

March 10, 2021

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V20011357 and V21011520**

**TAMMY RYALS**

Animal Services Enforcement Appeal

Activity no.: A20014877 and A20015581

Appellant: **Tammy Ryals**

[REDACTED]  
Covington, WA 98042

Telephone: [REDACTED]

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King County: Regional Animal Services of King County  
*represented by* **Chelsea Eykel**  
Regional Animal Services of King County  
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Overview

1. Regional Animal Services of King County (Animal Services) issued two violation notices to Tammy Ryals, related to excessive dog barking. Ms. Ryals timely appealed. We held a conference in January and went to hearing in February. After viewing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we grant Ms. Ryals appeal, and offer some thoughts for the future, to the extent this dispute continues.

### Background

2. On November 13, 2020, Ms. Ryals was issued a Notice of Violation and Order to Comply, V20011357 for excessive noise for Titan. Ex. D10. Ms. Ryals timely appealed. Ex. D18.
3. On January 1, 2020, Ms. Ryals was issued a Notice of Violation and Order to Comply, V21011520 for Titan's second excessive noise violation and Koda's first excessive noise violation. Ex. D14. Ms. Ryals timely appealed that as well. Ex. D19.
4. We held a conference on January 13, 2021, and then went to a hearing on both appeals on February 24. Prior to the hearing, we reviewed extensive documentary, video, and audio exhibits, which we later admitted into the record. Exs. D1-D22 & A1-A11.

### Hearing

#### *Ransier Testimony*

5. Charles Ransier lives next door to Ms. Ryals. He testified that in 2019, while Ms. Ryals was out of town, her dog, Titan, was left outside all night to bark. He was unable to get any sleep. He filed a complaint with Animal Services. Ex. D2.
6. Mr. Ransier has heard the Ryals dogs bark enough so that he recognizes which dog is barking. There are dogs across the cul-de-sac from his house, but they do not bark at night. The younger Ryals dog, the female, will bark at the drop of a hat and is definitely a nuisance barker. The older one (Titan) will bark, but he does not get triggered too much.<sup>1</sup> Prior to the younger female arriving on the scene, the older male (Titan) was relatively quiet.
7. The dogs bark when he gets out of his car. They will bark when he does stuff outside in his yard and will continue to bark until he goes inside. If there is anything out, they will bark. The dogs can see down the street. The neighborhood is very active and there are a lot of families walking around.
8. The dogs will bark when they go out in the morning, which is around 5:30 a.m. The barking is short-lived, but long enough to wake his wife up. Recently, when he hears the dogs barking, he also hears Mike (Odom) and Tammy (Ryals) yell at the dogs to be quiet. When the dogs are out, they bark. The barking may be short lived, but it is enough to wake up Mr. Ransier and his wife.
9. Mr. Ransier noted it has been pretty quiet recently, and the barking has gotten better. The dogs are now more in the north end of the property. There has been less barking since Animal Services contacted him. The barking is not daily, but still pretty frequent. In January, his wife called Ms. Ryals to tell her that her dogs were barking.

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<sup>1</sup>Mr. Ransier mentioned a Pomeranian-type dog on the Ryals property who only barks when the big dogs are already barking. The complaints and violation notices only mention the larger dogs, so we will not discuss the Pomeranian further.

10. Mr. Ransier also said that there are other animals on Ms. Ryals property that make noise. Ms. Ryals has peacocks, fowls, and roosters that crow at 2:00 a.m.
11. Mr. Ransier lives in an A-frame house, so noise travels up. He has tried noise canceling equipment, but since the barking is not consistent, it is difficult to consistently employ the equipment.

*Dorer Testimony*

12. Kristina Dorer lives on the other side of the park/green space from Ms. Ryals. Ms. Dorer noticed the barking in 2019, but it did not affect her life and she could not identify whose dog was barking. She began to get woken up more and more from the barking, and her work calls were being interrupted by the barking. Due to the continuous barking, she filed a complaint with Animal Services about animal welfare, which Animal Services addressed. Once she started working from home due to the COVID pandemic, she has been woken up at 6:50 a.m. four days a week by the barking, although recently the pre-7:00 a.m. barking had gotten better.
13. With work from home, she is often on conference calls, and the barking just does not stop. Her office is in the middle of her house, away from the Ryals side. Ms. Dorer believes that the greenspace in between their properties makes the barking echo. The barking is consistent from just before 7:00 a.m. to about 10:00 a.m. It will start again around 11:00 a.m. or 11:30 a.m. and is spontaneous through the rest of the day. It had gotten better in the two weeks leading up to the hearing.
14. Ms. Dorer submitted videos which demonstrate that it is the same dog barking every day. The sound is coming from the north side of her property, from the vicinity of the Ryals property. The barking is coming from the same exact area as a rooster crowing. She has not had a visual on the Ryals dogs and does not “necessarily know” it is the Ryals dogs.
15. Ms. Dorer keeps her windows closed and has curtains that dampen sound. She plays music and turns on the television to drown out the barking. She noticed an improvement in the two weeks leading up to our hearing.

*Barry Testimony*

16. Eric Barry also lives on the other side of the park/green space from Ms. Ryals. He has filed multiple noise complaints with Animal Services. Exs. D4, D6, D8, D12. When Mr. Barry filed a complaint in August with Animal Services, he described the barking as incessant and continuous. He could not enjoy his backyard or open his windows. He was not initially positive it was the Ryals dogs.
17. By December 2020, the barking had pushed Mr. Barry to a breaking point; he triangulated where the barking was coming from, so he could identify the barking dog. He started recording a video while he was standing at the park. He continued the video and walked towards Ms. Ryals’ property. He walked up to the Ryals property line and took videos of the big white fluffy dog. Exs. 22.e, .f & .g. Mr. Barry can hear the big one, (Titan) more than the other one, because the big one has a distinctive bark.

18. Mr. Barry sent Animal Services logs to document the barking. Ex. D17. Every time he heard the dogs bark, he wrote down the time on the log. Each barking episode on the log ranged from 30 seconds to 5 minutes to 20 minutes. The barking starts around 6:30 a.m. or 6:50 a.m. It tapers off around noon. Looking at his bark log, he noted that the barking is mostly in the morning and it is not an issue at night.
19. Mr. Barry said that the dogs will bark when they see people. He believes the dogs are barking because they are bored.
20. Mr. Barry can hear other dogs in the neighborhood bark, but the other dogs do not bark consistently. Ms. Ryals' dogs seem nice and Mr. Barry likes dogs in general. Mr. Barry will play music to mitigate the barking, but he still hears barking. For his work, he flies one week on and then one week off. On a day off, he is tired, and he wants to sleep in.
21. In February, Mr. Barry noticed that the dogs were being quieted after barking for just 20 seconds. The barking has improved. As for how the barking is right now, he described it as fine.

#### *Ryals Testimony*

22. In August, Animal Services informed Ms. Ryals that they had received a complaint about her dogs barking. Animal Services withdrew that case because they could not confirm if it was her dogs barking. Three days later, Officer Miller called and told Ms. Ryals that another complaint was filed. She then requested the records of that complaint. The barking in one of the videos from that complaint was faint. Ms. Ryals submitted videos of her dogs during the accused barking time, however Officer Wilcox has never returned her calls.
23. Ms. Ryals pointed out that Animal Services' witnesses were inconsistent in their testimony as to whether the bigger, older, male dog (Titan), or the younger, smaller female dog (Koda) was the primary problem. Titan is way more laid back than Koda. The dogs bark when they see people in the park or woods, near their property line.
24. One of her renters works the graveyard shift, so in order to ensure the dogs do not bark, Ms. Ryals puts the bark collars on the dogs at night. She cannot keep the bark collars on the dogs all day, nor can she keep them kenneled up all day. The renter who sleeps during the day does not hear barking. She described a time when Mr. Ransier called about a dog barking at night, and she went outside to check on the dogs, and they were not barking. Mr. Barry confronted another neighbor about a crowing rooster, and he said he wants peace and quiet. She does not have roosters. She is doing the best she can.
25. When Ms. Ryals is inside a building, her dogs' barking sounds the same as some of her neighbors' dogs. She has in the past gone out to yell at her dogs to quiet them down, only to see them laying down and not barking. If she cannot tell whether the barking is her own dogs or not, how can someone else tell?
26. When Ms. Ryals works off-site, she lets the dogs out of their kennels momentarily at 5:30 a.m. They have their bark collars on at this time. She then puts them back in their

kennels, and they stay in the kennels, with their bark collars on, until Mike (Odom) leaves for work, which is around 6:30 a.m. to 6:45 a.m. This is when the bark collars come off. The dogs follow this morning schedule at most three days a week. When she works from home, the dogs stay in their kennels until 8:30 a.m. to 9:00 a.m.

27. Ms. Ryals stated that dogs bark. Her dogs are protecting her livestock and her property. Her property is at the edge of the park. When people are near the fence line, the dogs will bark. They do not bark at everyone in the park. The dogs stopped barking because the weather changed and there are fewer people at the park. They are not barking because they are bored. The only thing she has done to respond to the violation is to use the bark collars at night.

#### *Odom Testimony*

28. Mike Odom, Ms. Ryals' partner, testified that since the beginning of the dispute, he has become sensitive to the dogs' barking. When he hears dogs barking, he will jump up, and go outside to check to see if it is their dogs. The night before the hearing, he heard dogs barking, so he went outside to go check on the dogs, but it was not them. He said that their dogs do bark, but typically five to ten seconds before they stop; they do not constantly bark.

#### *Hart Testimony*

29. Jordan Hart and her husband moved into Ms. Ryals' house in October. Her husband works the graveyard shift, so he sleeps during the day. Ms. Hart and her husband have complained to Ms. Ryals about barking dogs before, only to discover it was not the Ryals dogs. She hears Ms. Ryals neighbors' dogs bark. She is home during the day, and she hears dogs bark, but the barking is not coming from Ms. Ryals' dogs.

#### Legal Standard

30. 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. Our task is determining whether Animal Services has met its burden of proving a violation of KCC 11.04.230.J., which defines as a nuisance "Any animal that howls, yelps, whines, barks or makes other oral noises to an unreasonable degree, in such a manner as to disturb a person or neighborhood."<sup>2</sup> In doing so, we give no deference to Animal Services. Exam. R. XV.F.

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<sup>2</sup>Although the jurisdiction is Covington, Covington has adopted the KCC chapter 11.04 and any amendments as its code. CMC 6.05.010.1.a.

## Analysis

### *Roadmap*

31. We have three levels of concerns with the evidence here. The first relates to whether most or all the complained-of barking was from Ms. Ryals' dogs. The second turns on inconsistent testimony as to which Ryals dog is the nuisance barker. And the third relates to the magnitude of the barking, even assuming the overwhelming majority of the complained-of barking emanated from a specific Ms. Ryals' dog.

### *Source of the Barking*

32. As to whether the bulk of the complained-of barking came from Ms. Ryals' property, the evidence cuts both ways.
33. Certainly, the time matches are significant. Mr. Barry and Ms. Dorer discussed consistently hearing barking coming between 6:30 a.m. and 7:00 a.m., which is the exact window that Mr. Odom lets the dogs out of the kennel and takes off their anti-bark collars. We note that Mr. Ransier testified that the dogs barked at 5:30 a.m. until recently, which is also the time Ms. Ryals momentarily lets the dogs out, before putting them back in. That was hearsay, as Mr. Ransier noted he was going off information from his wife, and not something he personally observed, but hearsay in our cases typically goes to weight, not to admissibility. Either those were strange coincidences, or it means they were all hearing Ms. Ryals' dogs.
34. Similarly, all three Animal Services witnesses testified that the situation has improved since the appeal process began, with Mr. Barry emphasizing that someone is now often shutting up the dogs in twenty seconds or so, and the current situation is "fine." That would be consistent with past animal noise appeals where, in the face of a violation, the owner takes additional steps to minimize the problem. However, Ms. Ryals claimed she has not done anything differently, the only difference being that prior to the hearing, the weather turned cold, and so people were not using the park as much. We find her explanation less credible than Animal Services', but weather can be a variable.
35. Having reviewed Ms. Dorer's and Mr. Barry's audio and video, the dog barking sounds to us close to identical. That counts for something, although it is not dispositive; while it is easy to, for example, differentiate between a small dog's bark and large dog's bark, subtler gradations are more difficult to wade through. Although there were only anecdotes, Ms. Ryals and Ms. Hart described hearing what sounded like Titan or Koda barking, only to rush outside and find they were not the source. Those anecdotes also are not dispositive, but they count for something.
36. In addition, while Ms. Ryals and her tenant (Ms. Hart) may have a vested stake in the outcome, neighbor Lindsey Atwood has large Mastiffs. Although she did not testify at our hearing, she apparently noted that her dogs "occasionally" bark, a dog to the north of them "frequently" barks, and the Ryals' dogs "occasionally" bark. Ex. D7 at 002, n.5.

37. Ms. Ryals contends there was no evidence directly linking the barking heard on the Barry and Dorer properties with her dogs. All the Dorer video/audio was taken from her yard, with no direct connection to Ms. Ryals' dogs, whom Ms. Dorer agreed she has never actually seen. And even the one sequence Mr. Barry took establishing barking in his home/yard, then at an intermediate point between his property and Ms. Ryals, and then of Ryals dog taken from her property line, was not a continuous shot, although we found his testimony about that day credible. And while it appears from the file notes that Ofc. Wilcox actually observed Ms. Ryals' dogs barking, exhibit D7 at 002, that is hearsay, as she was not present to testify. A future appeal might present enhanced evidence, but we have the record we have for today's appeals.
38. Ms. Dorer agreed she did not "necessarily know" the barking was from Ms. Ryals' dogs. Even her comment about it being from the same property because she could hear a rooster on the same property, leads to a further question. While Mr. Ransier testified that Ms. Ryals has roosters, among many other animals, Ms. Ryals specifically denied she has a rooster. Mr. Ransier did not stay on the line to offer rebuttal testimony on this or other items. That seems a pretty easy point to clear up (if there is a rooster on the Ryals property, snap a picture of it and be done) and goes directly to witness credibility. However, on today's record it is not clear whether Ms. Dorer tying the barking to the same property as a rooster cuts for or against Animal Services' case.
39. There were some inconsistencies in Ms. Ryals' testimony as well. For example, she defended her dogs' right to bark at park users. And she complained that the noise recorded at the Dorer and Barry properties was not loud enough to qualify. While loudness matters, a noise need not exceed a particular decibel level to be a public disturbance noise. KCC 12.86.410.B. Moreover, her overly defensive posture on the noise level and barking at park users undercut her larger position that most of the barking being complained about was not her dogs. If she really believed her own statement, then a more credible response would have been something along the lines of, "Wow, I'm sorry you're getting all that barking. I hear it too sometimes, but it's mostly not my dogs. I don't know what to tell you—I can't control other people's dogs."
40. We suspect that much of the complained-of barking is coming from the Ryals dogs, but thoughts are not the same thing as a preponderance of the evidence.

*Titan v. Koda*

41. Even as to the barking definitely coming from a Ryals dog, the testimony was inconclusive about which dog is the nuisance barker. Mr. Barry pointed to the big one, Titan, as the main culprit, noting that Titan has a distinctive bark. And Animal Services cited Titan, the male great Pyrenees, twice and Koda, the female great Pyrenees, only once. Yet next-door neighbor Mr. Ransier stated that he too could recognize which dog is barking, and that it is the younger one (Koda) that will bark at the drop of a hat and is the nuisance barker, while the older one (Titan) is more chill.

42. Where a person has multiple dogs, we have not always required a specific name for an offending dog to uphold a violation. However, the conflicting testimony from Animal Services' witnesses gives us additional pause.

*Timing and Magnitude*

43. In its violation notices, Animal Services listed daytime barking as the offending noise.<sup>3</sup> The noise code lists numerous sounds exempt from normal noise code limitations between 7:00 a.m. (9:00 a.m. on weekends) and 10:00 p.m. KCC 12.86.510. In that same ordinance, the Council amended the law to explicitly add that, "The hour of the day at which the sound occurs may be a factor in determining reasonableness." Ord. 18000 at § 72 (codified at KCC 12.86.410.A.).
44. We draw a stark distinction between daytime (hours stated above) and nighttime barking. KCC 12.86.510. We have consistently held that daytime barking must be much more significant than nighttime barking to qualify as "unreasonable." There is simply not the same reasonable expectation that daytime hours will be fairly quiet. During the day, lawnmowers whirr. Trucks back up and emit loud warning beepings. Children scream. Power tools create a cacophony. Waste collectors bang trash cans. Cars honk. And dogs bark.
45. Duration and repetition are also different for daytime versus nighttime. While a dog repeatedly waking someone up from sleep many nights a month may be sufficient no matter how short each barking episode is—quickly quieting the dog down after each episode is a bit like locking the barn door after the horse is gone—that is not true of daytime barking. During the day, a dog barking for twenty seconds while a driver drops off a delivery and speeds off is different from a dog going off for twenty additional minutes after the person drives away.
46. At some point, the quality and quantity of such daytime barking becomes legally unreasonable, but it is a high threshold. Even assuming that the overwhelming majority of daytime barking Mr. Ransier, Ms. Dorer, and Mr. Barry documented and then attributed to Ms. Ryals' dogs in fact came from her dogs, it was not the overwhelming level of daytime barking we have reviewed in past cases where we upheld a daytime barking violation.

*Summation of the Evidence*

47. In the end, Animal Services has not met its burden of proving either violation. We grant Ms. Ryals' appeal.

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<sup>3</sup> Ex. D10 (listing the triggering incident as 5:15 p.m.); Ex. D14 (listing the triggering incidents as 8:30 a.m., 10:43 a.m., 10:46 a.m., 11:41 a.m., and 12:50 p.m.).



### Forward-Looking Thoughts

#### *Explanation*

48. All three Animal Services witnesses testified that the situation has improved since the appeal process began, with Mr. Barry emphasizing that someone is now often shutting up the dogs in twenty seconds or so, and the current situation is “fine.” If so, the future here sounds promising. However, Ms. Ryals steadfastly claimed she made no recent changes, and the only recent variable was cold weather limiting park usage. If so, the future sounds bleak; as the weather gets better and park use ramps up, we may simply find ourselves back here on a later appeal, entertaining new evidence.
49. In general, neighborhood disputes like this are not like fine wines; they tend not to get better with age. Noise can be especially clingy. We take judicial notice that most external conditions respond to the “Adaption Principle”—people adapt and adjust to new stimuli. Jonathan Haidt, *THE HAPPINESS HYPOTHESIS: FINDING MODERN TRUTH IN ANCIENT WISDOM* at 84–85 (Basic Books 2006). However, noise is number one on the short list of external conditions *not* fully subject to the adaption principle. *Id.* at 92. Instead, research shows that people never fully adapt to new and chronic sources of noise. *Id.*
50. Sometimes parties channel more resources and effort into shoring up their positions in proving how right they are, instead of working through the problem. As we noted in our prehearing conference notice suggesting mediation, unlike a consensus the parties craft themselves, an examiner’s determination after an adversarial hearing on “whether to uphold what is essentially a \$50 ticket is hardly geared to be the final, definitive word on anything important.” Thus, we offer some future-looking thoughts.

#### *Nighttime Barking*

51. The pending violations under appeal, V20011357 and V21011520, relate to daytime noise (i.e. after 7:00 a.m.). And while Mr. Ransier’s statement that, in the past, the dogs barked at 5:30 a.m. turned out to be hearsay—he was going off of information his wife provided, not on his personal observations—Ms. Dorer and Mr. Barry testified to hearing pre-7:00 a.m. barking. The reverse of our discussion above about daytime barking is true for nighttime barking.
52. Although decibels are not determinative, from 10 p.m. and 7:00 a.m. (9:00 a.m. on weekends) the maximum permissible sound levels are reduced. KCC 12.86.120.A. Even absent the noise code’s daytime/nighttime delineation, we would still draw such a distinction. That the timing of a noise matters significantly is not controversial, nor new. For example, in one pre-Civil War noise case, the court stated that, “The peace of Sunday may be disturbed by acts which, on other days, cannot be complained of.” *Commonwealth v. Jendell*, 2 Grant 506, 509 (Pa. 1859). Replace “Sunday” with “3:00 a.m.” and “on other days” with “at 3:00 p.m.,” and that proposition remains true 160 years later. One’s right to make nighttime noise “must be limited by the right of the neighbors in the area to be free of disturbing noises during normal sleeping hours.” *Altman v. Ryan*, 435 Pa. 401, 407, 257 A.2d 583, 605 (1969).

53. This distinction is especially true when it comes to how long (duration-wise) barking must occur for us to find it to an “unreasonable degree, in such a manner as to disturb a person or neighborhood.” At night, whether a dog barks six seconds or sixty seconds or six minutes or sixty minutes is somewhat irrelevant. Mr. Ransier made this point when he noted that once barking wakes someone up, the damage is done.
54. The barking that the witnesses discussed at 6:40 a.m. is not the same as, say 2:40 a.m., but 7:00 a.m. means 7:00 a.m. A few episodes a month are not overly problematic, but Ms. Ryals and Mr. Odom may want to adjust accordingly.

*Reasonable Expectations for Complainants*

55. Our Court has cautioned against applying a noise ordinance without an objective “unreasonableness” standard, which would and erroneously let any given complainant make a “subjective determination” that a violation had occurred. *City of Spokane v. Fischer*, 110 Wn.2d 541, 544–45, 754 P.2d 1241, 1242 (1988). Similarly, when analyzing whether noise truly “disturbs” (interferes with normal functioning, such as sleep) versus merely “annoys” (irritates), we have to guard against measuring conduct “by its effect on those who are inordinately timorous.” *Seattle v. Eze*, 111 Wn.2d 22, 29–30, 759 P.2d 366 (1988).
56. So, we apply an objective standard. For example, while it is totally understandable that Mr. Barry would try to sleep in to make up for an exhausting shift, or Ms. Dorer’s home would be her office during a pandemic, and each would be more bothered by, say, 9:00 a.m. barking than the average person would under typical circumstances, we do not give undue weight to a particular listener’s circumstances and heightened sensitivity.
57. And, to reiterate the point made earlier, the standard for how much daytime barking—in terms of repeated episodes, and duration of each episode—must occur to push it into the “unreasonable degree” category is much higher than for nighttime barking. There is no daytime quiet expectation.

*Reasonable Expectations for Ms. Ryals*

58. There seemed to be an undercurrent from Ms. Ryals that the fact Animal Services closed out its first case, when Mr. Barry agreed he could not confirm it was definitely coming from Ms. Ryals dogs, either barred Animal Services from bringing a new case or detracted from Animal Services’ and Mr. Barry’s credibility. *See, e.g.*, Ex. D13 at 001, n.1. We disagree. If anything, it tends to *enhance*, not detract: rather than doubling down and trying to justify an earlier assertion, if the evidence is not there, drop it and move on.
59. Similarly, not finding that Animal Services has met its burden of proof in regard to V20011357 and V21011520 does not mean we would reach the same result in a future case. We decide each appeal based on the evidentiary record presented in that case.
60. And some of the evidentiary problems with Animal Services case today—lack of definitive proof connecting the video/audio taken from the Dorer and Barry homes and yard, with Ms. Ryals’ dogs—would be remediable if the noise ramps up enough to motivate Ms. Dorer and Mr. Barry to record video, say, establishing barking in their

home/yard, then followed in a continuous shot from their properties, across the park, and to the Ms. Ryals property line. And Mr. Ransier may be able to shed light on the rooster question. So, a win on the present appeals is not cause for complacency.

61. Finally, Ms. Ryals argument that her dogs' barking is excused when they are barking at people using the adjacent park does not hold much water. It cannot be the standard that if a particular barking episode is understandable, all such understandable episodes are cumulatively immune from review. For example, suppose a dog's property abutted the nearby Cedar River Trail or a busy street in Covington, with the dog's fence a foot away from the sidewalk or trail. Our hypothetical dog stays at the fence line and barks at each walker who passes by. On a sunny day, that translates into barking all day long. Even though each *individual* reactionary bark to each particular pedestrian would, standing alone, be totally reasonable, we would have little trouble in that context ruling that *cumulatively* the dog barked to an unreasonable degree. So just because one of or both Ryals dogs is barking for an understandable basis—say someone is using the adjacent park and the dog feels protective of what they perceive as territory extending beyond the Ryals property boundaries—that is no Get-Out-of-Jail-Free card if the cumulative amount reaches an unreasonable degree.

#### Decision

62. Based on the facts presented, we GRANT Ms. Ryals appeals.

ORDERED March 10, 2021.



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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.

### **MINUTES OF THE FEBRUARY 24, 2021, HEARING IN THE APPEAL OF TAMMY RYALS, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20011357-A20014877 & V21011520-A20015581**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Charles Ransier, Kristina Dorer, Eric Barry, Tammy Ryals, Mike Odom, and Jordan Hart. 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 Noise Complaint form of August 3-4, 2019 incident by Charles Ransier, dated August 5, 2019
Exhibit no. D3	RASKC investigation report no. A19-00480
Exhibit no. D4	Online Noise Complaint form of August 25, 2020 incident by Eric Barry, dated August 25, 2020
Exhibit no. D5	RASKC investigation report no. A20-013524
Exhibit no. D6	Online Complaint form of incident by Eric Barry, dated October 28, 2020
Exhibit no. D7	RASKC investigation report no. A20014649
Exhibit no. D8	Online Complaint form of November 10-12, 2020 incident by Eric Barry, dated November 12, 2020
Exhibit no. D9	RASKC investigation report no. A20-014877
Exhibit no. D10	Notice of violation no. V20011357-A20014877, issued November 13, 2020
Exhibit no. D11	NVOC mailing/tracking history
Exhibit no. D12	Online Complaint form of December 29, 2020 incident by Eric Barry, dated December 29, 2020
Exhibit no. D13	RASKC investigation report no. A20-015581
Exhibit no. D14	Notice of violation no. V21011520-A20015581, issued January 1, 2021
Exhibit no. D15	NVOC mailing/tracking history
Exhibit no. D16	Email from Mr. Barry stating the barking had stopped after violation V21-011520
Exhibit no. D17	Barking Logs from Mr. Barry
Exhibit no. D18	V20011357 Appeal, received December 6, 2020
Exhibit no. D19	V21-011520 Appeal, received January 19, 2021
Exhibit no. D20	Map of subject area
Exhibit no. D21	Videos: D21a-D21g
Exhibit no. D22	Videos: D22a-D22q

The following exhibits were offered and entered into the record by the appellant:

Exhibit no. A1	November 11, 2020 Front Porch: Ring video log and videos A1a-A1f
Exhibit no. A2	November 11, 2020 Side: Ring video log and videos A2a-A2j
Exhibit no. A3	December 29, 2020 Front Porch: Ring video log and videos A3a-A3d
Exhibit no. A4	December 29, 2020 Side: Ring video log and videos A4a-A4e
Exhibit no. A5	Investigation Report A18-005490
Exhibit no. A6	Letters and supporting documents
Exhibit no. A7	Initial investigation complaint from Eric Barry
Exhibit no. A8	October 31, 2018 video
Exhibit no. A9	Email – Rebuttal to Staff Report, dated February 18, 2021
Exhibit no. A10	Eric Barry audio and video A10a-A10b
Exhibit no. A11	January 25, 2021 Side: Ring video log and videos A11a-A11b

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  
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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V20011357 and V21011520**

**TAMMY RYALS**

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 March 10, 2021.



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Lauren Olson  
Legislative Secretary

**Barry, Eric**

Hardcopy

**Dorer, Kristina**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Hart/Middlebrooks, Jordan/Wendell**

Hardcopy

**Odom, Mike**

Hardcopy

**Ransier, Charles**

Hardcopy

**Ryals, Tammy**

Hardcopy