

November 25, 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 nos. **V20011162, V20011163 & V20011164**

JAANA JUNTILA

Animal Services Enforcement Appeal

Activity no.: A20013828

Appellant: **Jaana Juntila**

[REDACTED]
Kent, WA 98030

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. Jaana Juntila's dogs (Roger and Coco) have a history of getting loose and roaming the neighborhood, including repeatedly trespassing onto (and defecating on) one neighbor's yard. Previous warnings and violation notices did not stem the tide. After yet another incident, Regional Animal Services of King County served her not only new violations, but also an order to remove Roger from the County. Ms. Juntila appealed the removal order. As frustrating as Ms. Juntila's lack of control over her dogs has been, after hearing

the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we nonetheless overturn the removal order.

Background

2. On January 15, 2020, Animal Services received an online complaint from a neighbor about an incident earlier that day where Ms. Juntila's dogs were running at large. The complainant described this as a reoccurring event over the previous three years. She wrote that the dogs were sweet and friendly, but she was worried for their safety, that they might get killed by a speeding car. Ex. D11.
3. On May 24, a different neighbor, Carl Gaube, filed a complaint about Ms. Juntila's dog getting loose that day, noting this was part of a repeated pattern and providing Ring video. Exs. D15 & D16. Animal Services gave a man who lives at the Juntila residence a verbal warning, and then issued a written warning to Ms. Juntila. Ex. D17 at 002, n.1; Ex. D18.
4. On June 19, Mr. Gaube filed another complaint—this time just about Roger—trespassing the previous day, submitting Ring video of that event as well. Exs. D19-D20. Animal Services issued Ms. Juntila a violation notice for Roger's trespass. Ex. D22.
5. On June 28, Roger and Coco were back trespassing on the Gaube property, and he filed another complaint, along with the Ring video. Exs. D24-D25. Animal Services issued Ms. Juntila a violation notice for Roger's second violation and Coco's first. Ex. D27.
6. On September 12, Mr. Gaube filed another complaint, with accompanying video, of Coco and Roger trespassing again. Exs. D2 & D4. Animal Services served Ms. Juntila with violation notices for Coco threatening persons in public and for Coco and Roger trespassing again. Ex. D5 & D6.
7. As that was Roger's third violation in a one-year period, Animal Services also served Ms. Juntila with a removal order for Roger. Ex. D8.
8. Ms. Juntila appealed, not challenging the violation notices but challenging the removal order. Ex. D10. We went to hearing on November 10.

Hearing

9. Mr. Gaube explained that his doorbell camera and floodlights alert him when Ms. Juntila's dogs trespass on his property. The September 12 incident was a little different, because he went outside and he may have surprised the black dog (Coco), who became aggressive. Another time Coco also barked at him, which made him kind of uncomfortable; he opined that he may have startled Coco. He clarified that the yellow dog (Roger) has never been aggressive.
10. Mr. Gaube explained that he takes pride in his yard, and when the dogs trespass, they leave their stuff [feces] behind, and Ms. Juntila does not pick it up. Also, because they have been on his property so much, they have developed the habit of coming and taking

a dump on his lawn. As to the removal order, Mr. Gaube did not think it would come to that, meaning he did not think his complaints would possibly lead to a dog being removed. At the end of the day, he just wants the trespassing to stop.

11. Ms. Juntila apologized to Mr. Gaube. She knew the dogs have been getting out, but not that they had been defecating on his property; she would have cleaned it up if she knew. She has been on the receiving end of such leavings from other dogs, and she has not appreciated those. She was surprised Coco had been aggressive, and apologized for this as well.
12. She explained that Roger is an escape artist. He had earlier gotten through both gates. Roger had figured out how to remove the vertical fence slats from the front gate. The contractor she hired to secure the larger gate performed a subpar job, putting in nails (not screws) that Roger was able to pop out. Other times, the dogs got out when she was talking to officers responding to her domestic violence complaints.
13. A few weeks ago, she put horizontal boards, affixed with wood screws, across both gates to keep them sealed shut until another contractor can fix them properly. She agreed she failed to do this until soon before our hearing. She does not want her dogs to be a nuisance, and she feels terrible that Coco made someone feel threatened. She has also now put up a baby gate for when deliveries come.
14. Chelsea Eykel closed by stating that Ms. Juntila has not addressed the issue, despite previous warnings and violation notices. Had she done so earlier, we would not be here. In addition to previous unreturned voicemail messages to Ms. Juntila in past cases, Sgt. Eykel called her to address the situation, and she too got no response from Ms. Juntila. Ex. D17 at 002; Ex. D21 at 002; Ex. D26 at 002. Since the September 12 incident, there has been another escape (October 27), which puts Coco at risk for removal because that was Coco's third violation in a year. The behavior did not change until Ms. Juntila was staring at a removal hearing. Animal Services has had to spend a tremendous amount of time on her cases.
15. Ms. Juntila closed by expressing her sorrow for creating a nuisance. She spent \$400 on the contractor, but he did not fix it properly. Yes, she should have bolted the fence when she first got the notice. She was not trying to ignore Animal Services, only taking care of her daughter, her dog, and herself. She feels bad for the neighbors and does not want to waste Animal Services' time. She will do everything in her power to contain the dogs.

Legal Standard

16. As noted above, Ms. Juntila did not challenge the violations themselves. She has challenged the removal order, which Animal Services issued under KCC 11.04.290.B.1, which states that:

Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the county by the owner or by the manager of the regional animal services section, upon the receipt of three notices and orders of violation by the owner in any one-year period.... Where...

no finding was entered showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations, the manager of the regional animal services section shall notify and direct the owner of the animal to abate or remove the same from the county within ninety-six hours from the notice....

17. For those matters or issues raised in an appeal statement, Animal Services bears “the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed.” KCC 20.22.080.G; .210.

Analysis

18. The basic facts here—Roger (as well as Coco) getting loose again and again and Ms. Juntila failing to successfully curb that—is not in dispute. Similarly, we found Mr. Gaube credible and sensible, and he has the video evidence to document his assertions. Similarly, while Sgt. Eykel pushed it a little too far by saying that Ms. Juntila had not addressed the issue—for example, she spent \$400 on the contractor to try to secure the gate—certainly Ms. Juntila has fallen short of achieving the necessary results.
19. Ms. Juntila’s failure to contain Coco and Roger frustrates and unsettles her neighbors (at least Mr. Gaube and the complainant from January). It puts her dogs at risk of getting hit by a car. Although Coco has not actually bitten or attempted to bite anybody, the barking and growling could mean she presents a risk to Mr. Gaube or others. And it wastes Animal Services’ time repeatedly responding to complaints about Ms. Juntila’s dogs being loose, especially when she will not even return their calls, calls that could have helped her avoid the very situation she finds herself in today. She has sucked Animal Services resources away from more valuable endeavors such as, for example, more thoroughly investigating animal neglect or vicious dog allegations.
20. Turning to the appropriate legal standard, KCC 11.04.290.B.1 uses the mandatory “shall be... removed” language for animals with three violation notices in a one-year period. Roger has three violation notices in just a *four-month* period (June twice, and September), not to mention warnings from January and May (with video proof of the May trespass), and (apparently) another violation in October.
21. Section .290.B.1 does contain an escape hatch, an opportunity to show “that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations.” It is a stretch, given her abysmal track record this year, to put much confidence in her ability to keep it from happening again, especially since they apparently got out yet again in late October, well after even receiving Roger’s removal order in mid-September. Apologies and promises are not enough.
22. On the other hand, Ms. Juntila had, albeit only in the lead up to our November 10 hearing, sealed off the gates with horizontal boards, affixed with screws. Taking the gates out of service is geared to avoid a repeat. And the code is written in terms of protecting against “repetitions of violations,” and not “a repetition of a violation,” meaning the drafters were not demanding something foolproof. That makes sense in the code’s context, since subsection B.1 is dealing not with animals who inflicted bodily injury (such

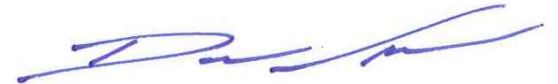
as an animal who bites people twice in a two-year period, where under subsection B.2, removal is mandatory, with no escape hatch), but with those that have created a non-violent nuisance. We have used that distinction in the reverse context in the past. We upheld a removal order for a dog that created serious carnage, reasoning that because there was no foolproof guarantee the owners could not, given the facts there, ensure that nothing like that happened again, and that certainty was necessary because the results of a single slip up could be so dire.¹ While Roger certainly creates a nuisance for Mr. Gaube and perhaps others, Mr. Gaube was very measured in his explanation of the impact, and he made it clear that he had not intended his complaints to lead to a dog's removal.

23. In sum, Ms. Juntila blew through a whole host of stop signs to get where we are today. She had many opportunities to prevent the repeated violations and keep the situation from spiraling. Yet given her recent action to seal off the gates, the code's wording, Roger not posing a threat to public safety, and the hardship a removal imposes on the owner,² we do not find removal is warranted here.

DECISION:

1. We REVERSE on V2001164, the removal order and \$1000 penalty.
2. We SUSTAIN violation V2001163 (\$300 penalty) and V2001162 (\$50 penalty).

ORDERED November 25, 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 25, 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 NOVEMBER 10, 2020, HEARING IN THE APPEALS OF
JAANA JUNTILA, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NOS. V20011162, V20011163 & V20011164-A20013828**

¹ https://www.kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2019/2019%20May-Dec/V19009454_JacobsonWalls.ashx?la=en at ¶¶ 21-24.

² *Repin v. State*, 198 Wn. App. 243, 284, 392 P.3d 1174 (2017) (Fearing, C.J., concurring) (analyzing court decisions recognizing “the bond between animal and human and the intrinsic and an estimable value a companion animal”).

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Carl Gaube, and Jaana Juntala. 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 September 12, 2020 incident by Carl Gaube, dated September 12, 2020
Exhibit no. D3	RASKC investigation report no. A20013828
Exhibit no. D4	Ring Camera Video of driveway
Exhibit no. D5	Notice of violation no. V20011162-A20013828, issued September 14, 2020
Exhibit no. D6	Notice of violation no. V20011163-A20013828, issued September 14, 2020
Exhibit no. D7	NVOC mailing/tracking history
Exhibit no. D8	Notice and order for removal no. V20011164-A20013828, issued September 14, 2020
Exhibit no. D9	Proof of Service
Exhibit no. D10	Appeal, received September 22, 2020
Exhibit no. D11	Online Complaint form of January 15, 2020 incident by Elizabeth Bissett, dated January 15, 2020
Exhibit no. D12	Ring Camera Video of driveway
Exhibit no. D13	Email Messages
Exhibit no. D14	RASKC investigation report no. A20000388
Exhibit no. D15	Online Complaint form of May 24, 2020 incident by Carl Gaube, dated May 24, 2020
Exhibit no. D16	Ring Camera Video of driveway
Exhibit no. D17	RASKC investigation report no. A20011947
Exhibit no. D18	Warning Notice V20010717-A20011947
Exhibit no. D19	Online Complaint form of June 18, 2020 incident by Carl Gaube, dated June 19, 2020
Exhibit no. D20	Ring Camera Video of driveway
Exhibit no. D21	RASKC investigation report no. A20012309
Exhibit no. D22	Notice of violation no. V20010827-A20012309, issued June 20, 2020
Exhibit no. D23	NVOC mailing/tracking history
Exhibit no. D24	Online Complaint form of June 28, 2020 incident by Carl Gaube, dated June 28, 2020
Exhibit no. D25	Ring Camera Video of driveway
Exhibit no. D26	RASKC investigation report no. A20012482
Exhibit no. D27	Notice of violation no. V20010852-A20012482, issued June 29, 2020
Exhibit no. D28	NVOC mailing/tracking history
Exhibit no. D29	Map of subject area

November 25, 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

CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file nos. **V20011162, V20011163 & V20011164**

JAANA JUNTILA
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 25, 2020.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Gaube, Carl

Hardcopy

Juntila, Jaana

Hardcopy