

November 2, 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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V20011037-A20013343**

CASSANDRA AND JAMES LAITILA

Animal Services Enforcement Appeal

Activity no.: A20013343

Appellants: **Cassandra & James Laitila**

[REDACTED]
Auburn, WA 98092

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

FINDINGS AND CONCLUSIONS:

1. Regional Animal Services of King County (Animal Services) served a violation notice asserting that five geese and eight chickens belonging to Cassandra and James Laitila were trespassing on neighbor Paul Scholter's property on August 13. By the end of the hearing, there was not much in dispute. We uphold the violation, but reduce the penalties.

2. Thankfully, this is not the typical animal appeal involving neighbors, with a heavy dose of mutual animosity. Mr. Scholter went out of his way to speak highly of the Laitilas. He simply got fed up with their birds consistently trespassing on his property over the years. He pointed to some landscaping impacts from the birds, but his overarching concern has been the sheer amount of poop they leave behind.
3. On a positive note, Mr. Scholter explained that since he filed his complaint in August, the Laitilas have shored up their fencing and dramatically improved the situation. He also does not want the Laitilas to be stuck with a bunch of penalties. He simply wants the birds to remain off his property, and he would rather have the Laitilas spend their money on containment maintenance.
4. Mr. Laitila explained that, in the period leading up to August, he had not conversed with Mr. Scholter. He (erroneously) assumed the situation was acceptable. He described the recent steps they have taken to contain the birds—steps that, according to Mr. Scholter, have been working.
5. Chelsea Eykel appreciated that things have moved in the right direction. She explained that Animal Services wants some of the penalties to remain, but is okay with a penalty reduction. (KCC 11.04.035.C.1.a. sets the penalty at \$50 per violation. At thirteen birds, that meant the penalties' Animal Services' violation notice assessed totaled \$650.)
6. Animal Services has met its burden of showing that a significant number of the Laitilas' geese and chickens were on Mr. Scholter's property on August 13, as his photos indicate. Ex. D4; KCC 20.22.210. These geese and chickens were trespassing, defined as a "domesticated animal that enters upon a person's property without the permission of that person." KCC 11.04.230.K. The only real question is the number of geese. We tried to come at it a few different ways as we questioned Mr. Scholter, but it appears that because some Canadian geese "run" with Appellants' geese, Mr. Scholter considers them part of the invading gaggle. Ex. D4 at 005.
7. Whether the Canadian geese intermixed with the Laitilas' geese could be attributable to the Laitilas is not an issue we need to answer. We will kick the penalty down to \$150 total, mooted any question about the precise number of birds trespassing on August 13.

DECISION:

We DENY the Laitilas' appeal, except that we REDUCE the penalty to \$150.

ORDERED November 2, 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 2, 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 OCTOBER 30, 2020, HEARING IN THE APPEAL OF CASSANDRA AND JAMES LAITILA, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20011037-A20013343

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Paul Scholter, and James Laitila. 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	Online Complaint form of August 13, 2020 incident by Paul Scholter, dated August 15, 2020
Exhibit no. D3	RASKC investigation report no. A20013343
Exhibit no. D4	Photograph of birds on Paul Scholter's property
Exhibit no. D5	Notice of violation no. V20011037-A20013343, issued August 17, 2020
Exhibit no. D6	Proof of service
Exhibit no. D7	Appeal, received August 31, 2020
Exhibit no. D8	RASKC investigation report no. A19001031
Exhibit no. D9	Warning Notice for no. V19009228-A19001031
Exhibit no. D10	RASKC investigation report no. A19001364
Exhibit no. D11	Warning Notice for no. V19009229-A19001364
Exhibit no. D12	RASKC investigation report no. A19008624
Exhibit no. D13	Notice of violation no. V19010137-A19008624, issued December 5, 2019
Exhibit no. D14	Proof of service
Exhibit no. D15	RASKC investigation report no. A20013209
Exhibit no. D16	Map of subject area

DS/lo

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20011037-A20013343**

CASSANDRA AND JAMES LAITILA

Animal Services Enforcement Appeal

I, Lauren Olson, 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 November 2, 2020.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Krista Sprague, Paul Scholter

Hardcopy

Laitila, Cassandra/James

Hardcopy