

May 11, 2020

**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. **V200101571**

SARAH CHILDS

Animal Services Enforcement Appeal

Activity no.: A20010787

Appellant: **Sarah Childs**

[REDACTED]
Black Diamond, WA 98010

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) 263-5968

Email: raskcappeals@kingcounty.gov

In drafting up the notice of our June 3 hearing, we read the Black Diamond Municipal Code (BDMC), just in case there was a departure from the King County Code in how it defined various violations (and thus in how we would list out the applicable code provisions in our notice). Some cities adopt the KCC but tweak the language to, for example, change the definition of “running at large.” Black Diamond did not adopt any such *substantive* changes.

However, the Black Diamond did adopt an important *procedural* change. Almost all cities that contract with Regional Animal Services of King County (Animal Services) use the County’s appeal process—originally the County’s Board of Appeals and, since the County examiner assumed the Board’s authority over animal cases in 2016, the County’s examiner. However, Black Diamond made an intentional departure to have the *City’s* examiner, not the *County’s*, examiner entertain Animal Services appeals arising within city limits.

As BDMC 6.04.010.B (underscore added) states:

Amendments—Exceptions. The following provisions of the King County Code Title 11 adopted and incorporated herein pursuant to BDMC 6.04.010(A), are hereby amended as follows: ...

2. [KCC] Section 11.04.270 is hereby amended to read as follows:

[KCC] 11.04.270 Appeals.

A. The City of Black Diamond Hearing Examiner is designated to hear appeals by parties aggrieved by actions of the City or its agents under this chapter for which no right of appeal exists pursuant to BDMC 6.04.050. The [City] Hearing Examiner may adopt reasonable rules or regulations for conducting its business. Copies of all rules and regulations adopted by the [City] Hearing Examiner shall be freely accessible to the public. All decisions and findings of the [City] Hearing Examiner shall be rendered to the appellant in writing with a copy to the City.

B. Any person entitled to appeal from any notice and order or any action of the manager of the City, or its agents under this chapter may do so by filing, with the City Clerk within fourteen days from the service of the order or action, a written appeal containing:....

Thus, the County examiner has no jurisdiction over animal code violations arising within City limits. Therefore, we DISMISS WITHOUT PREJUDICE the April 9 violation notice served on Ms. Childs and CANCEL our June 3 hearing.

A dismissal without prejudice is not a ruling on the merits and does not preclude Animal Services from reissuing a violation notice regarding the same April 8 incident. A future violation notice here would have to track BDMC 6.04.010.B and point Ms. Childs to the *City’s* appeal procedure.

DATED May 11, 2020.



David Spohr
King County Hearing Examiner

May 11, 2020

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V200101571**

SARAH CHILDS

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 May 11, 2020.



Jessica Oscoy
Legislative Secretary

Childs, Sarah
Hardcopy

Russell, Shelby
Regional Animal Services of King County

Sauber, Nancy
Hardcopy