

September 18, 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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V19009634**

MARGARET MEIKLE

Animal Services Enforcement Appeal

Activity no.: A19004374

Appellant: **Margaret Meikle**

[REDACTED]
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. Regional Animal Services of King County served a violation notice asserting that Margaret Meikle's dog, Georgie, was unlicensed, running at large, and vicious, and requiring compliance. Ms. Meikle paid the licensing fee and does not challenge the running at large violation. She does challenge the viciousness designation. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we uphold the viciousness designation, but modify the terms of compliance.

2. Neighbor Casey Cho described three different interactions with Georgie. The first two ended without any violence; sadly, the July 16, 2019, altercation did not.
3. On two occasions in the months leading up to July 16, Mr. Cho was walking his dog, Bella, on a leash, on the public right-of-way. Both times Georgie came charging out, trying to engage Bella and snapping at her. Mr. Cho picked up Bella, and Georgie's aggression went no further.
4. On July 16, as he approached the Meikle property, Georgie again ran at them in the street. Mr. Cho again picked up Bella, but this time Georgie circled behind Mr. Cho and bit his calf, breaking the skin in several places. Ex. 3. Mr. Cho got a tetanus shot.
5. "Vicious" is defined as "[h]aving performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation." BMC 8.04.060.BB (underscore added). And BMC 8.04.300.H declares as a nuisance, "Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises...."
6. Georgie's unprovoked bite was significant, in that it broke the skin in several places, but it was not severe. That would be a critical distinction if an agency were seeking a more serious "dangerous" dog designation. To qualify as "dangerous" (as opposed to "vicious"), a dog must inflict "severe" injury on a person, meaning breaking bones or delivering disfiguring lacerations requiring multiple sutures or cosmetic surgery. RCW 16.08.070(2)-(3). Those are not our facts here. However, as defined above, a *viciousness* designation does not require anything that traumatic.
7. Similarly, Ms. Meikle testified that Georgie is really sweet with her family and others. *See also* Ex. 9. There is some countervailing evidence in the record. *See* Ex. 7 at 006 (Ms. Meikle noting that Georgie had recently "grown oddly aggressive to strangers"). And of course, July 16 was the third aggressive encounter with Mr. Cho. But we do not doubt that Georgie is typically sweet and loving. That does not change the fact that Georgie meets the code's criteria for a viciousness designation. We sustain the designation.
8. While Georgie constitutes a danger (as Mr. Cho's bitten calf testifies to), Georgie's eight-pound size convinces us to modify Animal Services' compliance order. Electric fencing is far from foolproof—batteries can fail, collars may not quite be adjusted properly, or a particularly motivated dog can push through the pain and bust out. So typically an actual, padlocked fence is required to contain a vicious dog.
9. However, we view the scenario as somewhat gas and clutch: the more damage the animal has a history and capability of inflicting, the more airtight the containment must be going forward. For example, in the past we have required that certain animals be muzzled at all times when off their owner's property. Georgie is on the other end of the spectrum. That in no way downplays Mr. Cho's injury, but it was not the gruesome display we have seen in some other cases. In sum, if Ms. Meikle purchases and sets up a functioning electric

collar system for Georgie, and if at some point in the future that system fails once, the results of that one failure are unlikely to be catastrophic.

10. Thus, while Ms. Meikle will need to contain Georgie, we conclude that an electric collar system can be sufficient, given the particulars here. Animal Services opined that a wireless perimeter fence costs around \$300. We give Ms. Meikle the option of reducing up to \$325 of the otherwise applicable \$550 penalty by providing receipts to Animal Services showing what she has spent on a containment system for Georgie.

DECISION:

1. We DENY Ms. Meikle's appeal as to the viciousness designation.
2. We MODIFY Animal Services' July 23 , 2019, compliance order as follows (subsections B., C., and D. are substantively unchanged):
 - A. When Georgie is unattended and outside the home, secure Georgie, either in a traditionally-fenced area or via an electric containment system.
 - B. Restrain Georgie using a leash no more than eight feet long, with a collar or harness, when taking Georgie off your property. A competent and capable person must handle Georgie at all times when attended outside.
 - C. If not already completed, microchip Georgie and provide the microchip number to the King County Animal Licensing Office (206) 296–2712 by **November 7, 2019**.
 - D. Keep Georgie current on his rabies vaccination.
3. Ms. Meikle may REDUCE the applicable \$550 penalty by up to \$325 if she provides to Animal Services, by **November 7, 2019**, receipts showing what Ms. Meikle has expended on a containment system for Georgie.

ORDERED September 18, 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 *October 18, 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 SEPTEMBER 4, 2019, HEARING IN THE APPEAL OF
MARGARET MEIKLE, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NO. V19009634**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Casey Cho, Chelsea Eykel, and Margaret Meikle. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the record:

- | | |
|---------------|---|
| Exhibit no. 1 | Regional Animal Services of King County staff report to the Hearing Examiner |
| Exhibit no. 2 | Online Complaint form of July 16, 2019 incident by Casey Cho, dated July 21, 2019 |
| Exhibit no. 3 | Photographs of bite |
| Exhibit no. 4 | RASKC investigation report no. A19004374 |
| Exhibit no. 5 | Notice of violation no. V19009634, issued July 23, 2019 |
| Exhibit no. 6 | Quarantine Notice |
| Exhibit no. 7 | Appeal, received July 23, 2019 |
| Exhibit no. 8 | Map of subject area |
| Exhibit no. 9 | Letter, from Alex Allen, dated August 29, 2019 |

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V19009634**

MARGARET MEIKLE
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 September 18, 2019.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Cho, Casey
Hardcopy

Eykel, Chelsea
Regional Animal Services of King County

Meikle, Margaret
Hardcopy