

IN THE SUPERIOR COURT OF THE STATE
OF WASHINGTON FOR KING COUNTY

ARTHUR WEST,
plaintiff,

Vs.

No.

BURIEN CITY COUNCIL, CITY
OF BURIEN, KEVIN SCHILLING
ALEX ANDRADE, LINDA AKEY,
STEPHANIE MORA,
defendants.

PLAINTIFF'S ORIGINAL
COMPLAINT FOR
VIOLATION OF THE OPMA

I. INTRODUCTION

1.1. This is an action under RCW 42.30 concerning violations of the Open Public Meetings Act by the Burien City Council members Kevin Schilling, Alex Andrade, Linda Akey, and Stephanie Moras, who knowingly conducted an unlawful meeting and deliberated and took “action” and “final action” outside the context of a properly scheduled and noticed open public meeting¹ or executive session on April 25, 2024.

1.2. The plaintiff alleges that the named defendants knowingly violated the law by deliberating as a quorum and taking action or final action outside of the context of a lawful public meeting on and about April 25, 2024, and plaintiff is entitled to the relief sought.

¹ See [At Press Conference, Majority of Burien Council Demands Sheriff Enforce Camping Ban They Overturned](https://publicola.com/2024/04/25/at-press-conference-majority-of-burien-council-demands-sheriff-enforce-camping-ban-they-overturned/), Erica Barnett, Publicola, online at <https://publicola.com/2024/04/25/at-press-conference-majority-of-burien-council-demands-sheriff-enforce-camping-ban-they-overturned/>

II. PARTIES AND JURISDICTION

2.1. Plaintiff West is “any person” as defined in RCW 42.30.130 with standing to seek relief under the OPMA.

2.2. Defendant Burien City Council is a “governing body” as defined in RCW 42.30.020 that has violated the Open Public Meetings Act by conducting an unlawful meeting, failing to deliberate in public and by taking actions and final outside of the context of lawfully noticed Open Public Meetings.

2.3. Defendant Burien City Council members Kevin Schilling, Alex Andrade, Linda Akey, and Stephanie Moras are members of a governing board who violated the OPMA by conducting unlawful serial or seriatim meetings, by knowingly and deliberately conducting deliberations behind closed doors and by taking “action” and ”final action” outside the context of a properly noticed and scheduled open public meeting.

2.4. The City of Burien is a municipal entity responsible and liable for the acts of its agents, employees, and officers under the doctrines of Master and Servant, Principal and Agent, and Respondeat Superior.

2.5. The King County Superior Court has jurisdiction over the parties and subject matter of this claim.

III. ALLEGATIONS

3.1. On Various times that will be shown², including April 25, 2024, Burien City Council members Kevin Schilling, Alex Andrade, Linda Akey, and Stephanie Moras unlawfully and knowingly conducted “meetings” of a quorum of the Burien City Council without compliance with the requirements of a lawful open public meeting meeting or executive session.

² Plaintiff reserves the right to Amend and/or supplement the Complaint after discovery has been completed.

1 **3.2.** On or about April 25, 2024 the Burien City Council members Kevin
2 Schilling, Alex Andrade, Linda Akey, and Stephanie Moras knowingly violated
3 the OPMA by deliberating and taking action and final action in the absence of
4 proper notice or other lawful compliance with the OPMA.

5 **3.3.** The Burien City Council members met and conducted a meeting on
6 April 25 without providing notice, posting or distributing an agenda or even
7 informing their own staff.

8 **3.4.** By their actions and omissions, the named Burien City Council
9 members knowingly and deliberately violated the OPMA, for which they are
10 liable for the relief below.

11 **3.5.** The City of Burien is liable for the acts of its public officers under the
12 Doctrines of Master and Servant, Principal and Agent, and Respondeat Superior.
13

14 **IV. CAUSE OF ACTION**

15 **4.1. OPMA CLAIM**

16
17 By their acts and omissions the named defendants violated the OPMA
18 knowingly, and created a cause of action under RCW 42.30 for violation of the
19 OPMA, for individual penalties for each violation, and for costs, fees, and
20 injunctive relief in regard to violations of the OPMA by a quorum of the governing
21 body of the City of Burien, and plaintiff is entitled, under RCW 42.30, to the relief
22 sought below.
23

24 **V REQUEST FOR RELIEF**

25 Wherefore, Plaintiff respectfully requests the following relief:
26

5.1 That a ruling issue under the Seal of this Court finding and declaring that the named defendants violated the Open Public Meetings Act on on April 25, 2024 by knowingly conducting an unlawful meeting and by improperly deliberating and taking actions and final actions outside the context of a lawful public meeting.

5.2 That a ruling issue under the Seal of this Court assessing penalties against the named individual defendants Burien City Council members Kevin Schilling, Alex Andrade, Linda Akey, and Stephanie Moras in the amount of \$500 for each knowing violation of the OPMA, and that an Injunction and Order enter prohibiting any further such violations in the future.

5.3 That in addition to the penalty above, plaintiff be awarded any appropriate costs and fees from the defendants for their failure to comply with the OPMA.

Done this day of April 26, 2024 in Olympia Washington.

S/ *Arthur West*
ARTHUR WEST