

December 26, 2018

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
hearingexaminer@kingcounty.gov
www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V18008746 and V18008758**

GABRIEL WALLACE

Animal Services Enforcement Appeal

Activity no.: A18005227

Appellant: **Gabriel Conor Wallace**
14525 6th Avenue NE
Shoreline, WA 98155
Telephone: (206) 877-3441

King County: Regional Animal Services of King County
represented by **Chelsea Eykel**
21615 64th Avenue S
Kent, WA 98032
Telephone: (206) 263-5968
Email: raskcappeals@kingcounty.gov

SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

EXAMINER PROCEEDINGS:

Hearing Opened:	December 12, 2018
Hearing Closed:	December 12, 2018

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

FINDINGS AND CONCLUSIONS:


1. Gabrielle Wallace was issued a Notice of Violation and Order to Comply for three counts of running at large 2nd offense violation on October 15, 2018, which is defined as being off the premises of the owner and not under the control of the owner, or a competent person authorized by the owner, either by leash, verbal voice or signal control and under control itself including the need to be restrained from approaching any bystander or other animal when off the premises of the owner. KCC11.04.020 W& AA.
2. Mr. Wallace was also issued a notice of violation for three counts Animal Trespassing, which is defined as a "domesticated animal that enters upon a person's property without permission of that person." KCC 11.04.230.B &K. He was then issued a second notice of violation on October 16, 2018. Mr. Wallace appealed those violations.
3. On October 15, 2018, at approximately 10:13 p.m. Regional Animal Services of King County (RASKC) received a call from the King County Sheriff Dispatch reporting three goats walking down the right of way near I-5 at the 14500 block of 5th Avenue NE, Shoreline.
4. Officer Anderson recognized the goats as belonging to Gabrielle Wallace, who resides at 14525 6th Avenue NE, Shoreline, from previous incidents.
5. Mr. Wallace arrived on the scene and the goats returned to his residence on their own.
6. On October 16, 2018, Mr. Wallace's goats were running at large at the intersection of 145th and 5th Avenue near I-5 in Shoreline. Officer Anderson was dispatched again. The goats had left the area once he arrived, however, witness Eric Hinze described the goats and later identified them at Mr. Wallace's home.
7. Mr. Wallace received two prior warnings from Officer Anderson on June 2, 2018, and June 4, 2018 for goats running at large.
8. Mr. Wallace attended the hearing and stated that the goats belonged to him and his roommate.
9. Pursuant to King County Code (KCC) 20.22.040(M), the Hearing Examiner has jurisdiction to hear and decide this appeal.
10. RASKC bears the burden of showing, by a preponderance of the evidence that the incidents occurred.

11. KCC 11.04.180 provides that "all violations of this chapter...are public nuisances."
12. Mr. Wallace argues that Officer Anderson falsified his report(s); however, he offered no evidence at the hearing to support such a finding.
13. Mr. Wallace argued that one of the goats belongs to his roommate and he should not be responsible for its escape. However, as found above, running at large does not apply only to the owner of the animal; violations also apply to "competent persons authorized by the owner."
14. RASKC was able to prove by a preponderance of the evidence that Mr. Wallace's goats were running at large and trespassing on two separate occasions on October 15 and 16, 2018.

DECISION:

Mr. Wallace's appeals are denied and he must pay all fines associated with his goats running at large and trespassing on private property.

ORDERED December 26, 2018.



Michael McCarthy
Hearing Examiner pro tem

NOTICE OF RIGHT TO APPEAL

King County Code 20.22.040 directs the Examiner to make the County's final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *January 25, 2019*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

**MINUTES OF THE DECEMBER 12, 2018, HEARING IN THE APPEAL OF
GABRIEL WALLACE, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NO. V18008746**

Michael McCarthy was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Gabriel Wallace, and Eric Hinze.

The following exhibits were offered and entered into the record:

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|---------------|--|
| Exhibit no. 1 | Regional Animal Services of King County staff report to the Hearing Examiner |
| Exhibit no. 2 | RASKC investigation report no. A18-005227-01 |

Exhibit no. 3 Notice of violation no. V18008746, issued October 15, 2018
Exhibit no. 4 Map of subject area
Exhibit no. 5 RASKC investigation report no. A18-002490-01
Exhibit no. 6 RASKC investigation report no. A18-002513-01
Exhibit no. 7 Appeal, received November 5, 2018

**MINUTES OF THE DECEMBER 12, 2018, HEARING IN THE APPEAL OF
GABRIEL WALLACE, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NO. V18008758**

Michael McCarthy was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Gabriel Wallace, and Eric Hinze.

The following exhibits were offered and entered into the record:

Exhibit no. 8 Regional Animal Services of King County staff report to the Hearing Examiner
Exhibit no. 9 RASKC investigation report no. A18-05227-01
Exhibit no. 10 Notice of violation no. V18008758, issued October 19, 2018
Exhibit no. 11 Map of subject area
Exhibit no. 12 RASKC investigation report no. A18-002490-01
Exhibit no. 13 RASKC investigation report no. A18-002513-01
Exhibit no. 14 Appeal, received November 6, 2018

MM/vsm

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V18008746 and V18008758**

GABRIEL WALLACE
Animal Services Enforcement Appeal

I, Vonetta Mangaoang, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 26, 2018.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator