

September 25, 2019

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

King County Courthouse  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V19009645**

**ANDRZEJ JAROSZ**

Animal Services Enforcement Appeal

Activity no.: A19004298

Appellant: **Andrzej Jarosz**

[REDACTED]  
Redmond, WA 98052

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County  
*represented by Shelby Russell*  
Regional Animal Services of King County  
21615 64th Avenue S  
Kent, WA 98032  
Telephone: (206) 296-3958  
Email: [raskcappeals@kingcounty.gov](mailto:raskcappeals@kingcounty.gov)

**FINDINGS AND CONCLUSIONS:**

1. Animal Services designated Andrzej Jarosz's dog, Ares, as vicious after Ares bit a neighbor. 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 sustain the viciousness designation, reduce the penalty, and offer some future-looking comments.

2. The facts here are not disputed. On July 10, Mr. Jarosz was taking Ares on a walk, on a leash, in their neighborhood. They approached Barry Printz's home, as Mr. Printz was out by the curb near his garbage cans. Ares seemed friendly to Mr. Printz, so Mr. Printz extended his hand. Ares unexpectedly bit Mr. Printz's left hand and then right forearm. Mr. Printz went to the ER and received five stitches on his forearm. Both his hand and his forearm had "drag marks" from Ares' teeth.
3. Mr. Jarosz's testimony was pretty similar. He did add that he pulled back on Ares' leash after Ares bit Mr. Printz (which could explain the drag marks). And Mr. Jarosz noted that he had been walking Ares for six years without any other incidents.
4. Animal Services asserts that Ares is "vicious," which KCC 11.04.020.BB defines as:

Having 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.

KCC 11.04.230.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."
5. There is no question that Ares meets the viciousness criteria. While Mr. Printz extending his hand might have startled Ares, that was nowhere near sufficient to qualify as legal provocation. Ares bit a person without provocation and constitutes a danger. We uphold viciousness violation.
6. Often, a Notice of Violation and Order to Comply (NVOC) declaring an animal vicious contains requirements for compliance. Where those terms are included in an NVOC, the vicious animal may only be kept in King County upon compliance with those terms. Here, however the July 25 NVOC noted that a future, similar incident could result in a future confinement order or, if serious enough a removal order. Ex. 5 at 001. The NVOC did not itself set any compliance requirements.
7. At hearing, Animal Services stated that Ares should only be walked by someone that can control him, from which we infer that Animal Services believes Mr. Jarosz is incapable of controlling Ares by himself. Mr. Jarosz wants to be able to continue walking Ares by himself. As an initial matter, as noted above, the NVOC contained no compliance requirements, so the issue is somewhat moot.
8. Moreover, while Mr. Jarosz's daughter noted that Mr. Jarosz suffered a 2015 stroke, and still has occasional difficulty speaking, mental confusion (including an unclear memory about exactly what happened on July 10), and limited physical availability, there is nothing about July 10 that definitively signifies that Mr. Jarosz is not capable of walking Ares in the future.
9. The fact that Mr. Jarosz did not immediately react to prevent entirely, or to more quickly end, the attack is no different from dozens of other cases where an owner with zero

physical or mental issues and a perfect recall of events basically testifies to some version of, “I was just shocked because I’d never seen [*dog’s name*] do anything like this. It just happened so fast that I froze. And after the attack ended, I was too stunned to say much or to provide the assistance I should have.”

10. Ours was not the scenario, where, for example, an owner was unable to keep in check a snarling, aggressive dog, straining on the leash, going after someone or some other animal. Mr. Printz noted that Ares was friendly in the moments leading up to the attack, so friendly that Mr. Printz offered him his hand. The bites described were split-second, not a sustained attack. Animal Services does not dispute that Ares had no previous incidents that could have given a responsible dog owner reason to steer Ares away from pedestrians. Mr. Jarosz was dutifully walking Ares on a leash, and the interaction with Mr. Printz occurred only after Mr. Printz initiated it.<sup>1</sup> We do not see how even a physically and mentally vigorous owner, with no prior warning that the dog was capable of something like this, would have prevented the attack.
11. Mr. Jarosz’s lack of clarity about exactly what happened on July 10 is a little concerning, but Mr. Printz described himself as also being a “tad fuzzy” on the specifics, given the shocking events. None of that is at all outside the norm of numerous vicious dog cases we have reviewed. That is not a stamp of approval for Mr. Jarosz; his daughters should work with him to prevent a repeat in the future—both so someone else does not have to go through what Mr. Printz went through, and also so that Ares does not do something that triggers further monetary penalties or Ares’ removal from the County. It is only to note that none of the evidence here is definitive that Mr. Jarosz is not competent to walk Ares by himself, on a leash, in the future, so long as he steers clear of pedestrians from here on out.

DECISION:

1. We DENY the appeal as to the viciousness determination.
2. We REDUCE the penalty from \$500 to \$200.
3. The NVOC contained no compliance terms to sustain, modify, or overturn.

ORDERED September 25, 2019.



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David Spohr  
Hearing Examiner

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<sup>1</sup> That is in no way to blame Mr. Printz. Being friendly to dogs is a virtue, not a vice. It is only to note that ours is not a scenario where the dog was charging at the victim, and the owner was unable or unwilling to stop it.

## 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 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 SEPTEMBER 11, 2019, HEARING IN THE APPEAL OF ANDRZEJ JAROSZ, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V19009645**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Andrezej Jarosz, Jan Pendzich (interpreter), Barry Printz, and Shelby Russell. 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 10, 2019 incident by Barry Printz, dated July 16, 2019 |
| Exhibit no. 3 | RASKC investigation report no. A19004298                                             |
| Exhibit no. 4 | Photographs of injuries seven days after the bites                                   |
| Exhibit no. 5 | Notice of violation no. V19009645, issued July 25, 2019                              |
| Exhibit no. 6 | NVOC mailing/tracking history                                                        |
| Exhibit no. 7 | Appeal, received August 5, 2019                                                      |
| Exhibit no. 8 | Map of subject area                                                                  |

DS/jo

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V19009645**

**ANDRZEJ JAROSZ**

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 25, 2019.

*Vonetta Mangaoang*

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Vonetta Mangaoang  
Senior Administrator

**Jarosz, Andrzej**

Hardcopy

**Jarosz, Sylwia**

**Printz, Barry**

Hardcopy

**Russell, Shelby**

Regional Animal Services of King County