

September 10, 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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V20010869-A20012554**

**AMY KNAPP**

Animal Services Enforcement Appeal

Activity no.: A20012554

Appellant: **Amy Knapp**

[REDACTED]  
Maple Valley, WA 98038

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](mailto:raskcappeals@kingcounty.gov)

**FINDINGS AND CONCLUSIONS:**

Overview

1. Regional Animal Services of King County (Animal Services) served a violation notice asserting that Amy Knapp's dog, Finn, qualifies as vicious. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we sustain the violation but significantly reduce the fine.

### Evidence

2. Amanda Sali testified that she was at her mother-in-law's home. She went next door to Ms. Knapp's to borrow some scissors. Ms. Knapp kindly gave her scissors. Ms. Sali did not see the dog (Finn) at the time. However, as she was walking down the driveway to exit Ms. Knapp's property, she surmised Finn must have gotten out, because she could hear Finn barking.
3. Ms. Sali testified she was about maybe halfway down the driveway, 15 feet from the door. She kind of turned to try to avoid Finn, so her back was facing Finn. Finn bit her bottom. She screamed. Finn released her bottom and then went for her right arm. Finn only managed to grab her zip-up sweatshirt. She slid out of her sweatshirt and started running away. As the bite to her bottom broke the skin, at urgent care she was given a tetanus shot and some antibiotics.
4. Ms. Knapp apologized and testified that she cracked the door open to hand Ms. Sali the scissors. As Ms. Sali was walking away, Finn got his nose through the door, and Ms. Knapp could not keep a hold of Finn's collar or fur. Ms. Sali was already halfway down the pathway. It is Finn's nature to attack more when something is running away.
5. Ms. Knapp saw the bite happen, yelled at Finn, got a hold of him, and put him back in the house. She then went out to see how Ms. Sali was. She checked the bite area and saw no blood. Since the incident, she has purchased a "Beware of Dog" sign and locks the front gate now. She plans to purchase a Ring door camera system if she can get the fine reduced.

### Legal Standard

6. Our substantive question is whether Finn qualifies as "vicious," that is, whether Finn "performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation" and "exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises." KCC 11.04.020.BB; .230.H.
7. In answering that, we do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. For those matters or issues raised in an appeal statement, Animal Services bears "the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed." KCC 20.22.080.G; .210.

### Analysis

8. The focus of a viciousness designation is on the dog, not on the owner; a viciousness designation is not a proxy for how much or how little care an owner is exercising. Finn chased down and bit a *retreating* visitor who was turned away from him. And he then tried to bite her a second time. Finn performed acts endangering a person, without provocation, and constitutes a danger to the safety of persons, like Ms. Sali, lawfully on Finn's premises.
9. However, Ms. Knapp's actions are pertinent to the penalty amount. Ms. Knapp did nothing more than the neighborly thing of retrieving and giving a pair of scissors to a visitor. She did all she could to try to contain Finn at the door. Immediately afterwards, she went out to retrieve Finn and get him back in the house, and then again to check on Ms. Sali. And after the dust settled, she put up a "Beware of Dog" sign and now locks the front gate. She also plans to purchase a Ring door camera system. Ms. Knapp has shown that the violation occurred despite (not because of) her actions and that she has taken significant steps to avoid a repeat. A substantial penalty reduction is in order.

DECISION:

1. We DENY the appeal as to Finn's a viciousness designation and terms for compliance (i.e. the four bulleted items on Animal Services' July 3 order, including microchipping Finn, if this has not already been done).
2. We REDUCE the penalty from \$500 to \$100.

ORDERED September 10, 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.

**MINUTES OF THE AUGUST 26, 2020, HEARING IN THE APPEAL OF AMY  
KNAPP, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO.  
V20010869-A20012554**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing Amy Knapp, Shelby Russell, and Amanda Sali. 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           Notice of violation no. V20010869-A20012554, issued July 3, 2020
- Exhibit no. D3           Appeal, received July 15, 2020
- Exhibit no. D4           RASKC investigation report no. A20012554
- Exhibit no. D5           Online Complaint form of July 2, 2020 incident by Amanda Sali, dated July 3, 2020
- Exhibit no. D6           Urgent care after visit summary
- Exhibit no. D7           Map of subject area

DS/jo

September 10, 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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V20010869-A20012554**

**AMY KNAPP**

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 10, 2020.



---

Jessica Oscoy  
Office Manager

**Knapp, Amy**  
Hardcopy

**Russell, Shelby**  
Regional Animal Services of King County

**Sali, Amanda**  
Hardcopy