

August 19, 2020

**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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V20010714-A20011901**

LUIS AND SANDRA PAREDES
Animal Services Enforcement Appeal

Activity no.: A20011901

Appellants: **Luis and Sandra Paredes**

[REDACTED]
Auburn, WA 98001

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:

Overview

1. This case asks us only to decide whether and by how much to reduce a fine. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we reduce the penalty from \$500 to \$200.

Background

2. On May 29, Luis and Sandra Paredes' dog, Rex, attacked a man delivering groceries, biting him multiple times. Exs. D2, D3. The Paredes did not dispute the victim's accounting of events and agreed the person did nothing to provoke Rex. Ex. D4 at 003, n.3. Animal Services issued a violation notice asserting that Rex was vicious and needed to be confined; a viciousness violation carries a \$500 penalty. Ex. D5.
3. Then Mr. Paredes appealed, challenging only the penalty, not the violation or confinement terms. The appeal explained that Rex had exhibited no signs of aggression before the attack. On the date in question, it happened too fast for him to interrupt the attack. Because the family recognized the threat Rex posed, they decided to rehome Rex after his 10-day quarantine period expired. They sold him to someone who needed a companion and will train Rex, after explaining to her that Rex had bitten someone. Ex. D7; testimony.
4. Confusion came because Animal Services needed to track a dog posing a public safety risk, and the Paredes provided it with no contact information beyond a name and phone number. Animal Services described the last digit the Paredes sent as partially cut off, although it looks fairly clear that it is a 1. Ex. D7. (There is no other digit with a straight vertical line on the left that is not a 1.) Ms. Paredes testified that she thought she had provided Rex's microchip number to the responding officer. Mr. Paredes testified that his cell phone cracked, and he was not able to retrieve any more information.
5. The afternoon of our hearing, the Paredes provided Animal Services with Rex's microchip number. Between that and the information the Paredes gave at hearing (that the new owner lived in or near Auburn), Animal Services was able to find the new owner. Ex. 9.

Analysis

6. The Paredes did not minimize or downplay Rex's actions. They found Rex an owner who would train him. Not appealing the viciousness determination meant the victim did not have to appear at hearing and relive a traumatic event. And they eventually provided Animal Services with the information that allowed Animal Services to follow-up with the new owner.
7. On the other hand, had they been more responsive to Animal Services' early entreaties, Animal Services would have been able to track Rex more promptly, and our hearing could have been avoided. Ex. D4 at 003, n.5. There is no magic formula for determining an appropriate penalty reduction, but here we reduce it to \$200.

DECISION:

1. We uphold Rex's viciousness determination and compliance order.
2. We reduce the applicable penalty from \$500 to \$200.

ORDERED August 19, 2020.



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 *September 18, 2020*. 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 AUGUST 7, 2020, HEARING IN THE APPEAL OF LUIS PAREDES, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20010714-A20011901

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Sandra Paredes, and Luis Paredes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered by Animal Services and entered into the record on August 7, 2020:

Exhibit no. D1	Regional Animal Services of King County staff report to the Hearing Examiner
Exhibit no. D2	Online Complaint form of May 19, 2020, incident by Billy Mamon, dated May 22, 2020
Exhibit no. D3	Photograph of injury
Exhibit no. D4	RASKC investigation report no. A2001190101
Exhibit no. D5	Notice of violation no. V20010714-A20011901, issued May 23, 2020
Exhibit no. D6	Official animal quarantine notice, dated May 22, 2020
Exhibit no. D7	Appeal, received June 15, 2020
Exhibit no. D8	Map of subject area

The following exhibit was offered by Animal Services and entered into the record on August 10, 2020:

Exhibit no. D9	Email from Animal Services, dated August 8, 2020
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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20010714-A20011901**

LUIS PAREDES

Animal Services Enforcement Appeal

I, Jessica Oscoy, 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 August 19, 2020.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Mamon, Billy

Hardcopy

Paredes, Luis and Sandra

Hardcopy