

March 15, 2021

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

King County Courthouse
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www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Reg. Animal Services of King Co. nos. **V20011505, V21011519, and V21011529**

GUIDO CAMPANA-RAMIREZ
Animal Services Enforcement Appeal

Activity no.: A20015491, A2010465, and A21000001

Appellant: **Guido Campana-Ramirez**
[REDACTED]
Bellevue, WA 98004
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
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FINDINGS AND CONCLUSIONS:

Overview

1. Guido Campana-Ramirez appeals three violation notices Regional Animal Services of King County (Animal Services) served him for his dog, Mocha, running at large in a Bellevue park in March, June, and December 2020, and being unlicensed as of the first violation. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we sustain all four violations, but we reduce the penalty.

Chronology

2. Animal Services Ofc. Marcy Goldstone explained how Animal Services gets requests from cities like Bellevue to monitor their parks for off-leash dogs. Some complaints are about feces, but they also receive complaints about off-leash dogs from folks who are culturally sensitive to dogs, about toddlers getting knocked down, or about old (and presumably somewhat unsteady) people being approached by dogs. Bellevue has specifically requested that they monitor Downtown Park.
3. Ofc. Goldstone testified that on March 24, 2020, she visited Downtown Park. Ex. D15. She observed a gentleman [later identified as Mr. Campana-Ramirez] whose golden retriever [Mocha] was loose and interacting with people who did not want to engage. Mocha seemed friendly and non-aggressive, but people were pulling their kids back when she approached. She warned Mr. Campana-Ramirez that he needed to leash his dog.
4. Instead of complying, Mr. Campana-Ramirez argued with her about the need to leash his dog. He later momentarily leashed Mocha, only to then drop the leash and allow Mocha to continue running loose, dragging the leash. This interaction stood out to Ofc. Goldstone, because when she arrives at parks, most people quickly leash up their dogs. Mr. Campana-Ramirez was “atypical,” deciding instead to argue with her and then to purposely drop the leash in front of her.
5. Five days later, on March 29, she returned to the park and saw several people with unlicensed dogs. She did not recognize the other people, but she did recognize Mr. Campana-Ramirez and Mocha, given their memorable earlier altercation. This round, Mr. Campana-Ramirez leashed his dog and ran off (in the direction of what she would later learn was Mr. Campana-Ramirez’s residence) before Ofc. Goldstone could issue him a citation.
6. Mr. Campana-Ramirez testified that March was so long ago that he did not remember those interactions.
7. Ofc. Allison Wilcox noted that at some time prior to June 10, she went to Downtown Park and had an interaction with a man who she would later learn was Mr. Campana-Ramirez. She told him he had to leash his dog. He responded that she was a waste of taxpayer money and that a park ranger had already told him he needed to leash his dog. She warned him that he risked a violation notice. That interaction stood out to her because of his level of argument.
8. On June 10, Ofc. Wilcox returned to Downtown Park and saw ten or so people with their dogs off leash, including Mr. Campana-Ramirez. She recognized him from their earlier argument, and because the other owners leashed up their dogs quickly after she arrived. She also took a picture, which shows Mr. Campana-Ramirez in the middle with Mocha off-leash. Ex. D8. She did not interact with Mr. Campana-Ramirez that day.
9. Mr. Campana-Ramirez testified that he did not remember those interactions either.

10. Ofc. Goldstone returned again on December 23, and recognized Mr. Campana-Ramirez. When she approached him, he first said he did not have a leash. When she offered to provide him a leash, he then produced one of his own. She asked for his identification, and he would not give it. Again, he momentarily picked up the leash, but then dropped it again. He remained in the vicinity, and even approached her again to argue, asking for her identification but refusing to give his own. After he left with two other individuals and headed back to his car, Ofc. Goldstone followed him, and jotted down the license plate of the car he got into.
11. Mr. Campana-Ramirez testified that he remembered that day. He denied that Ofc. Goldstone asked him for identification. He did not recall arguing. He thought it was rude that Ofc. Goldstone followed him. He now takes Mocha to off-leash areas.
12. From the license plate, Ofc. Goldstone was able to discover Mr. Campana-Ramirez's identity. She then communicated the information to Ofc. Wilcox. On January 1, 2021, Ofc. Wilcox mailed Mr. Campana-Ramirez V 21-011519, related to Mocha running off leash in a park (second offense) on June 10.
13. On January 3, 2021, Ofc. Goldstone mailed Mr. Campana-Ramirez:
 - V20-011505, related to Mocha running off leash in a park (first offense) on March 29, and also being unlicensed, and
 - V21-011529, related to Mocha running off leash in a park (second offense), on December 23.
14. Mr. Campana-Ramirez timely appealed. Ex. D14. We went to hearing on March 3.

Legal Standard

15. BMC 8.04.300.C defines as a nuisance:

Any domesticated animal, whether licensed or not, that runs at large in any park or enters any public beach, pond, fountain or stream or upon any public playground or school ground. However, this subsection shall not prohibit a person from walking or exercising an animal in a public park or on any public beach when the animal is on a leash, tether or chain not to exceed eight feet in length....
16. BMC 8.04.070.A requires that, "All dogs and cats eight weeks old and older that are harbored, kept or maintained in the city of Bellevue shall be licensed and registered. Licenses shall be renewed on or before the date of expiration."
17. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. 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. Mr. Campana-Ramirez asserts that Bellevue should have a downtown off-leash option. We take no position on that. Perhaps Bellevue wants to add an off-leash area to Downtown Park or to another area in the vicinity; Mr. Campana-Ramirez may want to raise this issue with his city councilmember. Those are policy questions for Bellevue to weigh. Bellevue has not designated Downtown Park as an off-leash park, and Animal Services' job was to apply the rules Bellevue set: dogs are not allowed to run in Downtown Park unless on a leash, tether, or chain not exceeding eight feet. Even if we had a preference (which we do not) for whether Downtown Park should have an off-leash area, our role would still be to interpret the codes "as they are written, and not as we would like them to be written." *Brown v. State*, 155 Wn.2d 254, 268 (2005) (citations omitted).
19. We did not find Mr. Campana-Ramirez credible. Unless he just argues with everyone, so that any one argument would not have been that memorable to him (which from the notes and interactions with Animal Services, could be an explanation),¹ we have a hard time accepting that he really did not remember his spring arguments with Ofc. Wilcox or Ofc. Goldstone. And Ofc. Goldstone's account of their December 23 interaction—including their argument and him refusing to give her his contact information at the same time he was asking for hers—seems far more plausible than Mr. Campana-Ramirez's.
20. So, to a certain extent, Mr. Campana-Ramirez has reaped what he sowed. He had at least two verbal warnings from two different Animal Services officers (Ofc. Goldstone on March 24 and Ofc. Wilcox on a date preceding June 10), plus he acknowledged receiving even earlier warnings from Bellevue Parks personnel. Instead of adjusting his behavior accordingly, and either taking Mocha to an off-leash park or keeping Mocha on a leash at the Downtown Park, he chose to argue, and then to defiantly continue to allow Mocha to run off-leash both in the Animal Services officers' presence during those initial encounters and then again in the future. That was certainly not a wise approach. If nothing else, it made him memorable, so that officers easily recognized him when they encountered him again later. Mr. Campana-Ramirez made his choices, and he well-earned the March 29, June 10, and December 23 violations for continuing to let his dog run off-leash in Downtown Park. We sustain the violations.
21. The closer issue involves the penalty *amounts* for the park violations. The penalty for the March 29 violation was \$50, reflecting it being a first-time violation. Ex. D5. The June 10 violation was for \$100, double the penalty because it was a second violation within the same 12-month period. Ex. D9; KCC 11.04.035.C. And the penalty for the December 23 violation doubled again to \$200. The concern we have is whether that doubling and redoubling are appropriate here.
22. Penalty doubling exists to incentivize people to correcting their (or their dog's) behavior. People receive a violation, realize "This is serious," and, if they continue the behavior,

¹ See testimony from Ofc. Goldstone, Ofc. Wilcox, and Sgt. Chelsea Eykel. See also Ex. D2 at 002, n.4; Ex. D7 at 002, n.1; Ex. D11 at 003, n.1.

have only themselves to blame when they receive future violations at double the previous rate. But here, the violation notices were issued in early January 2021, after all three 2020 violations.

23. That is not Animal Services' fault, as officers were not able to positively identify Mr. Campana-Ramirez until after December 23. But it means Mr. Campana-Ramirez received his first violation notice (related to the March 29 nuisance) only *after* he committed the second (June 10) and third (December 23) nuisances. So, ours is not a scenario where Mr. Campana-Ramirez received a violation, chose to ignore it and again roll the dice, earned a second violation, again refused to comply and to take his chances once again, and then earned a third violation.
24. Doubling and redoubling the penalty would be appropriate if Mr. Campana-Ramirez evaded providing requested contact information on March 29 (so Ofc. Goldstone could issue him the first violation) and on June 10 (so that Ofc. Wilcox could issue him a second violation). A person should not benefit from failing to provide requested contact information to enable Animal Services to deliver violation notice, and then later complain about not timely receiving a ticket. However, the evidence here is mixed, not because of anything Mr. Campana-Ramirez said—again, we did not find him credible—but because even reviewing only Ofc. Goldstone's and Ofc. Wilcox's account, the facts are not so clear.
25. In her notes written nine months after the incident, Ofc. Goldstone wrote that Mr. Campana-Ramirez did not provide her with contact when they first argued on March 24. Ex. D2 at 002, n.1. However, we probed Ofc. Goldstone about this at hearing, and she stated that she did not ask him for his identification on March 24. There may be a difference between requesting contact information and requesting identification (one may be soliciting a verbal response and the other a physical form of identification), so perhaps her statements were not inconsistent. But it is clear that Ofc. Goldstone was not planning to issue him a violation notice on March 24. So, March 24 was not like December 23, where Ofc. Goldstone tried to get Mr. Campana-Ramirez's contact information so she could issue him a violation, and Mr. Campana-Ramirez refused to provide it.
26. Ofc. Goldstone testified that when she saw Mr. Campana-Ramirez again on March 29, he took Mocha and left before she could ask him for identification to issue him a violation. For her part, Ofc. Wilcox did not mention asking Mr. Campana-Ramirez for contact information when they argued at some unspecified date prior to June 10, and she was clear (in answer to our questioning) that she had no interaction with Mr. Campana-Ramirez on June 10. So, on March 29 and June 10—when Mr. Campana-Ramirez earned his first two violations—Mr. Campana-Ramirez was not asked for contact information. There was no request for him to refuse.
27. Mr. Campana-Ramirez did refuse Ofc. Goldstone's request for contact information on December 23, necessitating her needing to investigate to get his license plate and use that to identify him. However, even if Mr. Campana-Ramirez had responded to her request for contact information that day, he would still have received his first violation notice

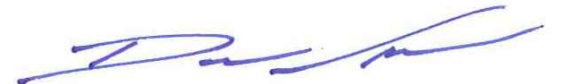
only *after* he committed the third violation. Thus, his refusal to comply with the request for information on December 23 was not retroactively the reason he was not earlier issued violation notices for March 29 and June 10.

28. In sum, Mr. Campana-Ramirez made his bed and now has to lay in it, in the sense that he received verbal warnings from park rangers, Ofc. Goldstone, and Ofc. Wilcox, chose to ignore them all, and earned his later violations. However, it is not so clear that Mr. Campana-Ramirez is responsible for putting himself in the position to only receive the first violation notice after he committed a second, and then a third, violation. Under these inconclusive facts, we hold that Animal Services has not met its burden of proving that doubling the penalty rate is appropriate for either the June or December violations. We will reduce those to \$50-a-piece violations.
29. As to the licensing penalty, where someone licenses a dog after the initial violation but before our hearing, we typically reduce the penalty somewhat. Mr. Campana-Ramirez has licensed Mocha. We reduce the \$250 penalty to \$150.

DECISION:

1. We deny Mr. Campana-Ramirez's appeal as to all three running in parks violations (V20-011505, V21-011519, and V21-011529) and the licensing violation (V20-011505).
2. We reduce the \$100 violation in V21-011519 to \$50. We reduce the \$200 violation in V21-011529 to \$50. And we reduce the licensing penalty in V20-011505 from \$250 to \$150. The total penalty Mr. Campana-Ramirez owes to Animal Services for all violations is \$300, not \$600.

ORDERED March 15, 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 14, 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 MARCH 3, 2021, HEARING IN THE APPEAL OF GUIDO
CAMPANA-RAMIREZ, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE
NO. V20011505, V21011519, and V21011529**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Marcy Goldstone, Allison Wilcox, and Guido Campana-Ramirez. 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	RASKC investigation report no. A20010380
Exhibit no. D3	Warning Notice V20011504
Exhibit no. D4	RASKC investigation report no. A20010465
Exhibit no. D5	Notice of violation no. V20011505-A2001465, issued January 3, 2021
Exhibit no. D6	Proof of Service
Exhibit no. D7	RASKC investigation report no. A21000001
Exhibit no. D8	Photograph of Mr. Campana Ramirez and his off leash dog at Downtown Park
Exhibit no. D9	Notice of violation no. V21011519-A21000001, issued January 1, 2021
Exhibit no. D10	Proof of Service
Exhibit no. D11	RASKC investigation report no. A20015491
Exhibit no. D12	Notice of violation no. V21011529-A20015491, issued January 3, 2021
Exhibit no. D13	Proof of Service
Exhibit no. D14	Appeal, received January 25, 2021
Exhibit no. D15	Map of subject area

DS/lo

March 15, 2021

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CERTIFICATE OF SERVICE

SUBJECT: Reg. Animal Services of King Co. nos. **V20011505, V21011519, and V21011529**

GUIDO CAMPANA-RAMIREZ
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 15, 2021.



Lauren Olson
Legislative Secretary

Campana-Ramirez, Guido

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Goldstone, Marcy

Regional Animal Services of King County

Wilcox, Allison

Regional Animal Services of King County