

BEFORE THE ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU

KARLA HART,

Appellant,

v.

CITY AND BOROUGH OF JUNEAU
PLANNING COMMISSION,

Appellee,

HUNA TOTEM CORPORATION,
Intervenor Appellee.

Appeal Case No. APL2023-AA01

Appeal of:
PC Case No. USE2023 0003
Decision dated July 20, 2023

ORDER RE DISQUALIFICATION OF HEARING OFFICER

A prehearing conference was held on September 22, 2023. At the conference and via motion, Ms. Hart requested the Hearing Officer (Scott A. Brandt-Erichsen) voluntarily withdraw because the firm of Keene & Currall PPC has represented or is a registered agent for tourism industry clients. The Hearing Officer issued an order denying the request on September 25, 2023, explaining that Mr. Brandt-Erichsen and the firm of Keene & Currall do not represent any party to the case and has not represented the parties in other matters. Mr. Brandt-Erichsen also stated that he was fair and impartial to this matter. Ms. Hart then filed a motion with the Assembly to disqualify the Hearing Officer. CBJC 01.50.100(b).


On October 23, 2023, the Assembly considered this topic in open session after receiving Ms. Hart's motion, Huna Totem's response, and Ms. Hart's reply. The Assembly discussed what a registered agent is, *e.g.* A.S. 10.06.175, and discussed the perception of a potential conflict of interest even in the absence of an actual conflict of interest. Ultimately, the Assembly granted Ms. Hart's motion to disqualify.

The Municipal Attorney is ordered to appoint another Hearing Officer. Until another Hearing Officer is appointed, the Mayor will act as the Presiding Officer. All deadlines in the September 25, 2023, Prehearing Order are still in effect.

IT IS SO ORDERED.

DATED October 25, 2023.

ASSEMBLY OF THE CITY AND BOROUGH OF JUNEAU


By: Beth Weldon
Mayor