**For Immediate Release**

March 30, 2021

Contact: Joshua Brower, (206) 498-1804

josh@browerlawps.com

**Appeals Court Rules Seattle’s Hearing Examiner Violated Fairness Doctrine**

**While Deciding Missing Link EIS Challenge**

*Failure to disclose conflict costs city millions of dollars and years of work*

SEATTLE – The ill-conceived Missing Link section of the Burke-Gilman Trail was dealt another significant setback Monday when the Washington State Court of Appeals ruled that the City of Seattle violated the appearance of fairness doctrine. The decision unravels years of work and court decisions that have cost the City millions of dollars.

The Court reached its decision because the City failed to disclose that Ryan Vancil, its deputy hearing examiner at the time, was applying and interviewing for the City’s Hearing Examiner job in 2017, while simultaneously trying to sit as a neutral decision-maker overseeing a challenge to the adequacy of the Environmental Impact Statement for the Missing Link.

Vancil, who was hired for the top job one day after issuing his decision ruling entirely in favor of the City, even attended two rounds of interviews for the position during the six-day EIS hearing. The Court concluded: “Plainly stated, ‘[J]udges may not adjudicate cases involving their prospective employers’ because ‘a judge cannot have a prospective financial relationship with one side yet persuade the other that he can judge fairly in the case.’”

“This is another significant setback because the City, *for a fourth time*, has to completely re-do SEPA for the Missing Link, further wasting tax payer dollars,” said Josh Brower, one of the lawyers representing the Ballard Coalition in opposing the Missing Link’s location on Shilshole Avenue NW. The coalition includes labor and trade unions, trade organizations, and maritime/ industrial businesses advocating to move the trail two blocks to Leary.

The ruling means the City will have to reissue the EIS for the Missing Link and then hold a new hearing on its adequacy, which will take years.

“Until the EIS is approved, the City can’t obtain the necessary shoreline permit for the Missing Link, cannot complete improvements on Market Street, and cannot build the rest of the trail,” said Brower.

The Court’s decision is yet another in the long list of rulings against the City in nearly 20 years of debate and legal challenges, making it abundantly clear that Shilshole is the wrong place for the 1.4-mile bike path.

The Mayor and City Council can both take action to stop wasting taxpayer money and set the bike trail on the right course. Mayor Jenny Durkan can simply direct SDOT staff to change the location to Leary Way or the City Council can reroute the trail by passing a resolution.

More information is available at <https://www.ballardcycletrack.com/about>

 # # #