

November 19, 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. **V20011020-A2013104**

TERESA AND DEVIN CABANILLA

Animal Services Enforcement Appeal

Activity no.: A20013104

Appellants: **Teresa & Devin Cabanilla**

[REDACTED]
Bellevue, WA 98006

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

Bellevue, and most other cities in King County, have long contracted with the County for animal-related services. Historically, the County's Board of Appeals (Board) was the sole administrative tribunal with authority to hear appeals of Animal Services' enforcement actions.

Not surprisingly, when cities such as Bellevue crafted their pertinent city code sections, they referenced (or adopted County code sections referencing) the Board.

In 2016, the Hearing Examiner's Office replaced the Board as the sole County administrative tribunal with jurisdiction to hear Animal Services-related appeals. Any appeal filed with the Board after that point would have been a dead end, as the Board no longer had authority to hear any animal-related cases.

In 2017, Bellevue and King County executed an amended interlocal agreement that recognized us as the administrative tribunal for animal-related cases and required Bellevue to update its code to reflect the change. Bellevue, however, has not amended its code; the current version still designates the Board as the relevant tribunal.

We have been interpreting city code sections still referencing the Board as the city intending, essentially, "Instead of setting up a different appellate process, the city wants to use the County's appeal process," and not as, "The city singles out the Board as the only County tribunal the city wants hearing appeals, and if the Board can no longer entertain animal appeals, the city no longer wants the County hearing appeals."

However, in Superior Court litigation stemming from an appeal to us of an Animal Services action from Bellevue, the court has disagreed. The court's recent order determined that, until Bellevue amends its code, we have no authority to adjudicate animal enforcement cases arising from Bellevue.

We thus DISMISS the pending appeal.

We do not know exactly where that leaves things here. Our dismissal is not a ruling on the merits, and it does not resolve anything about the August 2 events here. All we can say with certainty is that, until the Bellevue City Council amends its code, we have no jurisdiction over this or any other animal dispute arising from Bellevue.

DATED November 19, 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 *December 21, 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. **V20011020-A2013104**

TERESA AND DEVIN CABANILLA

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 November 19, 2020.



Lauren Olson
Legislative Secretary

Cabanilla, Teresa/Devin
Hardcopy

Russell, Shelby
Regional Animal Services of King County

Wu, Ashley/Jonathan
Hardcopy