

October 6, 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 nos. **V20011093, V20011094, V20011095, and V20011096**

BRANDON STENTON AND RYAN GORANSON

Animal Services Enforcement Appeal

Activity no.: A20013554

Appellants: **Brandon Stenton and Ryan Goranson**

[REDACTED]
Shoreline, WA 98155

[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

Cities that contract with Animal Services typically either explicitly incorporate KCC chapter 11.04 by reference or do a cut-and-paste, save for minor adjustments like replacing “in the County” with “in the City.” For example, although the original documents are not before us, when Animal Services declared Watson and Raygar vicious last fall, it likely cited KCC 11.04.230.H, a subsection matched by Shoreline’s SMC 6.30.010.A.7. And Animal Services

would have, under its SMC 6.40.050 authority, set requirements for keeping a vicious dog in Shoreline.

In the matters currently under appeal, Animal Services asserts that on August 27, Watson and Raygar got loose and qualified as vicious animals running at large, KCC 11.04.230.I. It asserted that those violated the confinement terms, and warranted Watson and Raygar's removal under KCC 11.04.290.A.3 (really, SMC 6.40.050.C).

We set this case for hearing. Today, as we drafted our written notice of that November 4 hearing, we turned to SMC 6.30.010 to find the correct cite and precise language for a vicious animal running at large in Shoreline. What we found was that Shoreline has adopted only 12 of the 15 nuisances listed in KCC 11.04.230. Shoreline has *not* adopted a vicious animal running at large violation equivalent to KCC 11.04.230.I.

Thus, the violation notices V2011093 (Watson violating KCC 11.04.230.I), V2011094 (Raygar violating KCC 11.04.230.I) are void on their face, there being no equivalent violation in Shoreline. And because the removal orders (V2011095 Raygar and V2011096 Watson) list the KCC 11.04.230.I violations as the sole trigger for removal, and given the exacting standard we apply to removal orders, those too cannot stand.

We thus DISMISS WITHOUT PREJUDICE notices and orders V2011093, V2011094, V2011095 and V2011096 and CANCEL the November 4, 2020 hearing.

A dismissal *without* prejudice is not a judgment on the merits, meaning and there is no bar to Animal Services re-bringing actions related to the August 27 incident, so long as it meshes with Shoreline's code.

In deciding whether to refile, we note that the language in KCC 11.04.290.A.3 (and in SMC 6.40.050.C) frames the failure to follow the requirements (here, those set requirements forth in the 2019 orders issued to Mr. Stenton and Mr. Goranson) as constituting a crime (a misdemeanor). Given that criminal language, in ruling on past KCC 11.04.290.A.3 removal orders we have applied a higher culpability threshold borrowed from criminal law, and not simply a thumbs up/thumb down analysis of whether a dog got out or not.

If for some reason we have misunderstood the situation, by **November 5, 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 October 6, 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 5, 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 nos. **V20011093, V20011094, V20011095, and V20011096**

BRANDON STENTON AND RYAN GORANSON

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 6, 2020.



Lauren Olson
Legislative Secretary

Reyes, Silvia

Regional Animal Services of King County

Russell, Shelby

Regional Animal Services of King County

Ryan Goranson, Brandon Stenton

Hardcopy