

August 13, 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

ORDER OF DISMISSAL

SUBJECT: Regional Animal Services of King County file no. **V20010783-A20012175**

BRIANA NAGLE

Animal Services Enforcement Appeal

Activity no.: A20012175

Appellant: **Briana Nagle**

Woodinville, WA 98077

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

Regional Animal Services of King County (Animal Services) issued a violation notice to Briana Nagle, declaring that her dog's barking created excessive noise. Ms. Nagle appealed, asserting that her dog was not barking at the time listed in the citation, and that the complainant had been harassing her. She also noted that they had since moved away.

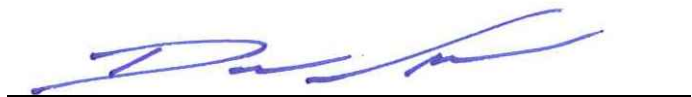
Animal Services issued its notice on June 9, meaning that, as stated in that notice, the appeal was due to Animal Services by July 4. In some past cases, there was a gap between when the Postal Service received an appeal and when the Postal Service delivered the envelope to Animal Services, but here the Postal Service did not even postmark Ms. Nagle’s appeal until three days *after* the deadline for Animal Services to receive it; Animal Services got it a few days after that.

Where “a person fails to timely deliver the appeal statement [, the] examiner does not have jurisdiction to consider the appeal and the decision of the department ... becomes final and unreviewable.” KCC 20.22.080.H. Sometimes the result of a dismissal is either very serious (say, a vicious dog designation) or simply kicks the can down the road (say, an ongoing noise dispute where the neighbors are continuing to live in conflict). Here, only a \$50 ticket is at stake and Ms. Nagle has moved away from a complaint she considers harassing.

Accordingly, we DISMISS her appeal.

If for some reason we have misunderstood the situation, by **September 14, 2020**, either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED August 13, 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 14, 2020*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

DS/jo

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20010783-A20012175**

BRIANNA NAGLE

Animal Services Enforcement Appeal

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF DISMISSAL** 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 13, 2020.



Jessica Oscoy
Office Manager

Bonvallet, Scott

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Nagle, Briana

Hardcopy