

September 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

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www.kingcounty.gov/independent/hearing-examiner

SUMMARY ORDER

SUBJECT: Regional Animal Services of King County file nos. **V20010743 and V20010744**

GREGORY MYERS

Animal Services Enforcement Appeal

Activity no.: A20011875

Appellant: **Gregory Myers**

[REDACTED]
Lynnwood, WA 98037

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

To provide some context, V20010743 relates to Mr. Myers' alleged neglect of his then four geese. V20010744 relates to Mr. Myers not licensing his then four dogs.

As to the neglect issue, Animal Services referred the case to the PAO, and later advised us that the PAO is proceeding with criminal charges. (The PAO may, by this point, have already charged Mr. Myers.) Compared to a much weightier criminal matter, our administrative appeal has become somewhat of an afterthought. That is especially true because Ms. Myers obtained a court order keeping Mr. Myers at least 500 feet from the pets. Thus, ours is not a scenario where, absent swift resolution of the criminal matter, Mr. Myers will have any ongoing contact with animals he allegedly neglected.

Mr. Myers' appeal did not directly challenge the licensing issue, meaning the only licensing issue we would be deciding would be the penalty *amount*. Where an appellant licenses the animals after the original violation notice, but before our hearing, we typically reduce the penalty. But here Ms. Myers obtained control of the dogs, re-homed three of them, and licensed the fourth. So, there is nothing curative Mr. Myers can do as to licensing.

Despite our explanation and cautioning about the *Olympic Pipeline* factors, Mr. Myers wanted to proceed with this administrative appeal. In that conference, and in our follow-up written notice, we set the hearing for September 23, with Animal Services' staff report due September 9.

When we did not receive it, yesterday (September 10), we reached out to Animal Services to check on the status. We were advised that Animal Services had forgotten about it and wished to push the hearing back approximately three weeks to allow it more time to submit the report.

A delay seems relatively fruitless at this point, and underscores the backseat the neglect case has (perhaps rightfully) taken, given the criminal case and the protective order. And the licensing piece simply involves us determining whether, and by how much to reduce the penalty; that is not typically something that warrants all the work the parties and our office put into preparing for, and then conducting, a hearing.

Thus, we dismiss V20010743 (neglect). We uphold V20010744 (licensing), but reduce the penalty to \$300. And we cancel the September 23, 2020, hearing.

If for some reason we have misunderstood the situation, or if either party believes a hearing is necessary, by **October 12, 2020**, either party may file, with the examiner, a motion for reconsideration explaining why the examiner should not be entering this order. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED September 11, 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 *October 12, 2020*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file nos. **V20010743 and V20010744**

GREGORY MYERS

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 11, 2020.



Jessica Oscoy
Office Manager

Myers, Gregory
Hardcopy

Myers, Yvette
Hardcopy

Russell, Shelby
Regional Animal Services of King County