

July 8, 2019

**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

SUMMARY ORDER

SUBJECT: Regional Animal Services of King County file no. **V19009516**

LISA HARPSTER

Animal Services Enforcement Appeals

Activity no.: A19002647

Appellant: **Lisa Harpster**

Bellevue, WA 98004

Telephone: [REDACTED]

Email: [REDACTED]

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

FINDINGS AND CONCLUSIONS:

1. Animal Services asserts that on June 4 at approximately 5:10 pm, Lisa Harpster's dog, Diesel, was running at large, constituting a nuisance under KCC 11.04.230.B. Beaux Arts Village has generally adopted KCC chapter 11.04 as the controlling standard. BAVMC 6.05.030. So KCC 11.04.230.B does apply within the Village.

However, Ms. Harpster correctly points out that the Village has explicitly amended *when* running at large applies in the Village:

References in the King County animal control regulations to “running at large, nuisance hours” are amended to read as follows: “A dog running at large within the town between the hours of 10:00 p.m. and 6:00 a.m. of the following day.”

BAVMC 6.05.060. Thus, even if Diesel otherwise met the other criteria for “running at large,” he could not, as a matter of law, have been “running at large” at five in the afternoon.

DECISION:

1. We GRANT Ms. Harpster’s appeal.

ORDERED July 8, 2019.



David Spohr
Hearing Examiner

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 *August 7, 2019*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

DS/jo

July 8, 2019

**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

CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V19009516**

LISA HARPSTER

Animal Services Enforcement Appeals

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **SUMMARY ORDER** 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 July 8, 2019.



Jessica Oscoy
Legislative Secretary

Harpster, Lisa
Hardcopy

Mange, Keith
Hardcopy