

December 2, 2020

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
King County Courthouse  
516 Third Avenue Room 1200  
Seattle, Washington 98104  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V20011148-A20013780**

**BRENDA LONDON**  
Animal Services Enforcement Appeal

Activity no.: A20013780

Appellant: **Brenda London**



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](mailto:raskcappeals@kingcounty.gov)

## FINDINGS OF FACT

1. **Hearing.** A telephonic hearing was scheduled for November 18, 2020, at 10:30 AM, with notice provided to the Appellant, Ms. London, who did not appear.<sup>1</sup> The hearing adjourned at 10:40, with the expectation that the appeal would likely be dismissed. Ms. London subsequently contacted the Examiner's office. She stated she had thought the Examiner's Office would call her. The Examiner re-set the hearing for the afternoon. At 1:00 PM, Appellant Ms. London, with assistance from Ms. Kostyk, appeared, as did Sergeant Eykel for King County Regional Animal Services. Animal Services objected to the hearing continuance, stating multiple notices providing the call-in number were served on Ms. London, she agreed to the time, and she identified no emergency. There were no notice issues and case dismissal was within Examiner discretion. However, as the continuance caused limited hardship to the parties, the Examiner elected to conduct the hearing.
2. **Exhibits.** The exhibits listed in the minutes below were admitted without objection.
3. **Witnesses.** Sworn testimony was received from Ms. London, Ms. Samantha Huckabee, Ms. Elaine Huckabee, and Sergeant Eykel.
4. **Notice of Violation.** King County Regional Animal Services issued a Notice of Violation and Order to Comply (Exhibit D7). Officer Wilcox determined that Ms. London's dog, Henry, violated these King County animal care and control laws:  
  
Vicious Animal, 1<sup>st</sup> Offense. KCC 11.04.230(H), \$500<sup>2</sup>  
  
Notice and Order for Confinement. KCC 11.04.290, \$0  
  
Running at Large, 1<sup>st</sup> Offense, KCC 11.04.230(B), \$50<sup>3</sup>  
  
Unlicensed Unaltered Pet, KCC 11.04.030(A), \$250<sup>4</sup>
5. **Conditions.** The Notice of Violation and Order to Comply imposed these conditions:
  - Secure your animals in a fenced area suitable for the size of the animal when your animal is unattended and outside your home. Lock all passages with a padlock to prevent accidental release.
  - Restrain your animal using a leash with a collar or harness when taking it off your property. Your leash can extend no longer than 8' in length. A competent and capable person must handle the animal at all times when attended outside.

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<sup>1</sup> Notice of Telephonic Hearing (October 22, 2020), p. 1 and Certificate of service; Testimony, Sergeant Eykel.

<sup>2</sup> KCC 11.04.035(C)(2)(a).

<sup>3</sup> KCC 11.04.035(C)(1)(a).

<sup>4</sup> KCC 11.04.035(C)(5)(b).

- Microchip your animal and provide the microchip number to the King County Animal Licensing Office (206-296-2712) within 14 days.
  - Vaccinate your animal for rabies, if not current. ...<sup>5</sup>
6. **Incident – September 6, 2020, 1 PM.** Samantha Huckabee and her mother, Elaine Huckabee, were walking their small dogs around the back of their apartment complex. Ms. London came around the corner with her large dog, Henry, saw them, and stopped. Henry charged, and though leashed, Ms. London was unable to maintain her hold, and he broke free. Henry grabbed Samantha Huckabee’s dog by the rear leg, causing significant injuries which required surgery. Samantha Huckabee attempted to get Henry to release, suffering multiple injuries to her hands. Once she got the dog to release, Henry then turned on Elaine Huckabee’s dog, causing scrapes and puncture wounds requiring sutures. Veterinary reports and photos documented the injuries, with invoices to repair the injuries to both dogs, Tobey and Riley, coming to nearly \$3,000.
  7. **Provocation.** Henry was not provoked. The three dogs were on a walk. Henry, suddenly, without reason, broke free from Ms. London and attacked Tobey and Riley, causing severe injuries.
  8. **History.** There was an incident six weeks earlier involving Henry, with Henry injuring Elaine Huckabee’s dog. Henry bit its shoulder, leaving multiple puncture wounds (Exhibit D8, photograph of injuries). This has been coupled with other confrontations where Henry displayed aggression. While the parties dispute the exact circumstances of these earlier incidents, in all of them, Henry was the aggressor. This does not mean that Ms. London does not care about Henry. She clearly does. She states she has taken him to training, and given him considerable attention since she adopted him as a stray. But, Henry does present a danger to domestic animals, and to anyone who intervenes.
  9. **License/Unaltered.** Henry was not licensed or neutered when the attack occurred, though Animal Services alerted Ms. London to the licensing requirement on several occasions (Exhibit D9). Henry has since been licensed and neutered.
  10. **Running at Large.** Ms. London has purchased leashing equipment to improve her control of Henry. However, when the event occurred, Henry was not under her control, so was running at large.

## CONCLUSIONS OF LAW

1. **Jurisdiction.** The Examiner has jurisdiction over appeals of King County Regional Animal Services civil citations.<sup>6</sup> In defending the appeal of these citations, it has the burden of proof.

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<sup>5</sup> Dept. Exhibit D7, Notice of Violation and Order to Comply.

<sup>6</sup> KCC 11.04.270.

2. **Vicious Animal and Order for Confinement.** A civil “vicious animal” citation may issue for:

Any animal that has 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.<sup>7</sup>

“Vicious” means having 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.<sup>8</sup>

The term “vicious” is a legal term. Under King County Code, it does not mean a dog is vicious all the time, or that the dog’s owner does not take good care of the dog. It simply means that the animal has exhibited certain propensities which present a danger to the safety of people and/or domesticated animals.

Henry attacked two dogs, biting and inflicting wounds requiring serious medical care totalling \$3,000, and injuring Ms. Samantha Huckabee. Henry was not provoked in any way. Henry has demonstrated a propensity to endanger the safety of domesticated animals, and the safety of any pet owner who intervenes to protect their charge.

Ms. London appears to be complying with the applicable conditions Animal Services imposed.<sup>9</sup> She states she has purchased improved leashing equipment to improve her control over Henry, and is making an effort to improve his behavior. Regardless, Henry did run at large and an unprovoked attack did occur.

3. **Penalty.** The \$500 vicious animal and \$50 running at large penalties are provided for by code.<sup>10</sup> Given Henry’s history, although Ms. London states she is investing in training, there remain serious concerns that similar attacks could repeat, so a penalty reduction is not warranted.<sup>11</sup> With respect to the unlicensed/unaltered penalty amount of \$250, Henry is now licensed and neutered. While remedying this took several notifications, and this citation, these issues were resolved before the hearing. Reducing the amount by half (to \$125) is reasonable.

## DECISION

The appeal is **DENIED**, with a modest penalty reduction granted. The vicious animal, order of confinement, and running at large citations and corresponding penalties are upheld. The unlicensed/unaltered citation is upheld, but the fine is reduced by half. This brings the total penalty amount for the four violations down from \$800 to \$675.

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<sup>7</sup> KCC 11.04.230(H).

<sup>8</sup> KCC 11.04.020(BB).

<sup>9</sup> The citation conditions are standard. If the dog is not put in a yard area, as here, that language does not apply.

<sup>10</sup> KCC 11.04.035, see specific sections cited on p. 2 above.

<sup>11</sup> KCC 11.04.335(B)(2).

Regional Animal Services should work with Ms. London to arrange a reasonable payment plan to accommodate her circumstances.

ORDERED December 2, 2020.




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Susan Drummond  
King County Hearing Examiner *pro tem*

### 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 *January 1, 2021*. 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 NOVEMBER 18, 2020, HEARING IN THE APPEAL OF BRENDA LONDON, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20011148-A20013780

Susan Drummond was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Samantha Huckabee, Elaine Huckabee, Brenda London, and Karyn Kostyk. A verbatim recording of the hearing is available in the Hearing Examiner's Office. The Examiner admitted these exhibits from Animal Services:

Exhibit no. D1	Regional Animal Services of King County staff report to the Hearing Examiner
Exhibit no. D2	Online Complaint form of September 6, 2020 incident by Samantha Huckabee, dated September 9, 2020 Online Complaint form of September 6, 2020 incident by Elaine Huckabee, dated September 9, 2020
Exhibit no. D3	RASKC investigation report no. A20013780
Exhibit no. D4	Photograph of wounds to both dogs
Exhibit no. D5	Photograph of Samantha Huckabee's injuries
Exhibit no. D6	Medical record, dated September 6, 2020
Exhibit no. D7	Notice of violation no. V20011148-A20013780, issued September 11, 2020
Exhibit no. D8	Photograph of wounds to Huckabee dog from the previous incident
Exhibit no. D9	Records showing attempts to get Ms. London to license her animals
Exhibit no. D10	Appeal, received October 5, 2020
Exhibit no. D11	Map of subject area

SD/lo

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V20011148-A20013780**

**BRENDA LONDON**

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 December 2, 2020.



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Lauren Olson  
Legislative Secretary

**Eykel, Chelsea**

Regional Animal Services of King County

**Huckabee, Samantha/Elaine**

Hardcopy

**Kostyk, Karyn**

Hardcopy

**London, Brenda**

Hardcopy