

No. _____

In The Supreme Court of Ridgeway

PALMER POLICE DEPARTMENT, PETITIONER

v.

BLOXWATCH_CD, ET AL.

*ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPERIOR COURT OF RIDGEWAY
FOR THE DISTRICT OF RIDGEWAY*

PETITION FOR WRIT OF CERTIORARI

STICKZA

Solicitor General

Counsel of Record

INSERTREALITY

Deputy Solicitor General

XIQAQ

NATRIX368

Attorneys

Department of Justice

Palmer, RW 33368

RidCtBriefs@rwdoj.org

QUESTION PRESENTED

The Administrative Procedure Act (APA), 2 R. Stat. § 3101 *et seq.*, governs a myriad of employment standards that run the gamut from hiring practices and discharges to employee rights and legal remedies. Since the APA's enactment in 2022, state agencies have time and time again deferred to its broad provisions regarding hiring practices. So too have municipal agencies. These provisions often leave the door open to allow agencies with subject-matter expertise to determine individualized department standards. The decision below, however, rejects individual agency interpretations, citing concern that they would “supersede” one another. The question presented is:

Whether multiple agencies that are entrusted with enforcing a single statute may adopt individually tailored interpretations of its silent provisions.

TABLE OF CONTENTS

	Page
Opinion below	1
Jurisdiction.....	1
Statement.....	1
Reasons for noting probable jurisdiction	2
A. The Lower Court Neither Settled Nor Discussed The Questions Presented In This Case.	Error!
Bookmark not defined.	
B. The Superior Court's Declaration of Fugitive Status Does Not Constitute Article III Injury. ...	Error!
Bookmark not defined.	
Conclusion	4

TABLE OF AUTHORITIES

Cases:

<i>Edward McClellan v. Carland</i> , 217 U.S. 268, 283 (1910)	5
<i>Gerstein v. Pugh</i> , 420 U.S. 103, 115 (1975)	4
<i>Massachusetts Bd. of Retirement v. Murgia</i> , 427 U.S. 307, 319 (1976)	6
<i>Republican Federal Campaign Committee v. Federal Election Commission</i> , 518 U.S. 604, 641 (1996)	6
<i>Steel Co. v. Citizens for Better Environment</i> , 523 U.S. 83, 101-102 (1998)	6
<i>United States v. Continental Oil</i> , 377 U.S. 161, 162 (1964)	5

Statutes:

1 R. Stat. § 4201	<i>passim</i>
1 R. Stat. § 4201(ii)	2
1 R. Stat. § 4204	2
1 R. Stat. § 4204(v)	5
1 R. Stat. § 4221	2
1 R. Stat. § 4222	2
1 R. Stat. § 4225	2
1 R. Stat. § 4226	2
1 R. Stat. § 4227	2

In The Supreme Court of Ridgeway

PALMER POLICE DEPARTMENT, PETITIONER

v.

BLOXWATCH_CD, ET AL

*ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPERIOR COURT OF RIDGEWAY
FOR THE DISTRICT OF RIDGEWAY*

PETITION FOR WRIT OF CERTIORARI

OPINION BELOW

The judgment of the superior court (Pet. App., *infra*, at 1a-3a) is reported at RSC-AD-2774. All transcripts and case information are also available.

JURISDICTION

The judgment of the administrative court was entered on May 28, 2024. This Court's jurisdiction is invoked under Rid. R. Sup. Ct. 12(1).

STATEMENT

A. Factual and Regulatory Background.

1. In 2022, the Ridgeway State Legislature enacted the APA as a way to define the inner branches of executive departments. In its simplest form, it provides processes for how departments govern themselves on a day-to-day basis. As relevant here, the APA provides several employment standards that agencies are expected to uphold, including “[b]ackground checks” that are conducted over an “objective criteria” that remains “static and non-subjective.” 2 R. Stat. § 3233. While the statute does not define objectivity, it does so intentionally; in fact, many of its provisions are unclear.

(1)

Under this same scheme, the APA charges agencies with the authority to “promulgate additional rules, policies, or procedures which would * * * [extend the law] to disallow employment in [the agency].” 2 R. Stat. § 3208.

Law enforcement agencies regularly rely on this interpretive authority to impose individualized department interpretations of vague or silent law. For instance, the Palmer Police Department (PPD) recently branched off of the “objective criteria” requirement when it interpreted a provision of the APA which vaguely requires “reasonableness” in denying an applicant on the basis that he is an alternate account. See PPD, *Palmer Police Department Final Rule*, Rule 53-2024. (Pub. May 2024) (*PPD Rule*). The PPD Rule is one of many official and unofficial interpretations of the APA’s hiring standards. At face value, such rules fall squarely within the meaning of “extending” the provisions of the APA—*i.e.*, interpreting the existing language to “extend” a new meaning—as grounds for denying employment. This grant of interpretive authority is no more available to PPD than it is to other agencies. And while multiple agencies may interpret the APA’s provisions differently, each rule is exclusive to the “agencies and departments” that interpret the law.

2. In March of 2023, PPD initiated a “non-competitive” hiring round. Under the APA, a hiring round is non-competitive when the employment vacancies are not limited to a set number of applicants. BloxWatch_CD and Varkrus, along with hundreds of other applicants, applied to PPD, seeking full-time employment. When evaluating a pool of candidates, the PPD considers many factors, some of which are required by the APA.¹ These factors are judged by an objective, fair criteria. One of the factors that departments are *required* to weigh is the “reasonableness” that an applicant is an alternate account. Under this “reasonable” scrutiny, an applicant can be denied

¹ The APA requires departments to consider, at a minimum, if a candidate is an alternate account, if they have their inventory open, their involvement in criminal organizations, if any at all, and criminal records, *inter alia*. See 2 R. Stat. §§ 3235(i)(ii)(iii)(iv)(v).

employment if the possibility that he is an alternate account is “reasonable.” Nine times out of ten, departments rely on this authority to deny employment because alternate accounts are all too common.

a. Hundreds of potential candidates were reviewed under this standard. So were the petitioners. Even so, they were denied on the “reasonableness” that they were alternate accounts. As a general matter, the petitioners are seemingly ideal candidates. BloxWatch_CD is employed by the Ridgeway Parks Service; Varkrus is a former police officer who is now also employed by the Ridgeway Parks Service. While the petitioners’ resumes are acceptable on their face, the PPD considers a variety of other factors—including inventory, badges, and watchlist status—under “reasonableness” to determine the likelihood of an applicant being an alternative account. In consideration of these factors—and upon close review of them—the PPD concluded that the petitioners lacked badges, clothes, and other inventory accessories.² In addition, the PPD also considered a Sherriff’s Office watchlist which flagged Varkrus for dealing government-issued items. Consequently, the PPD denied the petitioners’ applications out of the reasonable likelihood that they were alternate accounts, citing the APA as its primary source of authority. Petitioners disagreed and appealed the denial of their applications to the PPD.

3. (Talk current hiring standards; explain how they evaluate; explain when they evaluated petitioners applications; explain why they then created the rule to expand on its current standards; and elaborate on its rationale)

² Despite previous at-will discharges on the record of BloxWatch_CD’s universal employment record, the PPD considered only the materially objective factors provided under the APA.

REASONS FOR GRANTING THE PETITION

(Do arguments first; list summary here).

CONCLUSION

For the foregoing reasons, this Court should note probable jurisdiction.

Respectfully submitted.

STICKZA

Solicitor General

Counsel of Record

INSERTREALITY

Deputy Solicitor General

XIQAQ

NATRIX368

Attorneys