

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON, PETITION FOR REVIEW-
 REVIEW-No. 79825-7-I. PETITION FOR REVIEW OF A COURT OF APPEALS
 DECISION (RULES ON APPEAL 13.1-13.5) TERMINATING REVIEW. The Case of Mr.
 Joel Christopher Holmes, 4700 12TH Avenue, Northeast, #204, (206)-898-9744,
nelsevrian@gmail.com, antalfoods@yahoo.com, Plaintiff/ Appellant, *VERSUS*, The City
 of Seattle, Seattle Human Rights Commission, 700 Central Building, 800 Third Avenue,
 Seattle, 98104, Defendant-Appellee. Defendant's Attorney: The City of Seattle City
 Attorney, Hon. Peter G. Holmes, Seattle City Attorney, Ms. Cynthia Diane Williams,
 Assistant City Attorney, 701 Fifth Avenue, Suite #2050, Seattle, Washington, 98104.
 Plaintiff (Complainant) Petitioner's Petition for Discretionary (Supreme Court) Review.
 On Appeal and Petition From The Honorable Judges Karen Donohue (Dept. 22) &
 Catherine Shaffer (Dept. 11), King County Superior Court, No. 18-2-17996-3.
 PRESENTED BY: Mr. Joel Christopher Holmes, Pro Se, Petitioner, December 4,
 2019.

IDENTITY OF PETITIONER. MR. JOEL C. HOLMES, the Complainant in the City's
 Administrative Procedure below (City of Seattle Human Rights Commission) and the
 Appellant in the King County Superior Court (No. 18-2-17996-3, Oct. 26, 2018) and in
 the Court of Appeals below, Hereby Petitions the Washington Supreme Court, for
 Discretionary Review of the enclosed Court of Appeals decision Terminating Review
 (RAP 13.1-5), filed on November 12, 2019.

SUMMARY OF FACTS AND PROCEDURE. Pet., was summarily excluded from
 entering the ostensibly "public" Division I Court of appeals courthouse and offices,
 located on the Ground Floor of the "privately-owned" One Union Square Building, 600
 University Street, Seattle, WA, 98101, on Monday July 10, and on Tuesday, July 11, 2017.
 The Landlord owning the property, One Union Square/ Washington Holdings LLC,
 and its "security" firm, Securitas, Inc., both refused to offer Appellant any explanation
 for this exclusion. Pet., filed a written Complaint (07-17-2017) with the City of Seattle

Human Rights agency. The exclusion from the downtown I Union Square premises continued. Eventually, the City Human Rights agency, opened a formal investigation of this Complaint, and terminated this investigation, with a finding in favor of Respondent Party I Union Square/Washington Holdings, LLC, on March 28, 2018. Pet. Followed the agency's internal dispute resolution processes, and appealed to the City Human rights Commission, the body overseeing the agency. The Commission upheld the City's previous findings, on July 02, 2018. Pet. Commenced an appeal to the King County Superior Court, on July 17, 2018. When this Administrative Appeal, was dismissed by Judge Mary Donohue, on Friday, October 26, 2018, he subsequently began this Appeal with the Court of Appeals, No. 79285-7-I. This Motion for Appeal/Discretionary Review, was dismissed on 11/12/2019. See Ruling, No 79285-7-I, at 1-6 & notes, 11/12/2019. This Petition for Review now follows._____

RULING OF THE COURT OF APPEALS UNDER PETITION. Mr. Holmes hereby petitions the Washington Supreme Court, to overrule the Decision filed in No. 79825-7-I, by Division One in this matter, on Tuesday, Nov. 12, 2018. It is interesting to note that the Court of Appeals panel below, conceded that Mr. Holmes had a "right" to "appeal" the previous decision of the Superior Court, that Rulings made by City of Seattle administrative agencies, were not "appealable," but denied Pet. any material means with which to thence perfect an appeal (Ruling Terminating Review, No. 79825-7-I at 2-

3, Nov. 12, 2018).

STATEMENT OF PETITIONER'S CASE FOR DISCRETIONARY (WASHINGTON STATE OR U.S.) SUPREME COURT REVIEW. Under the Washington Constitution, Article IV, Section 4, the Superior Court, retains an inherent jurisdiction to hear **all** appeals presented to that court. MHM & F, LLC v. Pryor, 168 Wash.App. 451, 459-60, 277 P.3d 62 (2012) ("sufficiency of notice" in Residential Mobile Home Park eviction hearing). Moreover, the Court of Appeals panel which decided the case below, reluctantly affirmed the "appealability" of the Superior Court's 10/26/18 Dismissal of Petitioner's administrative appeal, but then, curiously demanded that Pet., seek only some sort of "special" Writ or Remedy (normally, limited to cases of pre-existent or imminent confinement or some other "restraint" on a petitioner's "liberty"). In re Dependency of Grove, 127 Wn.2d 221, 240-242, 897 P.2d 1252 (1995) ("child custody" as 'unlawful restraint'). See In Re PRP of Holmes [Pet.], Court of Appeals No. 77123-0-I (exactly the type of "special" writ previously filed by Pet. on this issue, dismissed by Court of Appeals in October 2017). There is NO rational reason, for the State to treat aggrieved parties under the **City's** "anti-"discrimination" ordinances any differently, from aggrieved parties seeking redress under the comparable state statute, the Washington State Law Against Discrimination (WLAD), RCW 49.60. Thus, these two laws ostensibly "prohibiting discrimination," are each administered in a **discriminatory** manner! Assuming that enforcing "non-discrimination" LAWS, in access to e.g.,

employment, housing, and public accommodations (as alleged in the case at bar), is a legitimate function of a proper government AT ALL, there exists NO reason to treat Complainants under the City's so-called "Human Rights" Ordinance, SMC 14.06.090,, any differently from parties filing complaints under a comparable state statute, RCW 49.60. Both statutes, enforce virtually the same laws, and have the same "statewide purpose": to eliminate "bias" in various enumerated categories of economic transactions. Libertarians and economists, question the "need" for and purpose of BOTH types of "anti-discrimination" laws: if various categories of groups, REALLY have equal marginal productivity, per capita income & assets, credit scores etc., the "access" granted to these respective groups, should converge to equality **in the long run**. Milton Friedman [1912-2006], *Capitalism & Freedom* (1962) (opposing Federal OR State "public accommodations" laws); Ayn Rand [1905-1982], "Racism" (same), 2 *Objectivist Newsletter* 9 (September 1963), reprinted in *The Virtue of Selfishness* (1964); George Reisman [1936-], *Capitalism* (1996), including excerpts from "Capitalism: The Cure For Racism" (1973; privately-recorded audiotape lecture series). Perhaps a "compensatory"-voluntary insurance scheme, would have comprised a better "solution" to these problems, than did the types of statutes discussed in this Petition. Jacques Dreze [1928-] and D. de la Valeee-Poussin, "A Tattônment Process For Public Goods," 38 *Review of Economic Studies* 2 (April 1971), 133-150. Or, the enumerated "protected" groups (such as this Petitioner), could simply emigrate, category-by-category, from the United States or from an affected State ... The State Action in the cases at bar, arose because Washington state, chose to lease office space for a **public**

Courthouse, from a **private**, out-of-state real estate developer. Go figure ... See Lillian Boehme [1936-], *Carte Blanche For Chaos: A Critical Look at The Kerner Commission [1968] Report* (1970). In any event, aggrieved parties, should retain the same right to appeal to the 39+ superior courts of the state, as do e.g., criminal defendants, and other classes of litigants in Washington state. See Website, KOMO 4 News, <http://www.komonews.com>, "Man arrested in fight outside King County Superior Courthouse," 11/26/2019 (video). The City's prior arguments and the slip opinion below, implicitly rely on (without citing explicitly), e.g., such antique cases as McKane v. Durston, 153 U.S. 684, 688, 4 S.Ct. 913, 38 L.Ed.867 (1894) (Harlan, J.) (denying existence of any Federal constitutional right of appeal, in criminal cases). But this state, long ago recognized a right of appeal in **civil** matters, recognized by such Washington cases as Sheffield v. State, 92 Wn.2d 807, 808-9, 601 P.2d 103 (1979) (overruling former cost bond requirement in appeals against Washington state). Moreover, the Court of Appeals panel below, implicitly recognized, that Pet., was denied his right to an appeal of the City's 'human rights' decision, when the Court of Appeals panel, confirmed that such rulings, were "appealable." But cf. Court of Appeals No 6384-9-I, October 15, 2009 (denying "appealability" of \$4,439 Bill assessed in criminal appeal [of King County No. 04-1-14102-4 SEA, March 10, 2006]). In any event, the State CANNOT grant ONE CLASS of aggrieved parties, the "right" to appeal "final decisions" made by administrative agencies-parties appealing under RCW 49.60-while denying this SAME RIGHT to Parties filing under Seattle Municipal Code [SMC] 14.06.090: "any party aggrieved by the final dismissal may appeal the order on the record to an **appropriate**

court ...” SMC 14.06.090, emphasis added. Isn’t it interesting, that the judicial and political advocates, of “redistributing wealth & income”-now side with Southern California real-estate billionaire Craig A. Wrench-in a dispute over access to a **public** courthouse? Isn’t it interesting that the “Liberal” ‘Social Justice’ Warrior appellate defenders, of “wokefulness [sic]” and of “minority rights,” now defend a faulty administrative procedure [SMC 14.06.090], granting aggrieved parties filing under the **City’s** “Human Rights” ordinances-no effective right to an administrative appeal? The Washington State Court of Appeals, Division I-apparently wants to see this state, join e.g., Gov. Jay Inslee (D-WA), Mayor Bill de Blasio (D-NY), and Sen. Kamala Harris (D-CA)-on the path to moral and political oblivion. If a State grants a “right” to appeal, to one class of “similarly situated” civil or criminal defendants or victims-then it must grant the same right to another class of similarly situated persons. State v. Sweet, 90 Wn.2d 282, 289-91, 581 P.2d 579 (1978) (state prisoner granted right to appeal three years **after** expiration of filing deadline). Furthermore, as should now appears obvious to any unbiased **observer, Division One of the Washington Court of Appeals, SHOULD NOT be litigating a dispute between Pet. and that Court’s own Landlord, One Union Square Building/Washington Holdings, LLC.** See e.g., State v. Stiltner, 80 Wn.2d 47, 55-57, 491 P.2d 1043 (1971) (“change-of-venue” denied in murder trial) and the cases cited therein. Finally, this Court (the Washington State Court of Appeals, Division I), erroneously imposed an illegal \$200.00 “filing fee,” in order to file this Petition, despite previously granting Pet., a “Waiver of Fees” in the case at bar, on 12-12-18. See Case File, No. 79285-7-I. State v. Ramirez, 191 Wn.2d 732, 735, 426 P.3d 714

(2018) (waiver of appellate fees in criminal appeal). Similar to the previous “\$60.00+ ‘Car Tabs’” overruled in the recent Washington state Initiative No. 496, this newly-added \$200.00 fee, is the price for using, this state’s system of “free, publicly-administered”

Courts.

ISSUES FOR REVIEW: I. Did the trial Court (King County Superior Court), retain an inherent jurisdiction, under Article IV, § 4, Washington Constitution, to hear Petitioner’s prior administrative appeal (King County # 18-2-17996-3, Oct. 26, 2018)? 1. Is Seattle Municipal Code [SMC] 14.06.090, unconstitutionally vague? 2. Did the Court of Appeals Division below, ignore Petitioner’s previous attempts to obtain an “Extraordinary Writ” (No. 77123-0-I), securing his access, to the I Union Square Building? II. Did the Ruling Denying Appellate Review, to Pet., in No. 79825-7-I (Nov. 12, 2019), deny Pet., his rights to Equal Protection and Due Process of Law, under Amendment XIV, USCA, and Wash.Const., Article I, Sections 3, 12? III. Should Division One of the Court of Appeals, be allowed to decide a case involving their own Landlord, One Union Square/Washington Real Estate Holdings, LLC? Are Washington’s appellate courts, openly biased against e.g., Conservatives & Libertarians? IV. Did the Court of Appeals below, properly impose a \$200.00 “prior restraint” fee (RCW 2.36.060), merely for the Washington Supreme Court, to hear the instant Petition for review?

Figure 1 The Economics of “Market” Discrimination

X D

S

X D1 D= S
 X D1 D
 X S D1 D
 0 S _____ D1 _____ D _____>

In the Figure above, S is the observed market Supply Curve for BOTH the favored & unfavored groups in a given economic market. The broader Demand Curve D, is the "demand" for employing, etc., the more favored group. The characters D1, outline the demand curve for the LESS favored group.

Figure 2 Floor plan of I Union Square Building, 600 University Street, Seattle, WA, 98101 (first floor):

Interior atrium

X I
 X I
 X I
 X I
 X COA entrance>

_____ Building
 entrance ^^^^^^^^^^^^^^^

Exterior atrium <Building entrance

X ///////////////
 X ///////////////
 X ///////////////
 X ///////////////
 X ///////////////

Outdoor Plaza _____<Exterior stairs

ARGUMENT: I. THE SUPERIOR COURT, retained inherent jurisdiction to hear the Administrative Appeal of a City of Seattle agency Ruling or Decision

Apparently, counsel for Respondent City of Seattle, still believes that an administrative appeal, is a privilege, similar to the relief sought back in 1894, by the Petitioner in McKane v. Durston, loc cit., 153 U.S. 684 at 688 **et seq** (1894). But courts have long moved past that point. See, e.g., Griffin v. Illinois, 351 U.S. 12, 18-19, 76 S.Ct. 585, 100 L.Ed. 891 (1956) (right to trial transcript in criminal appeal); Hunter v. North Mason High School & North Mason School District No. 403, 85 Wn.2d 810, 818-819, 539 P.2d 845 (1975) (overruling of non-claim statute used to bar suit against public school district). A trial or an appeal, even in an action against the State or against one of its constituent cities, is NOT a privilege unilaterally granted litigants, by favor of the State of Washington. State v. Sweet, supra, 90 Wn.2d 282 at 290 (1978); Petersen v. State, supra, 100 Wn.2d 421, 423, 444-46 (1983) (right to sue state agency). There is NO rational reason, to grant a right to sue, ONLY State, and NOT parallel City or County agencies. Furthermore, under Wash.Const., Article XI, Section 11, a City agency, such as the Seattle [Mayor's] Office for "Human [sic] Rights," can only enforce the same corresponding laws as does the State of Washington. City of Auburn v. Gauntt, 174 Wn.2d 321, 274 P.3d 1033, 1035-38 (2012) (municipal enforcement of state-level criminal statute). Pet., does NOT have to (and CANNOT, see e.g. RAP 16.1-16.4), file some "special" Habeas Corpus writ (RCW 7.16), order to appeal an agency decision to superior court.

1. SMC 14.06.090, is too vague. If it be held otherwise by the City, then the cited passage, written in SMC 14.06.090, namely “any party ... may appeal the order on the record to an appropriate [sic] court,” must be stricken, because the phrase, “an appropriate court,” either is meaningless, or is subject to widely varying interpretations, as occurred here in the cases at bar. State v. Bahl, 164 Wn.2d 739, 193 P.3d 678, 682-88 (2008) (vagueness of parole conditions); State v. Halstein, 122 Wn.2d 109, 117, 857 P.2d 270 (1989) (vagueness of municipal ordinance); EEOC v. Catastrophe Mgt. Solutions, 852 F.3d 1018, 1022, 1156, 1172 (11TH Circuit (AL) (2016)) (“immutable” characteristics under Title VII of 1964 “Civil Rights” Act).
2. Court of Appeals Personal Restraint Petition No. 77123-0-I. Pet. promptly filed, during the month of August 2017, the type of “Writ” the Court of Appeals below is apparently demanding in this Case. Order Terminating Review, No. 79285-7-I, at 2-3 & notes.

II. Equal Protection. As noted before, there exists **NO** reason to permit direct appeals to the Superior Court, for litigants filing under one type of “non-discrimination” law (RCW 49.60), while denying this right, to aggrieved parties under the City of Seattle ordinance [SMC 14.06.090]. Andersen v. King County, 158 Wn.2d 1, 44, 138 P.3d 963 (2006) (Madsen, C.J.) (“rational basis” test used to deny validity of legal “same-sex” marriage).

III. Division I of the Court of Appeals, **should not** have heard a controversy involving their own Landlord, Washington Real Estate Holdings, LLC. See e.g., Marriage of [Nathan] Choi & Choi (No. 78383-1-I (April 22, 2019)) (change-of-venue denied to former state judicial candidate).

IV. The Washington Court of Appeals, Division One, improperly imposed a \$200.00 “filing fee” (RCW 2.36.030), in a case that Court had previously agreed to hear In Forma Pauperis (12-12-18). In any event, the continued indigency of Petitioner, has not changed, and the fee is merely imposed here to chill debate. State v. Ramirez, supra, 191 Wn.2d 732 at 735 (2018); State v. Blazina, 182 Wn.2d 827, 344 P.3d 600 (2015) (Madsen, J.) (remission of appellate costs in criminal case).

SUMMARY AND CONCLUSIONS: RELIEF REQUESTED. The Administrative Appeal, previously filed by the Appellant/Petitioner, should be re-instated by the Supreme Court. S/O, JOEL C. HOLMES, Pro Se, 5:18PM, PST, 12/04/2019.

CERTIFICATE OF COMPLIANCE. PETITIONER Certifies that the Word Count, is approximately 2609 words (not counting excluded portions).

CERTIFICATE OF SERVICE. PETITIONER Certifies that he Served Hon. Peter G. Holmes, Seattle City Attorney, Cynthia Diane Williams, Assistant City Attorney, Seattle Municipal Tower, 701 Fifth Avenue, Suite 2050, Seattle, WA, 98104, pete.holmes@seattle.gov, cindi.williams@seattle.gov, VIA First-Class USPS Mail, electronic service, third-party commercial carrier, or other means, with one true copy of Petitioner’s Petition for [Discretionary] Review, Court of Appeals # 79825-7-I, this day the fourth of December, 2019, at 5:24 PM, PST. BY: Joel C. Holmes, Pro Se, December 04, 2019, 5:25 PM, PDT.

\$200.00 Washington State Court of Appeals “filing fee.” Petitioner will pay this “fee,” as soon as the Washington Court of Appeals or the Washington State Supreme Court, demand this amount **on the record** of this Petition or Appeal. S/O, JOEL C. HOLMES, Pro Se, 12/04/2019.

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

JOEL CHRISTOPHER HOLMES,

Appellant,

v.

CITY OF SEATTLE HUMAN RIGHTS
COMMISSION,

Respondent.

No. 79285-7-1

DIVISION ONE

UNPUBLISHED OPINION

FILED: November 12, 2019

CHUN, J. — Joel Holmes filed a charge with the Seattle Office of Civil Rights (SOCR), alleging discrimination in violation of Seattle’s Public Accommodations Ordinance. The SOCR found no reasonable cause. The Seattle Human Rights Commission (SHRC) denied Holmes’s appeal of the SOCR decision. Holmes then sought judicial review in superior court by filing an administrative appeal. Determining the Administrative Procedure Act (APA) does not govern the SHRC, the superior court dismissed Holmes’s action for lack of subject matter jurisdiction. Holmes appealed the superior court’s ruling. This court asked the parties to address the appealability of the superior court’s decision as well as the merits of the appeal. We determine Holmes may appeal the decision as of right, but conclude the superior court properly dismissed the action. Accordingly, we affirm.

I. BACKGROUND

A. SOCR Investigation

Holmes filed a charge with the SOCR on August 29, 2017. He alleged that Washington Holdings LLC and Union Square Liability Company discriminated against him on the basis of race when a security guard asked him to leave the lobby of the One Union Square building. Holmes argued that this violated Seattle Municipal Code (SMC) 14.06, which prohibits unfair public accommodations practices.

The SOCR conducted an investigation into Holmes's charge. On February 28, 2018, the SOCR issued its Findings of Fact and Determination. The SOCR determined no reasonable cause existed to believe that SMC 14.06 had been violated.

B. SHRC Proceedings

Holmes appealed the SOCR's finding of no reasonable cause to the SHRC on March 15, 2018. The SHRC considered whether the SOCR conducted an adequate investigation and whether a preponderance of the evidence supported the SOCR Findings. Determining both in the affirmative, the SHRC denied Holmes's appeal on July 2, 2018.

C. Superior Court Proceedings

On July 19, 2018, Holmes sought judicial review of the SHRC Order at King County Superior Court by filing an administrative appeal.

SHRC moved to dismiss the appeal for lack of subject matter jurisdiction on August 28, 2018. SHRC asserted that SMC 3.02 (Administrative Code)

governs the SHRC and that Holmes could not pursue an administrative appeal under the APA or RCW 49.60 (Washington Law Against Discrimination) because the SHRC is not a state agency or commission. Additionally, SHRC argued that Holmes had not filed a petition for a writ of review under RCW 7.16 (Certiorari, Mandamus, and Prohibition under Special Proceedings and Actions), and that the trial court could not issue one even if he had because he could pursue other remedies—namely, through a private right of action under SMC 14.06.040(A).

Holmes, representing himself, filed a memorandum in response on October 16, 2018. Holmes claimed that defects in the form of an appeal do not affect the court's subject matter jurisdiction.

On October 26, 2018, the trial court granted the SHRC's motion and dismissed Holmes's case for lack of subject matter jurisdiction. The court determined "that it did not have jurisdiction over the [SHRC] because the SHRC is not an 'agency' for the purpose of an administrative appeal."

D. Court of Appeals Proceedings

On November 21, 2018, Holmes appealed the trial court's order granting respondent's motion to dismiss.

On December 12, 2018, this court sent a letter to the parties stating, "It appears that the order appealed from is not reviewable as of right pursuant to RAP 2.2(a)." The court set a hearing for January 4, 2019, and told the parties that they should address the issue in writing prior to the hearing. The parties' initial responses relied on the same arguments they raised at the superior court.

On January 4, 2019, following the hearing, a commissioner of this court entered a notation ruling directing the SHRC to “file supplemental briefing addressing the applicability, if any, of SMC 14.06.120(D), as well as what, if any, procedures exist for a party to seek review of a decision of the [SHRC].”

The SHRC filed supplemental briefing on January 17, 2019. The SHRC noted that while SMC 14.06.120(D) does not apply because it concerns the appeal process for charges where the SOCR found reasonable cause of discrimination, SMC 14.06.090 applies because it addresses the procedure after the SHRC affirmed a no reasonable cause determination. The SHRC acknowledged that its previous argument that Holmes could not seek a writ of review under RCW 7.16 was incorrect because it rendered provisions of SMC 14.06 inconsistent with each other and rendered the appeal right of SMC 14.06.090 superfluous. Still, the SHRC asserted that the superior court order is not reviewable as of right, because while Holmes could obtain a writ under RCW 7.16, review would be discretionary.

On April 2, 2019, a commissioner referred the issue of appealability to a panel:

Neither party has cited authority addressing the issue of appealability in a situation comparable to this one. Accordingly, the issue of appealability is referred to a panel of judges for consideration based on the existing briefing, along with whether review is warranted under RAP 2.3(b) or (d) and the merits if the panel deems it appropriate.

On October 16, 2019, we asked the parties to file supplemental briefs addressing the merits of the appeal—i.e., “whether the superior court erred by dismissing Holmes’s action for lack of jurisdiction.”

II. ANALYSIS

A. Appealability

The threshold issue before us regards whether Holmes may appeal the superior court order as of right.

RAP 2.2 lists the various superior court decisions that a party may appeal as of right. Under RAP 2.2(a)(1), a party may appeal a final judgment. “A final judgment is an order that adjudicat[es] all the claims, counts, rights, and liabilities of all the parties.” Rose v. Fritz, 104 Wn. App. 116, 120, 15 P.3d 1062 (2001) (internal quotation marks and citation omitted). Where an appeal is filed under the APA, “[a]n aggrieved party may secure appellate review of any final judgment of the superior court under this chapter by the supreme court or court of appeals. The review shall be secured in the manner provided by law for review of superior court decisions in other civil cases.” RCW 34.05.526.

Here, the superior court dismissed Holmes’s action with prejudice, thereby adjudicating all the claims, counts, rights, and liabilities of all the parties. Because appeals from final judgments in APA actions are treated as any other appeal of a superior court final judgment, the superior court’s decision dismissing Holmes’s action constitutes a final order that he may appeal as a matter of right.

B. Merits of Dismissal

We next consider whether the superior court properly dismissed Holmes’s action for lack of subject matter jurisdiction. Because Holmes sought judicial review under the APA, we determine the court properly dismissed the appeal.

We review de novo a trial court's ruling on subject matter jurisdiction.

Banowsky v. Backstrom, 193 Wn.2d 724, 731, 445 P.3d 543 (2019).

Under the APA, “[a] person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action.” RCW 34.05.530. The APA defines “agency,” as “any state board, commission, department, institution of higher education, or officer, authorized by law to make rules or to conduct adjudicative proceedings, except those in the legislative or judicial branches.” RCW 34.05.010(2). “The legislature did not intend this definition to include local agencies . . . that are not concerned with statewide programs or that are not a part of a statewide system.” Riggins v. Housing Authority of Seattle, 87 Wn.2d 97, 101, 549 P.2d 480 (1976). The SHRC constitutes a local agency. Seattle Newspaper-Web Pressmen’s Union Local No. 26 v. Seattle, 24 Wn. App. 462, 467, 604 P.2d 170 (1979).

Holmes sought judicial reviews in superior court under the APA. But because the SHRC is a local agency, the APA does not govern it.¹ Accordingly,

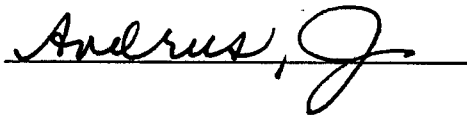
¹ We note that Holmes could have pursued an appeal of the SHRC decision to the superior court by filing a writ of review. Under SMC 14.06.090, “Any party aggrieved by the final dismissal may appeal the order on the record to an appropriate court.” Although SMC 14.06.090 enables an appeal of a final dismissal, the Ordinance does not provide a procedure for doing so. See SMC 14.06. The Administrative Code that governs agencies of the City of Seattle (SMC 3.02) also does not provide any guidance. When a party does not have an adequate remedy of law to obtain review of a decision, they may seek a writ of review pursuant to RCW 7.16, which permits courts to grant writs of review when no other adequate remedy at law exists. See RCW 7.16.040. Accordingly, a party aggrieved by a SHRC decision affirming a SOCR no reasonable cause determination and dismissing their charge may seek review by filing a writ of review with the superior court. Though the SHRC originally argued that the superior court could not grant a writ of review under these circumstances, it concedes on appeal that such a writ is available assuming the party meets the criteria.

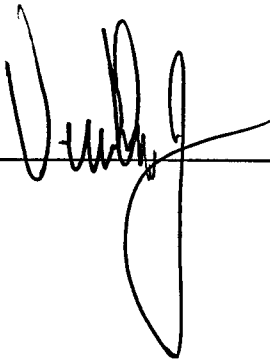
we determine the superior court did not err by dismissing Holmes's administrative appeal for lack of subject matter jurisdiction.²

Affirmed.



WE CONCUR:





² With respect to the appeal's merits, Holmes bases two of his arguments in his supplemental briefing on his appeal being administrative; these arguments fail because an appeal of a SHRC decision is not administrative. Additionally, Holmes's argument that the Superior Court must hear his appeal because he was threatened with jail for his previous attempts to enter One Union Square lacks merit. Finally, Holmes asserts that a writ cannot constitute the only means for appealing a SHRC decision because "such 'writs' are limited to 'extreme' cases and circumstances." This claim also lacks merit.

From: [OFFICE RECEPTIONIST, CLERK](#)
To: ["Joel Holmes"](#); antalfoods@yahoo.com; [Williams, Cindi](mailto:Williams.Cindi@seattle.gov); peter.holmes@seattle.gov; [Tom Kummerow](mailto:Tom.Kummerow@div1motions@courts.wa.gov); div1motions@courts.wa.gov; [Johnson, Richard](mailto:Johnson.Richard@seattle.gov); richard.warner@seattle.gov; [Richard Conlin](mailto:Richard.Conlin@council@kingcounty.gov); council@kingcounty.gov; council@seattle.gov; o'donnell.court@kingcounty.gov; [Court, Galvan](mailto:Galvan.Court@kingcounty.gov); [KOMO Newsroom](mailto:KOMO.Newsroom@komo4news.com); roger.goodman@leg.wa.gov; [Luke Swinney](mailto:Luke.Swinney@co.thurston.wa.us); [Erika Pablo](mailto:Erika.Pablo@seattle.gov); liamjmcgovernlaw@gmail.com
Subject: RE: IN THE COURT OF APPEALS OF THE STAE OF WASHINGTON.pdf
Date: Thursday, December 5, 2019 8:27:01 AM

Received 12-5-19.

From: Joel Holmes [mailto:nelsevrian@gmail.com]
Sent: Wednesday, December 4, 2019 5:46 PM
To: OFFICE RECEPTIONIST, CLERK <SUPREME@COURTS.WA.GOV>; Joel Holmes <nelsevrian@gmail.com>; antalfoods@yahoo.com; Williams, Cindi <Cindi.Williams@seattle.gov>; peter.holmes@seattle.gov; Tom Kummerow <tom@washapp.org>; div1motions@courts.wa.gov; Johnson, Richard <richard.johnson@courts.wa.gov>; richard.warner@seattle.gov; Richard Conlin <richardbyrdconlin@gmail.com>; council@kingcounty.gov; council@seattle.gov; o'donnell.court@kingcounty.gov; Court, Galvan <Galvan.Court@kingcounty.gov>; KOMO Newsroom <tips@komo4news.com>; roger.goodman@leg.wa.gov; Luke Swinney <luke.swinney@co.thurston.wa.us>; Erika.Pablo@seattle.gov; liamjmcgovernlaw@gmail.com
Subject: IN THE COURT OF APPEALS OF THE STAE OF WASHINGTON.pdf