

September 1, 2020

**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. **V20010725-A0011979**

**KRISTIANE HOOPER**

Animal Services Enforcement Appeal

Activity no.: A20011979

Appellants: **Kristiane Hooper and Lisa Lotus**

[REDACTED]  
Tukwila, WA 98168

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](mailto:raskcappeals@kingcounty.gov)

**FINDINGS AND CONCLUSIONS:**

Overview

1. Regional Animal Services of King County (Animal Services) served a violation notice on Kristiane Hooper, asserting that her dog, Beauty, was out of control on public property and vicious. Ms. Hooper's partner, Lisa Lotus, appealed, not challenging the violations themselves, but requesting a full waiver of the monetary penalties. 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 \$550 to \$250.

## Background

2. The basic facts surrounding the May 27 incident prompting the violation notice are not in dispute. There was some confusion—certainly on our part and perhaps on some of the witnesses—on whether the owner being discussed was Ms. Hooper or Ms. Lotus. Identity here does not materially impact the outcome, so we use “Owner” in this section, to avoid mis-naming.
3. Sean Hammill was walking his friend’s Jindo. Out of the corner of his eye, he saw a pit bull (Beauty) running to him. The pit bull latched on the Jindo’s front leg. The pit bull’s Owner came out right away and tried to get the pit bull off. Other neighbors came out and grabbed onto the pit bull, who just would not let go. They tried to hold the pit bull to keep it from shaking and further injuring the Jindo.
4. Mr. Hammill explained that it took maybe 10 minutes to separate the dogs. Even after being separated and held 15 feet away, the pit bull kept trying to break free to get back at the Jindo. The pit bull was overstimulated and would not take any commands; there was just no stopping her. It took about five total people to stop the attack. The Owner was in shock, very upset, and took care of everything (bill-wise). Mr. Hammill “can’t fault” the Owner.
5. Jessica Jones described a similar version. She heard the commotion and ran out to help. In trying to separate the dogs, she was bitten, although she did not notice the bite right away. Beauty just did not want to let go or give up. Another neighbor tried to get the dog’s apart. Ms. Jones fiancé came out, then left to try to get a shovel, returning with the crowbar.
6. Ms. Jones explained that the Owner was very sorry, sad, and upset. The Owner helped with hospital bills, covering Ms. Jones’ co-pay for her six stitches, and checking in with her. When the Owners had walked Beauty before, they had a lead around her nose. When she met Beauty before the May 27 incident, Beauty seemed friendly. The Owner took care of the monetary responsibilities and was remorseful.
7. Brandon Look, Ms. Jones fiancé, noted that when he came to the scene, he concluded that trying to pull Beauty away would cause more damage. So, he hustled to retrieve something to hit Beauty to make her stop. Luckily, he found a crowbar instead, and was able to use it to force Beauty’s jaw open, enabling the Jindo to get away. He saw Ms. Jones, the Owner, and the Jindo had all been bitten. The Owner’s *previous* dog had been loose, but not Beauty. He agrees that the Owner was remorseful, apologetic, concerned, and willing to do what she needed to do to make things right.

## Dispute

8. Ms. Lotus’ appeal did not contest the actual violation, nor would that have been fruitful. Beauty was on public property not under control, attacked a domesticated animal and bit a person(s) without provocation, and constitutes a danger. *See, e.g.*, TMC 7.12.020.28 & .29; TMC 7.12.230.7 & .12. Instead, the only dispute is whether, and by how much, to reduce the monetary penalties.

9. Animal Services argues that Appellants knew Beauty was dog-aggressive when they adopted her, did not properly secure a dog they knew to be a threat, and then afterwards did not supply Animal Services with the requested information that would let Animal Services follow up on Beauty. Ex. D9. Animal Services requests that we uphold the full penalty.
10. Ms. Lotus counters that, when they adopted Beauty, they were told only that Beauty did not get along with one particular dog and had some incident, not that Beauty was aggressive to dogs in general. She did not associate Beauty being “dog aggressive” with Beauty potentially attacking another dog and trying to kill it. Beauty was not aggressive when they met her, and (as they did not have another dog) they did not think her history would be an issue. They only took in Beauty a week before her attack.
11. Ms. Lotus explained that they did not have any microchip information. Ex. D9. They returned Beauty after she subsequently growled at their daughter. They paid over two thousand dollars in veterinarian and medical expenses. She feels they have taken care of their community obligations, and with neither of them now working and with Ms. Hooper hospitalized, they are in tough financial strains. She requests that we waive the entire penalty.

### Analysis

12. This was not a case that should have gone to hearing. Mr. Hammill, Ms. Jones, and Mr. Look should not have had to relive such a traumatic experience, especially when Appellants were not challenging that Beauty’s behavior qualified her as “vicious” or that future confinement was necessary. As we noted in our prehearing order, penalty amounts are typically things the parties can resolve without a hearing. We have never entirely waived a penalty, but we often find a reduction is in order.
13. Certainly, Appellants should have probed more to get to the bottom of Beauty’s yellow flags when they took on the responsibility. Even knowing what they did—that conflict with at least one other dog was part of Beauty’s history—they should have contained her better on May 27. And after the fact, they should have responded more diligently to Animal Services’ request for more information. On the other hand, they did not try to shift blame on the victims or minimize Beauty’s behavior May 27. They followed up and checked in. And they took financial responsibility and paid significant veterinarian and medical costs.
14. There is no magic formula for how much we reduce a monetary penalty—another reason why holding a hearing in a scenario like today’s is less beneficial than in almost any other scenario. We conclude that a \$300 reduction to the \$550 penalty is warranted.

### DECISION:

We deny the appeal, except that we reduce the penalty to \$250.

ORDERED September 1, 2020.

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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 *October 1, 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 19, 2020, HEARING IN THE APPEAL OF KRISTIANE HOOPER, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20010725-A0011979

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Brandon Look, Jessica Jones, Chelsea Eykel, Sean Hammill, and Lisa Lotus. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

The following exhibits were offered and entered into the record by Animal Services:

- |                 |  |
|-----------------|--|
| Exhibit no. D1  | Regional Animal Services of King County staff report to the Hearing Examiner                   |
| Exhibit no. D2  | Online Complaint form of May 27, 2020 incident by James Felker, dated May 27, 2020             |
| Exhibit no. D3  | RASKC investigation report no. A20011979   |
| Exhibit no. D4  | Photographs of incident location   |
| Exhibit no. D5  | Vet bill for Panda   |
| Exhibit no. D6  | Notice of violation no. V20010725-A0011979, issued July 2, 2020                                |
| Exhibit no. D7  | Bite quarantine notice   |
| Exhibit no. D8  | Appeal, received June 25, 2020   |
| Exhibit no. D9  | Email requesting Beauty’s microchip number and notification to new owners of Confinement Order |
| Exhibit no. D10 | Map of subject area  |

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V20010725-A0011979**

**KRISTIANE HOOPER**  
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 September 1, 2020.



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Jessica Oscoy  
Office Manager

**Brandon Look, Jessica Jones**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Hammill, Sean**

Hardcopy

**Lisa Lotus, KristianeHooper**

Hardcopy