

February 26, 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. **V20011434-A20015178**

JING REN XIE

Animal Services Enforcement Appeal

Activity no.: A20015178

Appellant: **Jing Ren Xie**

[REDACTED]
Kenmore, WA 98028

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

On December 5, Animal Services posted a violation notice at the Xie property. Posting the violation notice at the front door of the owner or person with a right to control the animal is one of the three valid methods for service KCC 11.04.260.D.3. The notice listed a December 30 appeal deadline. Ms. Xie filed on January 11, stating that she missed the appeal deadline and requested another chance to appeal, given the monetary pressures.

Animal Services moved to dismiss her appeal as untimely. On February 11, we sent an electronic invitation for a February 24 hearing on Animal Services' motion. Ms. Xie accepted the electronic invite on February 11. On February 17, we emailed and mailed written notice of the hearing. We received no communication in response that the date or time were unworkable.

Animal Services' representative (Tim Anderson) promptly called in at the scheduled time. He noted that he had attempted to contact Ms. Xie about a resolution, but had not heard back. We waited 10 minutes before we dismissed Ms. Xie's appeal.

Over six hours later, Ms. Xie emailed that she was sorry she had missed the hearing and asked for reschedule. We will not be reversing our dismissal.

First, the law is clear that the examiner has no jurisdiction to entertain a late-filed appeal, and that Animal Services' December 5 decision became final and unreviewable once the December 30 deadline to appeal came and went. KCC 20.22.080.H. The examiner "shall" (mandatory) dismiss an untimely appeal. KCC 20.22.090.A.

Second, we provided a forum where Ms. Xie could offer her arguments. That just wound up wasting everyone's time when she did not participate. We will not be rescheduling. Ms. Xie may want to reach out to Animal Services about payment resolution, but the Examiner's role is at an end.

Ms. Xie's appeal is DISMISSED on both jurisdictional and failure-to-appear grounds.

DATED February 26, 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 *March 29, 2021*. 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 no. **V20011434-A20015178**

JING REN XIE

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 February 26, 2021.



Lauren Olson
Legislative Secretary

Anderson, Tim

Regional Animal Services of King County

Bilir, Sevin

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Jackson, Tom

Hardcopy

Wilcox, Allison

Regional Animal Services of King County

Xie, Jing Ren

Hardcopy