

RECEIVED *vs*  
SUPREME COURT  
STATE OF WASHINGTON  
10 OCT 26 AM 10:17  
BY RONALD B. CARPENTER

NO. 83728-7

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SUPREME COURT OF THE STATE OF WASHINGTON

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KATHLEEN HARDEE,

Petitioner,

v.

DEPARTMENT OF SOCIAL AND HEALTH SERVICES,  
DEPARTMENT OF EARLY LEARNING,

Respondent.

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PETITIONER HARDEE'S  
SECOND STATEMENT OF ADDITIONAL AUTHORITIES

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Philip A. Talmadge, WSBA #6973  
Sidney Charlotte Tribe, WSBA #33160  
Talmadge/Fitzpatrick  
18010 Southcenter Parkway  
Tukwila, WA 98188-4630  
(206) 574-6661

Carol Farr, WSBA #27470  
Law Offices of Leonard W. Moen  
947 Powell Ave SW, Suite 105  
Renton, WA 98057  
(425) 227-4260  
Attorneys for Petitioner

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FILED AS  
ATTACHMENT TO EMAIL

COMES NOW the petitioner Kathleen Hardee and submits the following additional authority to the Court pursuant to RAP 10.8:

- *Chawla v. Holder*, 599 F.3d 998 (9th Cir. 2010) (discussion of deference to credibility finding of hearing officers by administrative appeal tribunals).
- *State v. Maxfield*, 125 Wn.2d 378, 385, 886 P.2d 123 (1994) (same)
- *Nat'l Labor Relations Bd. v. Walton Mfg. Co.*, 369 U.S. 404, 408, 82 S. Ct. 853, 7 L. Ed. 2d 829 (1962) (same)
- *Fisher Props., Inc. v. Arden-Mayfair, Inc.*, 115 Wn.2d 364, 369-70, 798 P.2d 799 (1990) (same)
- *State v. Bao Sheng Zhao*, 157 Wn.2d 188, 202, P 26, 137 P.3d 835 (2006) (same)
- *Newman v. Veterinary Bd. of Governors*, 156 Wn. App. 132, 231 P.3d 840 (Div. 1 2010) (issue of clear and convincing standard of proof as appropriate for veterinarian discipline cases)
- Wash. Admin. Code 170-06-0070 (issue of "clear and convincing" standard of proof imposed upon child care workers applying for new employment)

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- WAC 388-06-0020 through -0720 (issue of new standards for background checks for any person applying to work for various state agencies)

Dated this 25th day of October, 2010.

Respectfully submitted,



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Philip A. Talmadge, WSBA #6973  
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Attorneys for Petitioner

DECLARATION OF SERVICE

On said day below I emailed and deposited in the U. S. mail a true and accurate copy of the following document: Petitioner Hardee's Second Statement of Additional Authorities in Supreme Court Cause No. 83728-7 to the following:

Carol Farr  
The Law Offices of Leonard W Moen & Associates  
947 Powell Ave SW Ste 105  
Renton, WA 98057-2975

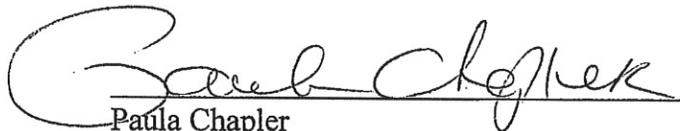
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Original efiled with:  
Supreme Court  
Clerk's Office  
415 12<sup>th</sup> Street W  
Olympia, WA 98504-0929

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

DATED: October 26, 2010, at Tukwila, Washington.

  
Paula Chapler  
Talmadge/Fitzpatrick

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