

November 1, 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 nos. **V19009689, V19009691 and V19009692**

BRIGITTA STONE

Animal Services Enforcement Appeals

Activity no.: A19004454

Appellant: **Brigitta Stone**

Maple Valley, WA 98038

Telephone: [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 served Brigitta Stone with three different notices listing dozens of individual violations. Ms. Stone appealed. 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 violations, and suspend most—but not all—of the penalties.


2. In August, Animal Services served three notices covering 47 violations involving multiple dogs terrorizing their neighbors. Exs. 10–12. Ms. Stone timely appealed later that month, but she did not challenge any of the approximately 47 violations Animal Services alleged, stating only that she was not the dogs’ owner. Ex. 14.
3. We explained in our September 20 hearing notice that because appeals are limited to matters or issues raised in the appeal statement and any amendments to that appeal statement, Ms. Stone might want to file an amended appeal statement challenging the *merits* of some or all of the violations or flushing out her six-line appeal. We noted that otherwise, our hearing would simply be limited to whether Ms. Stone was an “owner” and responsible for the violations
4. We also explained in that September 20 notice that “owner” is defined more broadly than, say, vehicle ownership, where there is one and only one owner. Instead, “owner” means “any person having an interest in or right of possession to an animal,” or “any person having control, custody or possession of any animal” or “by reason of the animal being seen residing consistently at a location, to an extent such that the person could be presumed to be the owner.” KCC 11.04.020.O.
5. Ms. Stone filed an amended appeal statement on September 25, but she did not address the critical component of her story, the one she wound up offering at hearing (discussed below). Had she divulged that crucial information earlier, we probably would not have needed a hearing at all.
6. In our October hearing, we clarified that, as the violations themselves had not been challenged, our focus was limited to proving that Ms. Stone qualified as an “owner.” Animal Services presented witnesses Aaron Wheatley, Lisa Smith, Todd Halfon, and Morgan Smith, to describe how they concluded the dogs came from Ms. Stone’s property.
7. We need not summarize their testimony here, because when Ms. Stone took the stand, she did not dispute that the dogs came from her home. Instead, she explained that the dogs belong to her brother, Logan Stone, who kept them at the house for a while. Ms. Stone fed and cared for Logan’s dogs while they resided there. Logan was irrational and let the dogs out a few times. Ms. Stone eventually needed to take out a protection order against Logan; Logan later went to jail for violating that order. After he got out of jail, Logan took his dogs away. The Stones’ father, Phillip, testified that he would not allow Logan back in the house because Logan destroys it, and that he would not allow Logan’s dogs back on the property.
8. Ms. Stone has obviously been through a lot. Her own dogs had been declared vicious a few years back and removed from her care, traumatizing her. And we can surmise how terrible things must have gotten for her to have to take out a protective order against her own flesh and blood. As a parent ourselves, we can only imagine how awful it was for Phillip to watch his family in so much pain. However, not facing the music earlier, while Logan’s dogs were terrorizing the neighborhood, and then waiting until the hearing to divulge the bottom line, created unnecessary anxiety for the neighbors.

9. Ms. Stone knew, by the time she received our September 20 order, that “owner” included “any person having control, custody or possession of any animal,” and someone presumed to be the owner “by reason of the animal being seen residing consistently at a location.” We do not hold her or other *pro se* appellants to some unrealistic understanding of the law expecting polished written responses. But it was not asking too much for Ms. Stone to add a simple sentence, in her original appeal or her amendment, along the lines of, “The dogs are my brothers’, and they are completely gone from the property now.”
10. That would have calmed the neighbors’ fears and perhaps completely eliminated the need for a hearing. Even if we needed some sort of hearing or telephone conference to address that new information, the neighbors would not have needed to take time out of their busy days to participate. By not tackling the issue up front, Bridgett and Phillip scared and inconvenienced a lot of people.
11. Choices have consequences, and while we suspend the vast majority of the \$11,400 in penalties, Bridgett (or Phillip) will still need to pay the remaining \$400. In the future, if Logan brings those dogs back, the Stones will be back on the hook. In that scenario, the Stones have 24 hours either to get those dogs off themselves or to call Animal Services to come get them. And if new dogs once again begin residing at the Stone home, the Stones must promptly license those dogs and keep them contained.

DECISION:

1. We deny Ms. Stone’s appeal as to all the violations.
2. We suspend \$11,000 of the \$11,400 penalty, leaving Ms. Stone to pay the remaining \$400 by **December 13, 2019**.

ORDERED November 1, 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 *December 2, 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 OCTOBER 16, 2019, HEARING IN THE APPEAL OF
BRIGITTA STONE, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NOS. V19009689, and V19009691, V19009692**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Todd Halfon, Lisa Smith, Morgan Smith, Brigitta Stone, Phillip Stone, and Aaron Wheatley. 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 24 incident by Nathan Smith, dated July 24 |
| Exhibit no. 3 | RASKC investigation report no. A19004454 |
| Exhibit no. 4 | Photograph of posting left by Officer Wilcox, dated September 26, 2019 |
| Exhibit no. 5 | Online Complaint form of July 31 incident by Todd Halfon, dated July 31 |
| Exhibit no. 6 | RASKC investigation report no. A19004701 |
| Exhibit no. 7 | Online Complaint form of August 4, incident by Morgan Smith, dated August 4, 2019 |
| Exhibit no. 8 | RASKC investigation report no. A19004817 |
| Exhibit no. 9 | Video of dogs running at large |
| Exhibit no. 10 | Notice of violation no. V19009689, issued August 6, 2019 |
| Exhibit no. 11 | Notice of violation no. V19009691, issued August 6, 2019 |
| Exhibit no. 12 | Notice of violation no. V19009692, issued August 6, 2019 |
| Exhibit no. 13 | Proof of Delivery |
| Exhibit no. 14 | Appeal, received August 28, 2019 |
| Exhibit no. 15 | Follow-up additional appeal information, dated September 25, 2019 |
| Exhibit no. 16 | Map of subject area |

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file nos. **V19009689, V19009691 and V19009692**

BRIGITTA STONE

Animal Services Enforcement Appeals

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 November 1, 2019.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Eykel, Chelsea

Regional Animal Services of King County

Halfon, Todd

Hardcopy

Smith, Lisa

Hardcopy

Smith, Morgan

Hardcopy

Stone, Brigitta

Hardcopy

Stone, Philip

Hardcopy

Wheatley, Aaron

Regional Animal Services of King County

Hardcopy