

March 10, 2021

**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. **V20010830, V20011256, V20011257 and V20011258**

SHIYI SUN

Animal Services Enforcement Appeal

Activity no.: A20012120 and A20014232

Appellant: **Shiyi Sun**

[REDACTED]
Issaquah, WA 98029

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

In June, Regional Animal Services of King County (Animal Services) issued a violation notice to Shiyi Sun (V20010830), related to dogs Larry and Duo Duo. The notice provided a July appeal deadline, instructions for how to appeal, and the consequences of not timely appealing. In October, Animal Services issued two more violations to Mr. Sun (V20011256, V20011257) related to Larry, and one (V20011258) to Mr. *Xudon* Sun, related to Duoduo. The notices provided a November appeal deadline, instructions for how to appeal, and the consequences of not timely appealing.

In January, Mr. Shiyi Sun filed an appeal, apologizing for past inaction, detailing the steps he had taken to contain the dogs (including fixing solid fence, installing an invisible (electric) fence, and training the dogs), explaining his financial situation, and requesting a penalty reduction. Animal Services filed a motion to dismiss his appeal as time-barred. We held a motion hearing yesterday.

In many scenarios, an examiner has a fair amount of discretion and flexibility. For example if an appeal is timely but inadequate in content, an examiner “may” dismiss the appeal, but alternatively “may” allow a party to clarify the appeal issues. KCC 20.22.090.B. Requiring clarification, instead of dismissal, is always the approach we choose in such a scenario. We would do so here if *content* were the shortcoming in this appeal.

However, untimely appeal statements are decidedly different. The examiner “shall” (not “may”) dismiss an untimely appeal. KCC 20.22.090.A. Where:

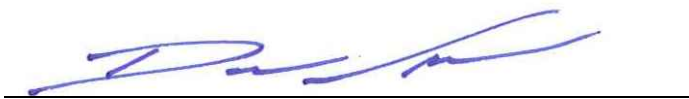
a person fails to timely deliver the appeal statement[, the] examiner does not have jurisdiction to consider the appeal and the decision of the department ... becomes final and unreviewable.

KCC 20.22.080.H.

We are empathetic with Mr. Sun’s predicament. We kept the conference line open yesterday after we stopped the recording and exited, to allow Mr. Sun to discuss the penalty issue with Animal Services’s representative. However, we have no jurisdiction to weigh in on the merits of his appeal.

We therefore DISMISS Mr. Sun’s appeal.

DATED March 10, 2021.



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 *April 9, 2021*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20010830, V20011256,
V20011257 and V20011258**

SHIYI SUN

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 March 10, 2021.



Lauren Olson
Legislative Secretary

Fernandez, Angie

Hardcopy

Russell, Shelby

Regional Animal Services of King County

Sun, Shiyi

Hardcopy