

ON APPEAL TO THE HOMER PLANNING COMMISSION

FRANK GRISWOLD,

Appellant,

v.

TRAVIS BROWN, SCOTT LOWRY,
AND STACY LOWRY,

Appellees.

_____/ Appeal of Zoning Permit 1020-782

**MOTION FOR APPOINTMENT OF LEGAL COUNSEL TO REPRESENT THE
PLANNING COMMISSION**

Appellant Frank Griswold hereby moves that the Planning Commission be represented by impartial, independent legal counsel for all future proceedings concerning this matter. During the January 27, 2021 appeal hearing, the Commission displayed widespread ignorance about applicable appeal procedures and at one point confused Board of Adjustment appeal procedures with Commission appeal procedures. The Commission allowed the attorney representing the Planning Department/Administration, Max Holmquist, to give the Commission legal advice as to whether Chair Smith and Commissioner Venuti should be disqualified from participation due to bias despite the fact that no provision of HCC 21.18.048 allows a party or his legal counsel to comment on or otherwise influence the Commission's determination as to whether a Commissioner's ability to make an



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w/ clerk 1-28-21
first filing misplaced

impartial decision is impaired. Couching legal advice with "I am not your attorney but ..." does not make it otherwise. Attorney Max Holmquist does not represent the Commission as a whole or its members individually and should not be dispensing partisan legal advice to the Commission. The lay Commission is repeatedly forced to seek and adopt legal advice proffered by Mr. Holmquist because the Commission has no attorney of its own. This is highly prejudicial to the Appellant and will continue to be so at the upcoming continued appeal hearing(s) unless independent, impartial, legal counsel is appointed to represent the floundering Commission, no disrespect intended. At some point the Commission will need to go into deliberations and then prepare findings of fact and issue a formal decision. It would be both helpful and prudent for the Commission to deliberate in consultation with an impartial attorney as allowed by HCC 21.93.300(e) and have the assistance of impartial legal counsel in the preparation of the ensuing decision and findings of fact as allowed by HCC 21.93.300(g).

DATED: January 28, 2021.

By: Frank Griswold
Frank Griswold