

March 1, 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. **V21011588 & V21011589**

NORMA GOMEZ

Animal Services Enforcement Appeal

Activity no.: A21000371

Appellant: **Norma Gomez**

[REDACTED]
Seattle, WA 98178

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

To jump to the end, we dismiss the current appeal on jurisdictional ground. That will likely have no long run impact and will simply lead to a “re-do.” Animal Services will likely re-issue its violation notice and its removal order related to the January 19 incident, Ms. Gomez will likely re-appeal, and then we will likely schedule a hearing to address the merits of both. To understand why we do not have jurisdiction over what Animal Services issued on January 21 but do for future such notices and orders requires a little history.

Tukwila, and most other cities in King County, have long contracted with the County for animal-related services. Historically, the County’s Board of Appeals (Board) was the sole administrative tribunal with authority to hear appeals of Animal Services’ enforcement actions; we (the Examiner) had no involvement with animal cases. The Tukwila code version in place until this week thus referenced the Board as the appropriate appellate body.

However, County code has changed, making us the sole County administrative tribunal with jurisdiction to hear Animal Services-related appeals. At the time Animal Services issued its January 21 enforcement documents to Ms. Gomez (which Ms. Gomez appealed the next day), Tukwila had not yet amended its code; it still listed the Board, not the Examiner, as the tribunal with jurisdiction. Thus we have no jurisdiction to entertain V21-011589 and V21-011588.

Last week, Tukwila passed ordinance 2651, which clarified that future appeals go to the Examiner. Presumably, Animal Services will issue a new notice and a new order with a new number (“V21-0xxxx”) regarding the January 19 event. Ms. Gomez would then have a fresh 24-day appeal window to file a new appeal. Ms. Gomez could simply resubmit the initial appeal, or she could revise and update it. As long as it is timely received by Animal Services, we will then have jurisdiction to schedule a hearing to dive into what really happened on January 19.

So for right now there is no active violation related to the January 19 incident, no removal order, and no monetary penalty. The ball is back in Animal Services’ court.

We thus **DISMISS** Ms. Gomez’s appeal on jurisdictional grounds.

DATED March 1, 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 31, 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. **V21011588 & V21011589**

NORMA GOMEZ

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 1, 2021.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Gomez, Norma

Hardcopy

McCleave, Diane

Hardcopy