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No. 65226-5-I

COURT OF APPEALS, DIVISION I
OF THE STATE OF WASHINGTON

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CITY OF SEATTLE, a municipal corporation,

Appellant,

v.

HUGH K. SISLEY AND MARTHA E. SISLEY, individually and on
behalf of their marital community,

Respondents.

APPELLANT'S REPLY BRIEF

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Sisleys' arguments are without merit and unsupported by legal authority or legislative history. Without citing to any authority, the Sisleys argue that the Seattle Municipal Court, when hearing violations of municipal ordinances under RCW 35.20.030, is limited to the \$75,000 jurisdictional limitation imposed on district courts.

The plain language of RCW 35.20.030, RCW 35.20.250, and RCW 3.66.020 supports the Seattle Municipal Court's (Municipal Court) authority to assess civil penalties in amounts that exceed district courts' \$75,000 jurisdictional limit when hearing violations of city ordinances.

RCW 35.20.030 grants jurisdiction to Municipal Court to hear and determine all violations of city ordinances and to pronounce judgment in accordance with those ordinances.¹ Although the statute limits the maximum criminal penalty that can be imposed, it does not limit the amount of civil penalties that can be assessed.²

RCW 35.20.250 grants Municipal Court concurrent jurisdiction with district courts to hear state-law violations.³ When exercising its

¹ RCW 35.20.030: The municipal court shall have jurisdiction to try violations of all city ordinances . . . and determine all causes, civil or criminal, arising under such ordinances, and to pronounce judgment in accordance therewith: PROVIDED, That for a violation of the criminal provisions of an ordinance no greater punishment shall be imposed than a fine of five thousand dollars . . .

² Id.

³ RCW 35.20.250: The municipal court shall have concurrent jurisdiction with the superior court and district court in all civil and criminal matters as now provided by law for district judges.... Fines, penalties, and forfeitures before the court under the

concurrent jurisdiction, Municipal Court is subject to the same jurisdictional limitations imposed on district courts under RCW 3.66.020, including the \$75,000 claim limit.⁴

The language of these statutes is plain and unambiguous. When Municipal Court is hearing violations of municipal ordinances, it is not subject to RCW 3.66.020; however, when Municipal Court is exercising its concurrent jurisdiction under RCW 35.20.250, it is subject to the monetary limitations of RCW 3.66.020.

Not only is Sisleys' argument contrary to the plain meaning of the statutory language, it leads to illogical results. RCW 35.20.250 mandates that all penalties assessed be paid to the county treasurer. If Sisleys' argument is adopted, Municipal Court would have to turn over all civil penalties assessed for violations of city ordinances to the county treasurer, not the city treasurer. No rational basis exists for allowing the county to financially benefit from violations of city ordinances. The Sisleys do not even attempt to address this illogical outcome in their brief.

The legislative history of RCW 35.20.030 and RCW 3.66.020 supports the plain language of the statutes and further establishes the

provisions of this section shall be paid to the county treasurer as provided for district court . . .

⁴ RCW 3.66.020: If the value of the claim or the amount at issue does not exceed seventy-five thousand dollars, exclusive of interest, costs, and attorneys' fees, the district court shall have jurisdiction and cognizance of the following civil actions and proceedings: . . . (3) Actions for a penalty. . .

legislature's intent that Municipal Court not be subject to district court limitations when hearing violations of municipal ordinances. Although the legislature amended RCW 35.20.030 six times since 1955, including amendments to increase the maximum criminal penalty amounts, the legislature never established a limitation on civil penalties.⁵ In comparison, since 1961, the Legislature amended RCW 3.66.020 ten times and increased the monetary limit for district court civil jurisdiction in seven of those amendments.⁶ The Sisleys do not acknowledge this legislative history in their brief.

In an attempt to bolster their argument, the Sisleys mischaracterize the Supreme Court's decision in *Avlonitis v. Seattle* and fail to address the most pertinent parts of that decision. Without citing to any portion of the *Avlonitis* decision, the Sisleys made the following statements in their brief:

“Original jurisdiction” is different than, and not to be confused with, “unlimited jurisdiction”... “Exclusive original jurisdiction” does not mean “unlimited power to impose any monetary amount”.⁷

These statements were not made by the Supreme Court and mischaracterize the Court's decision.

⁵ RCW 35.20.030 [2005 c 282 § 41; 2000 c 111 § 7; 1993 c 83 § 3; 1984 c 258 § 801; 1979 ex.s. c 136 § 23; 1965 c 7 §35.20.030. Prior: 1955 c 290 § 3].

⁶ RCW 3.66.020 [2008 c 227 § 1; 2007 c 46 § 1; 2003 c 27 § 1; 2000 c 49 § 1; 1997 c 246 § 1; 1991 c 33 § 1; 1984 c 258 § 41; 1981 c 331 § 7; 1979 c 102 § 3; 1965 c 95 § 1; 1961 c 299 § 113].

⁷ Brief of Respondents p.3.

The *Avlonitis* Court construed the purpose of RCW 35.20.250 as granting Municipal Court concurrent jurisdiction with district courts to hear violations of state law while retaining independent jurisdiction to hear violations of city ordinances.

The grant of concurrent jurisdiction contained in RCW 35.20.250 is not unlimited. Rather, it grants municipal courts concurrent jurisdiction in those civil and criminal matters which are by law placed within the jurisdiction of justice courts (i.e. *violations of state laws as opposed to violations of municipal ordinances*). The *municipal courts, however, retain exclusive original jurisdiction to try all violations of municipal ordinances* subject only to review by the court. *Such interpretation* gives meaning to the balance of RCW 35.20.250 which authorizes a municipal judge to sit as a magistrate in preliminary hearings and also *gives meaning to the directive that fines, penalties and forfeitures shall be paid to the county treasurer rather than into the city treasury...*⁸

The Sisleys did not acknowledge this portion of the decision nor do they attempt to address it in their brief.

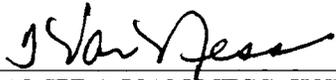
The City respectfully requests this Court reverse the RALJ Court ruling because the legislature imposed no civil penalty limitations on Municipal Court jurisdiction when hearing violations of municipal ordinances.

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⁸ *Avlonitis v. Seattle District Court*, 97 Wn.2d 131, 136-137, 641 P.2d 169 (1982) (Emphasis added).

Respectfully submitted this 18th day of February, 2011.

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CERTIFICATE OF SERVICE

I certify that on the 18th day of February, 2011, I caused a copy of the **Reply of Appellant** to be served on the following party in the manner indicated:

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DEBRA HERNANDEZ

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