

September 6, 2019

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860

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www.kingcounty.gov/independent/hearing-examiner

SUMMARY ORDER

SUBJECT: Regional Animal Services of King County file no. **V19009654**

MARK SPEIDEL

Animal Services Enforcement Appeal

Activity no.: A19004448

Appellant: **Mark Speidel**

██████████
Lake Forest Park, WA 98155

Telephone: ██████████

Email: ██████████

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

By email and regular mail, we set a prehearing conference for this morning. Appellant Mark Speidel phoned in, but Animal Services did not.

We confirmed at our truncated conference that Mr. Speidel seeks *not* to overturn the viciousness determination, but to retain the option to *later* (based on future facts such as training and rehabilitation and behavior from July 2019 onward) seek to lift the viciousness determination.

Appellants frequently argue that they have taken or will take steps that will ensure the behavior does not recur in the future, and so we should overturn a viciousness designation. We have always rejected that request. In that scenario the compliance steps are essentially voluntary, and

there is no consequence for future misbehavior equivalent to violating the requirements of a compliance order. The public is left without the protections a viciousness designation provides.

However, this is different. Mr. Speidel is agreeing to move forward with the viciousness designation in place. We explained at conference that if he fails to meet the terms of compliance contained in that July 27 order, removal of Hobbes from the County may follow. Mr. Speidel understands.¹ He seeks only the ability to revisit the viciousness designation in a few years. In the hundreds of (alleged) vicious animal cases we have reviewed, no one has ever made Mr. Speidel's specific request—keep the vicious designation, but allow the topic to be revisited later.

As a matter of judicial economy, that seems wise.

If we held a hearing in a few weeks, and then retained jurisdiction to revisit our decision, we might find ourselves holding a second hearing in a few years. Instead, by entering this summary order today, there is no need for parties to gear up for hearing now, and perhaps they never will. If in a few years Mr. Speidel believes that Hobbes no longer constitutes a danger, and if Animal Services deems that the designation should be listed, we will presumably hold a hearing. But that would be the first and only hearing. And in that future hearing we will have significantly more information than available now. The complainant would be free to weigh in at such a hearing not only about what happened on July 23, but on her later observations.

We thus dismiss Mr. Speidel's appeal *without* prejudice, and we retain jurisdiction. Exam. R. XVII.C. At any time after **August 12, 2021**,² Mr. Speidel may petition Animal Services to revisit Hobbes' viciousness designation. If he and Animal Services cannot come to a resolution at that point, Mr. Speidel may request that we were reopen this matter and revisit the designation.

If for some reason we have misunderstood the situation, by **October 7, 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.

Mr. Speidel shall pay the \$550 penalty to Animal Services by **November 6, 2019**.

DATED September 6, 2019.



David Spohr
Hearing Examiner

¹ Animal Services' notice mentioned that future acts might result in civil or criminal enforcement under the RCW's Dangerous Dog code. We wanted to ask Animal Services at conference where this language originated. The County does not use the default state system (with "potentially dangerous" and "dangerous" designations). Instead, the County system has a single "vicious" designation. Even if we employed the state system, Hobbes would have had to have killed the neighbor's domesticated animal to qualify as "dangerous." RCW 16.08.070(2)(b). The violation notice alleges only that Hobbes caused enough injury to require veterinary treatment, not that Hobbes actually killed the other animal. So Hobbes is not "dangerous."

² This date is 24 months after Mr. Speidel filed his statement seeking the right to revisit the situation in 24 months.

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 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

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V19009654**

MARK SPEIDEL

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 September 6, 2019.



Jessica Oscoy
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Speidel, Mark

Hardcopy

Westhoff, Natasha

Hardcopy