect Washington

**The following documents have been uploaded:**

- 977551\_Answer\_Reply\_20191108100023SC834955\_3063.pdf  
This File Contains:  
Answer/Reply - Answer to Petition for Review  
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**Comments:**

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