

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 ON RECONSIDERATION

SUBJECT: Regional Animal Services of King County file no. **V20011448-A20015176**

TEPPEI KONO

Animal Services Enforcement Appeal

Activity no.: A20015176

Appellant: **Teppei Kono**

[REDACTED]
Anchorage, AK 99504

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

Given the court's ruling in a parallel Bellevue case, on January 20 we dismissed Tepei Kono's appeal of Animal Services' December 10 notice and order, finding we had no jurisdiction to entertain such appeals.

On February 19, Mr. Kono filed a timely motion for reconsideration, asserting that, although he timely followed the appeal process outlined, because the examiner had no jurisdiction, he denied an opportunity to be heard in challenging his dog's designation as "vicious"; requirement that he secure, restrain, vaccinate, and microchip the dog; and the \$500 penalty.

We queried Animal Services with our assumption that because Mr. Kono timely appealed the December 10 notice and order, using the instructions he was given (which, in hindsight, turned out to be incorrect), V20-011448 was no longer in effect, and that enforcement would have to come via a new violation notice once Tukwila changes its code to clarify that appeals of Animal Services' decisions go to the examiner.

Yesterday, Animal Services confirmed that V20-011448 was not in effect and that Animal Services intends to issue a new violation with a new violation number related to the December 2 incident. Thus, Mr. Kono is not losing his right to be heard; with V20-011448 not valid, there is currently no active viciousness designation, no confinement terms, and no penalty owed.

On Monday, Tukwila passed ordinance 2651, which clarified that appeals go to the examiner. The ordinance will apparently take effect today or this coming Monday. When Animal Services issues a new notice and order with a new number (“V21-0xxxx”) regarding the December 2 event, Mr. Kono will have a fresh 24-day appeal window to file a new appeal. Mr. Kono can simply resubmit his initial appeal, or he may wish to revise and update it.

In any event, as long as Mr. Kono timely submits his appeal to Animal Services, Animal Services will send that appeal, along with the notice and order and a mailing list, to us. We will then have jurisdiction to schedule a hearing to dive into what really happened on December 2. But for right now, we have no jurisdiction over the merits of this dispute.

We confirm our dismissal of Mr. Kono's appeal of the now defunct V20-011448. This will be our final word on V20-011448. We will send further instructions if or when we receive a future appeal of a future violation notice.

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.

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V20011448-A20015176**

TEPPEI KONO

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 ON RECONSIDERATION** 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

Eiselstein, Henry Lou

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Isaacson, Mari

Prosecuting Attorney's Office

Kono, Teppei

Hardcopy