

July 29, 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. **V19009601**

FRANCES KAUFMAN

Animal Services Enforcement Appeal

Activity no.: A19003765

Appellant: Frances Kaufman
represented by **Frances Kaufman**
737 Van de Vanter Avenue
Kent, WA 98030
Telephone: (206) 498-9677
Email: francesrenia@gmail.com

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

KCC 11.04.290.A.1 states that:

An animal, declared by the manager of the regional animal services section to be vicious, may be harbored, kept or maintained in King County only upon compliance with those requirements prescribed by the manager.

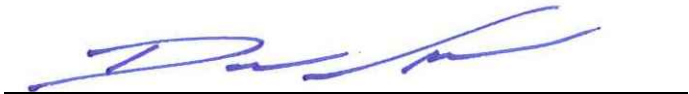
On July 15, Animal Services issued a Notice of Violation and Order to Comply (NVOC). The Violation portion of that document declared Ms. Kaufman’s dog vicious, based on a June 30 event. The Order part, however, contained no compliance terms.

We assume that was an oversight. Animal Services has discretion in determining *what* those requirements are, just as we have discretion in modifying Animal Services’ requirements where we uphold a viciousness designation. But we cannot ever recall seeing an NVOC which declared a dog vicious, yet did not contain *any* requirements for keeping the dog in King County.

We thus vacate Animal Services’ July 15 NVOC, mooting Ms. Kaufman’s appeal of that NVOC. Animal Services may reissue an NVOC related to the same June 30 incident, containing compliance terms. Ms. Kaufman may appeal any re-issued NVOC, again challenging the viciousness designation and challenging any terms of compliance.

If for some reason we have misunderstood the situation, by **August 28, 2019**, either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED July 29, 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 28, 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

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V19009601**

FRANCES KAUFMAN
Animal Services Enforcement Appeal

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 29, 2019.



Jessica Oscoy
Legislative Secretary

Easley, Tonya

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Kaufman, Frances

Hardcopy