

October 16, 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. **V20010907-A20012762**

GERALDINE DIXON-WALKER
Animal Services Enforcement Appeal

Activity no.: A20012762

Appellant: **Geraldine Dixon-Walker**

Seattle, WA 98178

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

At our September 9 prehearing telephone conference, we raised the topic of mediation. Ms. Dixon-Walker stated that she wanted to go to trial (hearing) instead. On that call we set the hearing for yesterday at 1 PM. On September 16, we emailed and mailed formal notice of yesterday's hearing date and time, with instructions for how to dial in. We received no communication from anyone that yesterday's date or time had become unworkable.

At our 1 PM start time, Animal Services and the two complainants called in. Ms. Dixon-Walker did not. She still had not called in by 1:15, at which point we closed the proceeding and dismissed her appeal. She has not contacted our office since.

We took no testimony at yesterday's abbreviated proceeding, and we make no findings today. However, hoping to avoid everyone being right back here again in the future, if the neighbors file further complaints and Animal Services serves another violation notice on Ms. Dixon-Walker, we offer some commentary.

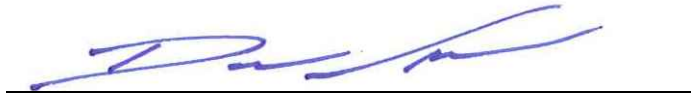
Many animal appeals involve split-second animal-animal or animal-person altercations where the complainant and appellant are complete strangers. In contrast, noise cases are often our most charged hearings, perhaps because emotions get built up over long periods of time. Complainants often feel harassed by the noise and appellants often feel harassed by their neighbors. It is not a recipe for a peaceful coexistence or for anyone's enjoyment of their homes. Neighborhood animosity tends to *increase*, not to fade away.

There is no allegation of nighttime barking (barking after 10 PM or before 7 AM). That is helpful for Ms. Dixon-Walker, both in terms of neighborliness and because the standard we apply to what daytime barking qualifies "unreasonable" is higher than for nighttime noise. But there is a limit, even for daytime barking. And Ms. Dixon-Walker currently has two more dogs than the legal limit.

Again, we took no testimony yesterday—and we make no findings or conclusion today—about whether the barking to date qualifies as "an unreasonable degree, in such a manner as to disturb a person or neighborhood." But to the extent Ms. Dixon-Walker can make more frequent use of the barking collars she mentioned in her appeal statement, and try to reduce the duration of the barking episodes, and perhaps get down to the legal limit for dogs, it might help her, both in terms of avoiding another violation, fines, and potential appeal (and the hassle that creates), and in terms of strengthening her case if, unfortunately, the parties find themselves back here again.

In sum, as Ms. Dixon-Walker's failure to appear at yesterday's hearing constitutes abandonment of her appeal, we DISMISS her appeal. That means the five violations cited in the July 16 notice are sustained. However, violation notices, especially first-time violation notices in a noise case, are attempting to incentivize compliance, not to be punitive. (Second-time violations double the penalty from first time violations.) This time we will thus REDUCE Ms. Dixon-Walker's penalty from \$250 to \$50.

DATED October 16, 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 *November 16, 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/lo

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20010907-A20012762**

GERALDINE DIXON-WALKER
Animal Services Enforcement Appeal

I, Lauren Olson, 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 October 16, 2020.



Lauren Olson
Legislative Secretary

Ault, MaryKay
Hardcopy

Dixon-Walker, Geraldine
Hardcopy

Eykel, Chelsea
Regional Animal Services of King County

Tooley, Pamela
Hardcopy