IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON

DIVISION II

DEA/TAHOMA NARCOTICS ENFORCEMENT TEAM, Respondent, v. ONE (1) 2001 BMW X5 VIN WBAFA53551lm75717, Appellant/Defendant in Rem, ANGELA FINLEY, Appellant/Claimant.	No. 40514-8-II UNPUBLISHED OPINION

Van Deren, J. — Angela Finley appeals (1) the administrative ruling that the Drug Enforcement Agency (DEA) and the Tahoma Narcotics Enforcement Team (TNET) lawfully seized her vehicle under RCW 69.50.505 and (2) the superior court's affirmation of the hearing examiner's determination. Among other challenges, Finley argues that the waiver of hearing and consent to forfeiture form that she signed violated due process and is unenforceable because she did not sign it knowingly, intelligently, and voluntarily.

Because the original hearing examiner's findings of fact and conclusions of law were insufficient for us to review Finley's challenge to the signed waiver and consent's execution, we

stayed this case and remanded it to a hearing examiner for entry of adequate findings and conclusions concerning Finley's execution of the waiver and consent form. After reviewing a second hearing examiner's findings and conclusions following a new hearing, we affirm the forfeiture based on Finley's waiver and consent.

FACTS

In the fall of 2006, the DEA and TNET (DEA/TNET) team was investigating narcotics trafficking by Kenneth Cage. Cage lived with his girl friend, Angela Finley. During the investigation, certain items of property—including a 2001 BMW in Finley's possession—were seized by local DEA agents. On November 8, 2006, Angela Finley signed a waiver of hearing and consent to forfeiture form, indicating her consent to the DEA/TNET's seizure of the 2001 BMW. The signed waiver and consent form stated:

> CONSENT TO FORFEITURE:
> I, Angela Finley have been advised that law enforcement/police authorities have seized personal property belonging to me, or under my control, under the drug laws of the State of Washington, RCW 69.50.505. The following property has been seized:
> Property: 2001 BMW XS — WBAFA53551LM75717
> WA License: WA 774-TTG
> RIGHTS UNDER STATE LAW:
> I am aware that I have the right to have the law enforcement/police agency formally file a forfeiture notice and proceed to hearing. I have the right to be provided notice of the action. I have the right to file a claim and contest the taking of this property. I have the right to have a hearing before the chief law enforcement officer or their designee. I understand that the law enforcement/police official would have to prove that the property which was seized was either used to facilitate a drug transaction, was equipment used to assist drug distribution or manufacture[,] or was the proceeds of a drug transaction.
> WAIVER OF RIGHTS:
> Being fully advised of my rights and fully understanding [all of] the rights in the paragraph above, I make no claim to the property listed above. I admit that the property was properly seized. I WAIVE all my rights to any further notice. I WAIVE rights to any further hearing. No threats, promises or other inducements other than as set forth herein have been made to me as part of executing this

consent.

> CONSENT TO IMMEDIATE FORFEITURE:
> I have been fully advised of all my rights. I hereby consent to immediate forfeiture of all the property listed above to TNET[ ]. I waive all rights that I may have under RCW 69.50.505.

Suppl. Administrative Record (AR) Findings of Fact and Conclusions of Law (Aug. 31, 2011) (FF/CL), attach. at 6 (Exhibit A) (boldface and underline omitted). But after signing the waiver, Finley requested a hearing to contest the vehicle's seizure and forfeiture. A hearing examiner conducted the forfeiture hearing on May 12, 2009.

At the first hearing, held at Finley's request, DEA Special Agent Stephen Ver Dow testified[1] that he and DEA Special Agent Steve Taibi[2] interviewed Finley on November 8, 2006. According to Ver Dow, he presented Finley with the waiver form, Finley read it, and he asked her whether she had any questions. Taibi testified that Finley asked no questions and verified Ver Dow's testimony.

Finley's testimony was somewhat different. She testified that she was outside her mother's home when two vehicles "swooped in." AR at 410153. Ver Dow and Taibi contacted her, Finley told them that "she knew why they were there," and that Taibi "wanted to arrest her

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[1] Although the forfeiture hearing was not recorded, the hearing examiner's notes of the witnesses' testimony are part of the record before us. This portion of the facts is based on those notes. Although Finley objected below to the hearing not being recorded, she does not raise that issue on appeal.

[2] The original hearing examiner's notes state that Ver Dow and "Pavey" conducted the interview with Finley, but the original findings of fact and conclusions of law state that the two DEA witnesses were Ver Dow and "Taibi." AR at 410150, 410146. At the subsequent fact-finding hearing we ordered, the transcript of Ver Dow's testimony identifies the other interviewer as Special Agent "Steve Taiby." Suppl. AR FF/CL, attach. at 7 (RP at 15). But the second hearing examiner's findings of fact identified the agent as "Taibi." Suppl. AR FF/CL at 2. Thus, we defer to the second hearing examiner's identification of "Taibi," conclude that "Taibi" is the "Pavey" referred to in the original hearing examiner's notes, and treat the references to "Pavey" and "Taiby" as scrivener's errors.

on the spot." AR at 410153. After she allowed the two agents inside the house, she called her mother, Kathleen Schwartz. When Finley asked the agents whether she needed an attorney, one agent told her that he "could not say yes or no" but, if she did consult an attorney, he "would need to arrest her." AR at 410154. An agent further advised her that if she would not answer questions, she could not be interviewed and she would be arrested.

Finley stated that, at the agents' request, she drove to the DEA office. While she was there, one of the agents threatened her by telling her that another individual had been previously arrested in her car and, because she was driving the same car, she might also be arrested. When the agents finished questioning Finley, one of the agents told her that she was "not leaving with the veh[icle]." AR at 410155.

With regard to her signing the waiver and consent form, Finley testified that, after escorting her outside and allowing her to remove her personal items from the vehicle, an agent told her that DEA was seizing the vehicle, that the vehicle was forfeited and would be sold at an auction, and he handed her a clipboard with a "receipt" that she needed to sign. AR at 410155. There were two pages attached to the clipboard; the top page "looked like a receipt" to Finley—which she signed—and then the agent "flipped" the clipboard and she signed again on the second page. AR at 410155-156.

Kathleen Schwartz testified that Finley called her and asked her to come home because "DEA" was there. AR at 410152. When Schwartz arrived, "officers were there." AR at 410152. Schwartz spoke with an unidentified agent, who said that the DEA wanted Finley to come in for an interview but that she was not being taken to jail and that they had "no interest" in her. AR at 410153.

Based on the above testimony, the original hearing examiner found:

> The DEA/TNET conducted a large scale investigation into narcotics trafficking by Kenneth Cage. . . . Cage lived with [his girlfriend], Angela Finley. During the course of the investigation certain items of property [including] the 2001 BMW were seized pursuant to RCW 69.50.505. . . . Finley was found to have executed a document entitled "Waiver of Hearing and Consent to Forfeiture" that was signed and dated on November 8, 2006.

Clerk's Papers (CP) at 5. The hearing examiner concluded:

> 1.) The Hearing[ ] Examiner has jurisdiction over the proceedings as set forth in [RCW] 69.50.505.
> 2.) There is probable cause to believe that this property was seized and is subject to forfeiture in accordance with [RCW] 69.50.505.
> 3.) [Finley] executed a signed waiver of hearing and consent to forfeiture.

CP at 5. The superior court affirmed the hearing examiner's decision.

After hearing oral argument and finding the record insufficient to review Finley's execution of the waiver and consent form, we stayed the case and remanded the matter for entry of adequate findings and conclusions regarding Finley's execution of the waiver and consent form. On remand, a different hearing officer presided, who took additional testimony on August 16, 2011. Finley did not appear and her attorney appeared telephonically.

The testimony adduced at the second hearing included testimony from a Department of Corrections supervisor and DEA Task Force Officer Michael Poston, as well as Ver Dow. Poston stated that, at Ver Dow's request, he contacted Finley in person at her mother's home on November 8, 2006, and told her that Ver Dow wanted to interview her concerning a criminal investigation. DEA regulations did not permit Poston to escort Finley in his car, so she followed him to the DEA office in her own car.

Ver Dow testified that he and Taibi introduced themselves to Finley when she arrived at

DEA's office. They interviewed her in the "regular interview room," which was "right off the front entrance" to the office. Suppl. AR FF/CL, attach. at 7 (Report of Proceedings Aug. 16, 2011 (RP)) at 15. They had no probable cause to arrest Finley, had no intent to arrest her, and only wanted to speak with her.

Before beginning the interview, Ver Dow read Finley her *Miranda*[3] rights in English, but advised her that she was not under arrest. Finley acknowledged her rights and stated that she was willing to speak with Ver Dow and Taibi. Her proficiency in speaking, listening, and conversing during the interview was "perfectly fine"; her answers were "fairly clear and concise"; and she displayed no indication of medical, drug, alcohol, or mental health issues. Suppl. AR FF/CL, attach. at 7 (RP at 16-17).

During the interview, Finley indicated that Cage had purchased the car she was driving with cash. Ver Dow presented the waiver and consent form to Finley in the interview room. He explained to her that DEA was going to seize the car because it had determined during its investigation of Cage that he had purchased the car with drug sale proceeds. Ver Dow made no promises, threats, or inducements to have Finley sign the waiver and consent form. He stated that she "seemed kind of indifferent" to the forfeiture and did not verbally contest it before signing the form. Suppl. AR FF/CL, attach. at 7 (RP at 21). After Finley signed the form, Ver Dow allowed her to go outside and gather her belongings from the car and presented her with a receipt, which she signed. Finley did not ask any questions or "indicate any concerns, confusion, [or] anything of [that] sort" while signing the waiver and consent form or the receipt. Suppl. AR FF/CL, attach. at 7 (RP at 21).

[3] *Miranda v. Arizona*, 384 U.S. 436, 86 S. Ct. 1602, 16 L. Ed. 2d 694 (1966).

At Finley's counsel's request, the second hearing examiner reviewed the entire record, including the previous hearing examiner's notes of Finley's testimony at the first hearing, before entering written findings and conclusions.

On remand, the hearing examiner found: (1) On November 8, 2006, Poston went alone to Schwartz's residence and asked Finley to come to the Tacoma DEA office to speak with Ver Dow about the criminal investigation of Cage (finding of fact 1); (2) Finley, who was not in custody, agreed and, without instruction from Poston, followed him to the DEA office in her own car (finding of fact 2); (3) after arriving at the destination, Poston left and did not participate in the interview (finding of fact 3); (4) Ver Dow and Taibi met with Finley in an interview room near the office's front entrance (finding of fact 4); (5) the agents did not have probable cause to arrest Finley, had no intent to arrest her, never told her that she was in custody or under arrest, did not handcuff or physically restrain her, and wanted to speak with her only about Cage's activities (finding of fact 5); (6) before beginning the interview, the agents introduced themselves to Finley, advised her that she was not under arrest, explained that they wanted to speak with her about Cage, advised her of her *Miranda* rights in English, and Finley acknowledged her rights and said she was willing to speak with the agents (finding of fact 6); (7) Finley was proficient in the English language, had no problem with verbal and written communication in English, and had no difficulty understanding the agents (finding of fact 7); (8) Finley had no medical issues, was not under the influence of alcohol or drugs, and expressed no confusion during the interview (finding of fact 8); (9) Finley stated that Cage had purchased the car with cash (finding of fact 9); (10) while in the interview room, Ver Dow presented Finley with the standard waiver and consent form (Exhibit A) (finding of fact 10); (11) Finley admitted that Cage purchased the car with cash

and that she did not contribute toward its purchase, and Ver Dow explained to Finley that DEA/TNET intended to seize the car because its investigation had determined that Cage had purchased the car with drug sale proceeds (finding of fact 11); (12) Finley did not dispute this characterization of the car's purchase and appeared indifferent to its seizure (finding of fact 12); (13) Ver Dow and Taibi signed the form as witnesses (finding of fact 13); (14) without expressing any questions or confusion, Finley signed the form (finding of fact 14); (15) Finley did not exercise her right to remain silent or to speak with an attorney (finding of fact 15); (16) no one made threats or promises to induce Finley to sign the form (finding of fact 16); (17) Finley signed the form inside the office (finding of fact 17); (18) if claimants refuse to sign a waiver and consent form, law enforcement seizes the property and follows the statutory forfeiture process (finding of fact 18); (19) the agents gave Finley an opportunity to retrieve her personal belongings from the car, and Ver Dow had her sign a receipt for the car (finding of fact 19); (20) Finley did not exhibit any concern or confusion of any sort while signing the waiver and consent form or the receipt (finding of fact 20); (21) Finley signed the form and her decision to sign was voluntary (finding of fact 21); (22) Poston's testimony was credible (finding of fact 22); (23) Ver Dow's testimony was credible (finding of fact 23); (24) at defense counsel's request, because Finley did not appear at the hearing and could not be reached, the hearing examiner reviewed all of the previous hearing examiner's notes, including those of Finley's testimony (finding of fact 24); (25) Ver Dow did not misrepresent to Finley the waiver and consent form or receipt (finding of fact 25); (26) Finley's assertion that she signed the documents without reading them was not credible (finding of fact 26); (27) it was not credible that Finley was unable to read the forfeiture text near the signature line of the waiver and consent form (finding of fact 27); and (28) it was not credible that Finley

signed the form and receipt without knowing and understanding both documents' meaning (finding of fact 28).

The hearing examiner concluded: (1) Finley knowingly, intelligently, and voluntarily signed the waiver and consent form and thereby waived her rights to contest the car's forfeiture (conclusion of law 1); (2) the agents did not "factually or legally" mislead Finley as to the nature of the form or coerce or induce her to sign it (conclusion of law 2), Supp. AR FF/CL at 4; (3) Finley was not in custody at any point and did not invoke her right to remain silent or her right to counsel (conclusion of law 3); (4) the form adequately advised Finley of her right to contest the car's forfeiture and that she was waiving her right to do so (conclusion of law 4); and (5) although the hearing examiner reviewed the entire record, it would reach the same conclusions with or without consideration of the prior hearing's notes (conclusion of law 5). Finley now appeals the second hearing examiner's conclusion that she knowingly, intelligently, and voluntarily signed a waiver and consent to the vehicle's forfeiture.

ANALYSIS

I. Review under the Administrative Procedure Act

RCW 69.50.505(5) provides that a party claiming an interest in property seized by law enforcement has a right to a hearing before the seizing agency or the party may remove the matter to a court of competent jurisdiction, here, the superior court. *See* RCW 2.08.010 (stating that superior courts have jurisdiction in all cases in which "the value of the property in controversy amounts to three hundred dollars"). Where the hearing is held before the seizing agency instead of the superior court, the 1988 Administrative Procedure Act (APA), chapter 34.05 RCW, governs our review. RCW 69.50.505(5) (hearing before the seizing agency and any appeal

therefrom shall be under Title 34 RCW).

Generally, appellate courts exercising review under chapter 34.05 RCW sit in the same position as the superior court and, thus, we apply the standards of review in RCW 34.05.570(3) directly to the agency record. *See Postema v. Pollution Control Hearings Bd.*, 142 Wn.2d 68, 76-77, 11 P.3d 726 (2000); *Hardee v. Dep't of Soc. & Health Serv.*, 152 Wn. App. 48, 54, 215 P.3d 214 (2009), *aff'd*, 172 Wn.2d 1, 235 P.3d 339 (2011). We may grant relief when an agency erroneously interprets or misapplies law, substantial evidence does not support the agency's order, or the agency order is arbitrary or capricious. RCW 34.05.570(3)(d), (e), (i); *Postema*, 142 Wn.2d at 77. The party asserting invalidity of agency action bears the burden of establishing such invalidity. RCW 34.05.570(1)(a); *Postema*, 142 Wn.2d at 77.

II. Findings Supported by Substantial Evidence

In addressing Finley's challenges to the findings and conclusions in this matter, we keep in mind that "[e]ven a due process right may be waived." *Brauhn v. Brauhn*, 10 Wn. App. 592, 597, 518 P.2d 1089 (1974). We are also mindful that "[d]ue process rights to notice and hearing prior to civil adjudication may be waived if the waiver is clear and unequivocal." *Nat'l Steel & Shipbuilding Co. v. Director, Office of Workers' Comp. Programs*, 616 F.2d 420, 422 (9th Cir. 1980).

Finley assigns error to the second hearing examiner's findings of fact 9, 11, 24, 25, 26, and 28 but fails to support her challenges to findings 9, 11, and 24 with argument. RAP 10.3 requires an appellant to present argument to the reviewing court as to why specific findings of fact are in error and to support those arguments with citation to relevant portions of the record. *See In re Disciplinary Proceeding Against Whitney*, 155 Wn.2d 451, 466, 120 P.3d 550 (2005). When

challenges to findings of fact are insufficiently briefed, we decline to address those challenges and consider the findings verities on appeal. *Whitney*, 155 Wn.2d at 466-67. Thus, we treat findings 9, 11, and 24 as verities on appeal.

We review the remaining challenged agency findings of fact for substantial evidence in light of the whole record. RCW 34.05.570(3)(e). Substantial evidence is evidence that is sufficient to persuade a fair-minded person of the truth or correctness of the matter. *King County v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 142 Wn.2d 543, 553, 14 P.3d 133 (2000). We overturn an agency's factual findings only if they are clearly erroneous and we are "'definitely and firmly convinced that a mistake has been made.'" *Port of Seattle v. Pollution Control Hearings Bd.*, 151 Wn.2d 568, 588, 90 P.3d 659 (2004) (quoting *Buechel v. Dep't of Ecology*, 125 Wn.2d 196, 202, 884 P.2d 910 (1994)). "[W]e do not overturn an agency decision even where the opposing party reasonably disputes the evidence with evidence of 'equal dignity.'" *Ferry County v. Concerned Friends of Ferry County*, 121 Wn. App. 850, 856, 90 P.3d 698 (2004) (quoting *Honesty in Envtl. Analysis & Legislation v. Cent. Puget Sound Growth Mgmt. Hearings Bd.*, 96 Wn. App. 522, 530-31, 979 P.2d 864 (1999)), *aff'd*, 155 Wn.2d 824, 123 P.3d 102 (2005). And we do not weigh the credibility of witnesses or substitute our judgment for the agency's judgment regarding findings of fact. *Port of Seattle*, 151 Wn.2d at 588. Unchallenged factual findings are verities on appeal. *Tapper v. Emp't Sec. Dep't*, 122 Wn.2d 397, 407, 858 P.2d 494 (1993).

Here, Finley contests only 3 of the second hearing examiner's 28 findings of fact. The remaining 25 findings we consider verities. The challenged findings establish that Ver Dow did not misrepresent the waiver and consent form or receipt to Finley (finding of fact 25); Finley did

not sign the documents without reading them (finding of fact 26); and Finley did not sign the form and receipt without knowing and understanding the documents' meaning (finding of fact 28).

At the first hearing, Ver Dow and Taibi testified that Finley read the waiver and consent form, Ver Dow asked her if she had any questions, and she asked no questions. At the second hearing, Ver Dow testified that he explained to Finley why he was going to seize the car and made no promises, threats, or other inducements to have her sign the waiver and consent form and that she indicated that she had no questions or concerns about signing the receipt. He also testified that Finley had no difficulty understanding or conversing in English, the documents' language. Accordingly, the evidence shows that, contrary to misrepresenting the documents, Ver Dow explained the seizure and forfeiture process to Finley. Further, contrary to showing signs of not understanding the documents, the second hearing examiner's unchallenged finding of fact 8 demonstrates that Finley did not have any medical issues, was not under the influence of alcohol or drugs, and expressed no confusion during the interview. Additionally, unchallenged finding of fact 20 demonstrates that Finley did not exhibit any concern or confusion of any sort while signing the waiver and consent form or the receipt and unchallenged finding of fact 27 that it was not credible that Finley was unable to read the forfeiture text near the signature line of the waiver and consent form further supports the challenged findings.

Thus, despite Finley's contrary testimony in the first hearing, we hold that substantial evidence supports the second hearing examiner's findings of fact 25, 26, and 28.

III. Conclusions of Law Supported by Findings

Finley also challenges the second hearing examiner's conclusions of law 1, 2, and 4 concluding that (1) Finley knowingly, intelligently, and voluntarily signed the waiver and consent

form and thereby knowingly, intelligently, and voluntarily waived her rights to contest the car's seizure and forfeiture (conclusion of law 1); (2) the agents did not "factually or legally" mislead Finley as to the form's nature or coerce or induce her to sign a waiver of her rights to contest the forfeiture (conclusion of law 2), Supp. AR FF/CL at 4; and (3) the form adequately advised Finley of her right to contest the car's seizure and forfeiture and that by signing it she was waiving her right to do so (conclusion of law 4).

We review legal conclusions de novo to determine whether the factual findings support the legal conclusions and whether the hearing examiner correctly applied the law. *Hardee*, 152 Wn. App. at 55. Waiver of a constitutional right, such as due process, is a question of law that we also review de novo. *State v. Robinson*, 171 Wn.2d 292, 301, 253 P.3d 84 (2011). A waiver is an intentional relinquishment or abandonment of a known right or privilege and must be knowing, intelligent, and voluntary. *State v. Sweet*, 90 Wn.2d 282, 286, 581 P.2d 579 (1978).

The State generally carries the burden of showing waiver of a constitutional right. *See State v. Campos-Cerna*, 154 Wn. App. 702, 709, 226 P.3d 185 (waiver of *Miranda* rights), *review denied*, 169 Wn.2d 1021 (2010); *State v. Hos*, 154 Wn. App. 238, 249-50, 225 P.3d 389 (waiver of right to jury trial), *review denied*, 169 Wn.2d 1008 (2010). A signed waiver of a constitutional right is "'usually strong proof'" of the waiver's validity. *State v. Woods*, 34 Wn. App. 750, 759, 665 P.2d 895 (1983) (*Miranda* rights) (quoting *N. Carolina v. Butler*, 441 U.S. 369, 373, 99 S. Ct. 1755, 60 L. Ed. 2d 286 (1979)).

The form waiver and consent to forfeiture that Finley signed was a clear and unequivocal statement that (1) she had the right to formal notice and a forfeiture hearing and (2) the State was required to prove that the car was "used to assist drug distribution or manufacture or was the

proceeds of a drug transaction" if she contested the forfeiture and a hearing was held. Supp. AR FF/CL, attach. at 6 (Exhibit A). The form also asked her to acknowledge that she was fully advised of those rights, fully understood them, waived them as well as "all rights" she had under RCW 69.50.505, and consented to the car's forfeiture. Supp. AR FF/CL, attach. at 6 (Exhibit A).

The second hearing examiner's unchallenged findings as well as the findings we hold were supported by substantial evidence show that Ver Dow told Finley she was not under arrest (finding of fact 6); that Ver Dow explained why law enforcement was going to seize the car (finding of fact 11); that Ver Dow did not misrepresent the form to Finley (finding of fact 25); and that Ver Dow and Taibi did not make any threats, promises, or other inducements to have her sign it (finding of fact 16) support its conclusions of law 1, 2, and 4. Its unchallenged findings that Finley was not in custody (finding of fact 2), that she had no difficulty in speaking or conversing in English (finding of fact 7), that she showed no indication of being under the influence of drugs or alcohol or suffering from mental health issues (finding of fact 8), and that she signed the form without expressing any questions or confusion (finding of fact 20) also support its conclusions of law 1 and 4. Thus, the hearing examiner's findings of fact support its conclusions of law.

Finley nonetheless argues that she could not have knowingly waived her rights because the waiver and consent form did not specifically state that she had 45 days under RCW 69.50.505(4) to contest the car's seizure and forfeiture. But she provides no citation to authority stating that such specificity is required. Furthermore, Finley contested the forfeiture and had a hearing.

Finley also argues that, because RCW 69.50.505(2) required an arrest warrant before law enforcement seized the car, she could not have knowingly waived her rights and that the seizure

and forfeiture were procedurally invalid. But she misapprehends the statute.

The forfeiture statute authorizes law enforcement in several circumstances to seize property "without process" issued by a superior court, including when a "law enforcement officer has probable cause to believe that the property was used . . . in violation of this chapter." RCW 69.50.505(2)(d). RCW 69.50.505(1)(d) and (g) provide that "[a]ll conveyances . . . which are used, or intended for use, in any manner to facilitate the sale, delivery, or receipt of [controlled substances or associated raw materials, products, or equipment]" and "tangible . . . personal property . . . acquired in whole or in part with proceeds traceable to an exchange or series of exchanges in violation of this chapter" are subject to seizure and forfeiture.

The waiver and consent form specifically notified Finley that law enforcement would have to prove at a hearing that "the property which was seized was either used to facilitate a drug transaction, was equipment used to assist drug distribution or manufacture[,] or was the proceeds of a drug transaction." Supp. AR FF/CL, attach. at 6 (Exhibit A). Further, Ver Dow told Finley that law enforcement intended to seize the car because Cage bought it with drug money. Thus notified, she knowingly waived her right to contest the seizure and forfeiture. Accordingly, Finley fails to meet her burden under the APA to demonstrate the invalidity of the agency's action. Her claims fail.

A majority of the panel having determined that this opinion will not be printed in the Washington Appellate Reports, but will be filed for public record in accordance with RCW 2.06.040, it is so ordered.

Van Deren, J.

We concur:

Armstrong, J.

Johanson, J.