

May 5, 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. **V21011731-A21001085**

**CELINA CLARK**

Animal Services Enforcement Appeal

Activity no.: A21001085

Appellant: **Celina Clark**

[REDACTED]  
Black Diamond, WA 98010

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King County: Regional Animal Services of King County  
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FINDINGS AND CONCLUSIONS:

Overview

1. On March 6, 2021, a dog left Celina and Alex Clark's property, came out onto the street, and attacked Michele Prichard's leashed dog, Remi, before returning to the Clark property. Regional Animal Services of King County (Animal Services) cited the Clarks' dog, Arya. Ms. Clark timely appealed, asserting that the attacker was not their dog. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny Ms. Clark's appeal.

### Background

2. On March 7, Michele Prichard filed a complaint, alleging that the previous day her neighbors' dog had attacked her leashed dog (Remi), seriously enough to require surgery. Ex. D2. Animal Services investigated. Ex. D3. On March 9, Animal Services issued Ms. Clark a notice and order declaring that Arya was running at large, qualified as vicious, and needed to be contained. Ex. D10.
3. Ms. Clark timely appealed on March 17. Ex. D13. She did not challenge the running at large violation but did challenge the viciousness determination and the confinement order. Ex. D13 at 003.
4. We set the case for an April 21 hearing. Prior to hearing, the parties submitted multiple exhibits. Among these were:
  - from Animal Services, Ms. Prichard's photos of the dog, in the Clarks' backyard, she identified as the attacker (Ex. D9);
  - from Ms. Clark, an amended appeal statement, along with photos in social media posts about roaming dogs (Exs. A & J); and
  - from both, the Prichards' Ring doorbell video from just after the attack (Exs. D4 & K1).

### Hearing Testimony

#### *Patricia Moss Testimony*

5. Ms. Moss was not a direct witness to the March 6 events. However, she testified she has seen Arya loose and wandering, typically sitting on the Clarks' front porch or in their front yard. She has also observed Arya wander out of the yard once or twice. She has spotted Arya loose less often since the fall of last year. She has seen Arya in the front yard, unattended, two to three times since the fall of 2020. Ms. Moss has not had issues with Arya trespassing onto her property.
6. There was one time between the fall of 2020 and the hearing date when Arya rushed up to Ms. Moss in the street when she was grabbing her mail. Ms. Moss stood her ground and yelled at Arya; Arya then stopped.
7. Once, Ms. Moss was introduced to Arya. A couple years ago, both Arya and Ms. Moss's dog were out in their respective front yards. Both dogs rushed at each other. She has also seen the Clarks call the dog "Arya" before.
8. The photo of the dog in exhibit D9 is Arya. She knows that Arya is mostly black with white patches and has short hair. The photos of the wandering dogs from exhibit J1 do not look familiar to Ms. Moss.

9. In answer to Ms. Clark's question, Ms. Moss testified that she recalled Mr. Clark asking her about an incident when Arya came running from Ms. Moss's property with a chemical on her. Ms. Moss did not know that Arya was running from her yard or what the chemical was.

*Jamie Sawyer Testimony*

10. Ms. Sawyer was also not a witness to the March 6 events. However, she testified that she has lived in the neighborhood for about eight years. Over the years, she has had countless issues with Arya coming into her yard. Arya would also follow the kids to the bus. Ms. Sawyer has three indoor outdoor cats and Arya has chased her cats multiple times on her property. Arya relieves herself on Ms. Sawyer's lawn constantly.
11. Ms. Sawyer has seen Arya off Arya's property since late 2020 (when Ms. Prichard moved into the neighborhood). Ms. Sawyer knows the dog is Arya because she has observed the same dog in the front yard with Mr. Clark. Ms. Sawyer saw Arya in the neighborhood five to six times in late 2020. The last time she spotted Arya was eight to nine weeks before the hearing. Sitting on her couch, she heard her neighbor saying, "Go away." She went to the front porch and saw Arya. She yelled "Arya" and then told her to go home; Arya went back to her property.
12. The black dog in exhibit D9 is Arya. Ms. Sawyer does not recognize the loose dogs in exhibit J1.
13. It is typical for Ms. Sawyer to not see Arya for eight to nine weeks at a time when it is colder outside. Ms. Sawyer does not trust Arya, so she walks around her house to give herself enough time to react if she spots Arya. Arya charges people and Arya has charged Ms. Sawyer on Ms. Sawyer's property. When Arya charges she will start barking; her stance is tense, her tail is curled, her ears go up, and she will slam her front paws on the ground. Ms. Sawyer learned that if she clapped her hands and stomped her feet, Arya would run back to her property.
14. In answer to Ms. Clark's question, Ms. Sawyer testified that her children have never told her that they have gone to the Clarks' to ask to play with Arya.

*Susannah Hanley Testimony*

15. Ms. Hanley was visiting Ms. Prichard that weekend. She testified that on March 6 around 5:00 p.m., she went on a walk with Ms. Prichard and the Prichards' baby (Evie) and dog (Remi). Remi was calmly walking down the street with them, on a leash Ms. Prichard was holding. They were walking side-by-side in the street, almost to Ms. Prichard's neighbor's house, when she saw a black dog sitting in front of a garage. Ms. Hanley and Ms. Prichard kept walking down the street.
16. All of a sudden, the dog charged at them. The dog attacked Remi without hesitation, going straight for Remi's throat and face. The baby, Evie, was in reach of the attack. Ms. Hanley was terrified. She had her hands on the stroller and Ms. Prichard scared the dog

away by waving her hands and telling the dog to go away. Ms. Prichard had to do that a couple times, since the dog kept coming back at Remi.

17. After Ms. Prichard chased the dog further away, it circled back to the front porch of the house where it was before. They retreated to Ms. Prichard's house. Ms. Prichard could not get her Ring system to open her door. Blood was everywhere from Remi's neck and face. Ms. Hanley brought Remi into the kitchen and put a washcloth on his face. She noticed that he was shaking.
18. Ms. Hanley heard the doorbell ring, but she stayed with Remi. When Ms. Prichard came back inside from the garage, she told Ms. Prichard the doorbell had rung. Ms. Prichard went and answered the door. Ms. Hanley heard what she now knows was the Clarks, and heard Ms. Clark ask if there was anything they could do. At some point she heard either Mr. or Mrs. Clark or Ms. Prichard mention "Arya." They went to the vet for the next five hours.
19. On Sunday, they went to the neighbor's house with the vet bill. The gentleman, who she now knows is Mr. Clark, was about to get into his jeep in the driveway. He told them to hold on a minute, went inside, came back with his insurance information (exhibit D6) and told them that he had opened a claim. Ms. Hanley was shocked when she heard the Clarks were later denying it was their dog.
20. Ms. Clark has never seen the loose dogs from exhibit J1. The black dog in exhibit D9 is a photograph of the dog that charged at them. At no point did she hear from the neighbors or from Ms. Prichard that the neighbors said it was not their dog involved in the incident. She has not seen Arya before, because she does not live in the neighborhood. Earlier in the day on March 6, she saw a black dog behind Ms. Prichard's fence; Ms. Hanley was not sure if it was the same dog that charged at them.

#### *Michele Prichard Testimony*

21. Ms. Prichard testified that on March 6 she left her house with Susannah Hanley at around 4:35 to go on a walk. They went on about an hour long walk. On the way out, Ms. Prichard noticed a utility van with a door left open across the street from the Clark house.
22. As they were on their walk, the weather was turning, and it looked like it was about to rain. They were rushing back. While on the street by the Clark house, they passed the van again, which still had an open door. As they contemplated contacting the van owner to warn of the open van door and the threatening rain, a black and white dog came running out from in front of the Clarks' garage door and grabbed onto Remi's face.
23. Ms. Prichard lunged forward. The dog let go and backed up, but attacked Remi's face again. She was scared because this happened right by her daughter who was in a stroller. After the attack, the dog went to the Clark's front porch.

24. She and Ms. Hanley went to her house and had a difficult time getting in because of her Ring entry. She then noticed that Remi was covered in blood. She was getting her daughter ready, so she could go to the vet.
25. Ms. Hanley told her someone was at the door. Ms. Prichard went and answered the door to find the Clarks. Ms. Prichard said that Enzo had bit Remi and he was bleeding from the face. The Clarks corrected her and said it was Arya, not Enzo. The Clarks asked if there was anything they could do. Ms. Prichard told them she would bring them the bill.
26. Ms. Prichard explained that the longest recording time for a Ring video is 120 seconds; it starts recording when it first senses motion at her front door. The video (exhibit D4\_A21-001085e(1)) kept recording for 120 seconds. Because Ms. Prichard did not come to the door right away, the video only captured when she opens the door, and then it stops recording. It did not start recording again until it caught more movement. The next video (exhibit D4\_A21-001085f(2)) caught the tail end of their conversation. At no point during the conversation did either Clark tell her that it was not their dog.
27. When Ms. Prichard bought the house and was doing a final walk through last fall, the previous owner mentioned the names of the Clarks' dogs. She remembered the then-owner say they were Enzo and Archer.
28. At the vet, Remi needed stitches and a tube inserted in his face. Ms. Prichard and Michele got back from the vet around 11:45 p.m. They took the vet bill and her mileage over to the Clarks' the next day. Mr. Clark was getting into his jeep. Ms. Prichard signaled that she had her paperwork. Mr. Clark told them to wait one second. He went into the house and came back out with a piece of paper with his insurance information. Mr. Clark told them to call his insurance company. Ms. Prichard handed him her vet bill.
29. Ms. Prichard bought her house in September and moved in at the beginning of November. She had a conversation with Mr. Clark in November where she introduced herself and wanted to introduce their dogs to each other, since they were now neighbors. During this conversation Mr. Clark mentioned that their dog gets out by jumping over the fence. The dog that attacked her dog is the same dog that gets out by climbing over the back of the fence. In the past, when the dog was loose and jumping around behind the Prichard fence, she thought the dog was friendly.
30. Since March 6, Ms. Prichard has noticed that the Clarks leave their grey dog and brown dog out freely in the yard, but they have chaperoned the black and white dog outside. Ms. Prichard also noticed that the Clarks put up a cedar fence up along with the chain link fence. Since the incident, she has not seen the black and white dog off its property.
31. In response to Ms. Clark's questioning, Ms. Prichard explained that she does not have mirrors in her backyard. She does have a birdhouse with a flashing light.
32. On rebuttal, Ms. Prichard testified that the pictures in exhibit D9 are screenshots taken from a video, which was shot on March 27 at 6:31 p.m. She thinks the dog in exhibits D9-001 is the same dog as in exhibit D9-002. Ms. Prichard paused the video to get different shots of the same dog. The dog has white on its chest. When asked why in the

initial report she claimed the dog that attacked was a terrier mix, Ms. Prichard replied that she is not a dog breed expert. The Clarks' dog has short fur, while the Prichards' Australian shepherd (Remi), has longer fur. Ex. D8

*Celina Clark Testimony*

33. Ms. Clark testified that when she heard the incident on March 6, she was on bedrest. She heard dogs barking and a commotion, so she called Mr. Clark and asked where their dogs were. He replied that he was looking at the dogs in their backyard at that moment. He brought Arya back inside and then went out front. He told her he heard Ms. Prichard having difficulty getting into her house. The Clarks were still on the phone. Mr. Clark said he heard Ms. Prichard say someone was bleeding; he asked if they should go over to make sure the Prichards were okay.
34. The Clarks went over to the Prichards. Ms. Prichard said Enzo was the dog that attacked. Ms. Clark replied that Enzo passed away a long time ago. Ms. Prichard said she had to get ready to go to the vet and she was going to send them the bill. The Clarks then went home. Ms. Clark called her insurance because Ms. Prichard said she was going to send her the bill. She only called her insurance to make sure they were covered for a dog bite on their property.<sup>1</sup> Ms. Clark's insurance agent told her to give Ms. Prichard the agent's contact information if they received a bill.
35. An Animal Services officer came to Ms. Clark's residence and asked about the incident that happened the day before. The officer looked at each of their dogs and said that the dog involved in the incident was a brown dog. Ms. Clark replied that her brown dog is severely disabled. The officer did not ask if Arya had any previous incidents of getting out. The Clarks chaperon Arya outside because she has a history of getting out.
36. The black and white dog in the first photo of exhibit D9 is Ellie, a foster dog who came to Ms. Clark's residence in mid-February and was rehomed on March 17. At the time of that photograph, Ellie was a five-month-old puppy. They also had Archer, a foster dog that was rehomed on February 27. The grey and white dog in that first photo is Luca. Luca is the same size and age as Ellie. Conversely, the black and white dog photographed in the second photo is Arya. Ellie and Arya are the same breed.
37. Ms. Clark noted that there are dogs in the neighborhood that regularly get out and roam. However, Ms. Clark has not seen these roaming dogs on her front porch.
38. Ms. Clark was under the impression that when she microchipped the dogs, that meant they were also registered. She registered all of her pets once Animal Services left.
39. A few days after the incident, Remi started to rush the fence and Ms. Prichard did not make any attempt at bringing Remi inside. Ms. Clark later said that Remi rushing the fence regularly happened before the incident. They also found that the mirrors in the Prichard's yard were aggravating her dogs, and a motion sensor light was intriguing her

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<sup>1</sup> The attack on Remi took place on the street, not on the Clark property.

dogs. These are the reasons why she put up the fence. Ms. Clark is working on moving out of the neighborhood.

*Potential Alex Clark Testimony*

40. We asked if Ms. Clark wished to call Mr. Clark to testify (given that he was allegedly the one with eyes on Arya during the attack). Ms. Clark stated she could get a written statement from him. We replied that we would leave the record open for her to submit his written statement; although written statements are not subject to cross examination and typically do not receive the same weight as testimony, we would leave that decision to her. Ms. Clark said she could submit his statement by the end of the hearing day, and we offered that the following day would be fine. We received no follow-up that day, the following day, or even in the day after that. We thus closed the record with only Ms. Clark's statements about Mr. Clark's statements that he had eyes on all the Clark dogs at the time of the attack.

Legal Standard

41. Our substantive question is whether Arya qualifies as "vicious," which KCC 11.04.020.BB defines as:

Having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation,

while KCC 11.04.230.H declares a nuisance "Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises."

42. In answering that, 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.B.

Analysis

43. Animal Services presented a straightforward, thorough, and logical case for Arya being the attacker. Numerous times before March 6, neighbors Moss and Sawyer witnessed Arya loose in the neighborhood and sometimes behaving aggressively; these neighbors who would later identify photographs of the black-and-white dog in the Clark backyard as Arya. On March 6, as Ms. Hanley and Ms. Prichard walked on the street in the vicinity of the Clark house, a dog they would later identify from photos as Arya was resting in front of the Clarks' garage. Arya then charged out of the street and attacked the leashed dog Remi, injuring her face. Even after being momentarily scared off, Arya charged again at Remi. After being chased off for good, Arya then circled back to the Clark porch.

44. Conversely, Ms. Clark's case for why it was *not* Arya was meandering and unconvincing.
45. We start with the Clarks' response immediately after the attack and the following day. Within a few minutes of the attack, the Clarks knocked on the Prichards' door. While the video (exhibit D4) does not capture all the interaction, both Ms. Prichard and Ms. Clark testified that Ms. Prichard said Enzo had bitten Remi. Ms. Prichard said that the Clarks corrected her and said it was Arya, not Enzo; conversely, Ms. Clark said she simply told Ms. Prichard that Enzo had passed away. But there is no claim that either Clark added that all their dogs were accounted for during the attack and that the culprit could not have been one of their dogs.
46. Even if we accept Ms. Clark's point that they would not have wanted to get into an argument with a distraught Ms. Prichard immediately after her dog got attacked, that does not explain the next day. Mr. Clark gave Ms. Prichard and Ms. Hanley his insurance agent's information and told them to file with the agent without even mentioning that, oh by the way, he was watching his dogs the entire time and knew it could not have been a Clark dog. If a neighbor handed us a bill after saying we had driven into their car the previous day, and we knew our car had not moved in two days, there is no way we would provide our insurance information without explaining that our car had been stationary the entire previous day. Ms. Clark's spin to the contrary was unconvincing.
47. Moreover, Ms. Clark explicitly did not appeal the finding that Arya was running at large on March 6 at around 5:30 pm. Exs. D10, D13 at 002, A3. Her explanation for not appealing that violation—because Arya has in the past run at large—was odd, because Animal Services' violation notice was not for Arya running at large *in general*, but for Arya being loose at the "Date and time of violation(s)." Exs. D10. If Arya was not loose at approximately that time, then there was no running at large violation.
48. However, today's case is not like many appeals, were we close a hearing faced with two plausible versions of events, and we need to carefully scrutinize circumstantial evidence and make inferences to determine which of those two scenarios is likely more accurate. Even taking Ms. Clark's version of the unrecorded portion of the conversation with Ms. Prichard (i.e. that she simply corrected that Enzo was dead, without mentioning Arya), completely setting aside the statements, actions, and—most importantly—non-statements from the Clarks on March 6 and Mr. Clark the following day, ignoring that Arya running at large on March 6 at 5:30 was essentially admitted, and making no inferences from any of that, the case against Arya is still overwhelming.
49. Ms. Clark points to Ms. Prichard telling the Clarks right after the altercation that Enzo had attacked Remi; that much is undisputed. The name confusion could very well be an inconsistency. For example, Ms. Moss had frequent interactions with Arya, had been formally introduced to Arya, and had heard the Clarks call the dog "Arya" when the dog got out. Similarly, Ms. Sawyer has had "countless" issues with Arya coming into her yard, following her kids to the bus, chasing her cats multiple times, and regularly relieving herself on the Sawyer lawn; she had even yelled "Arya" herself to get the dog to go home. Ms. Moss and Ms. Sawyer knew very well which dog Arya was. If either of them had asserted that Enzo was involved on March 6, that would raise a serious red flag.



50. Ms. Prichard was in a very different boat. Having moved to the neighborhood only in November, up until after the March attack the only Clark dog names she recalled ever being told (from the owner that sold her the house) were “Enzo” and “Archer,” and she thought she knew who Archer was, because Archer barked a lot. Thus, her telling the Clarks immediately after the attack that Enzo was the attacker does not even raise a yellow flag, yet alone a red one.
51. Ms. Clark’s next line of defense was that in her written complaint the day after the altercation, Ms. Prichard described the attacker as a “terrier mix?, male, medium.” Ex. D2 at 002. Arya is an Australian shepherd. Whether the black dog pictured in the Clarks’ backyard looks like a “terrier mix?” is somewhat in the eye of the beholder, but it is not as if Ms. Prichard described the dog as possibly a “hound mix?” or something completely dissimilar. Moreover, Ms. Hanley’s written statement on March 8, two days after the attack, described the dog as “black or mostly black, approximately 50 pounds with short medium fur and an un-cropped tail,” exhibit D5, which seems a fairly decent description of the Clark dog in the later photograph, if perhaps a little heavy.
52. The description of the attacking dog as “brown” could raise significant concerns, but Ms. Clark said she heard “brown” from the investigating officer. Ex. A1. “Brown” does not appear in any of the officer’s notes. Ex. D3. In fact, in the March 7 conversation the officer had with Ms. Prichard just minutes before the first conversation with Ms. Clark, the officer wrote that Ms. Prichard described the dog as “black-and-white colored.” Ex. D3 at 002, n.1. And Ms. Hanley’s written statement on March 8 described the dog that attacked on March 6 as “black or mostly black.” Ex. D5. “Brown” is a red herring.
53. The straw-grasping continued when Ms. Clark raised the Prichards’ motion sensor light and a mirror that aggravates her dogs, and she accused Remi of “regularly” rushing the Clark fence. “Provocation” is a critical issue we tackle in many appeals. None of Ms. Clark’s complaints, if true, would qualify as legally sufficient provocation in any way proportionate to the violence inflicted on Remi, and Ms. Clark did not raise provocation in her appeal or amended appeal statement.<sup>2</sup> But more importantly, mirrors, lights, or Remi allegedly antagonizing the Clark dogs could only be relevant if *one of the Clark dogs* was the March 6 attacker. Lashing out at Ms. Prichard and Remi only further undercut Ms. Clark’s defense that all her dogs were accounted for during the March 6 attack.
54. The one theory that at least had an air of plausibility was Ms. Clark’s statement that the black-and-white Clark dog pictured in the first photo in exhibit D9 is not the same one as in the second photo. Ms. Clark testified that the top picture is Ellie, a foster dog of the same breed as Arya that the Clarks housed from mid-February through mid-March, while the bottom one is Arya. Both photos depict a black dog with a white-topped tail and a white spot behind the head, which we assumed were of the same dog. But the pictures are not terribly clear. Beyond simple being low resolution and taken with

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<sup>2</sup> Provocation requires the dog’s reaction to be proportional to the victim’s act. *Bradacs v. Jacobone*, 244 Mich. App. 263, 273–75, 625 N.W.2d 108 (2001); *Kirkham v. Will*, 311 Ill. App.3d 787, 792, 724 N.E.2d 1062 (2000); *Stroop v. Day*, 271 Mont. 314, 319, 896 P.2d 439 (1995). The attack here was grossly disproportionate to any provocation the Prichards or Remi allegedly created. And the scope of an appeal is limited to matters or issues raised in the initial appeal statement and any appeal amendment the examiner authorizes. KCC 20.22.080.G.

interference of the intervening fence, the first photo of a black dog has the feet cut off, so it is difficult to see if it shares the distinctive white feet of the second photo.

55. We are not sure what to make of Ms. Clark’s assertion. The exhibit appears to show a 7:12 p.m. screenshot of a video taken earlier that day (March 27) at 6:31 p.m. That is almost two weeks *after* Ms. Clark said they rehomed Ellie. However, assuming Ms. Clark’s testimony was accurate and the Clarks had two same-breed dogs on March 6, our concern was that maybe Ms. Prichard, Ms. Hanley, and Animal Services pointed to the wrong black, white-topped tail, white-spot-behind-the-head Clark dog. Could it have been Ellie, not Arya, who came off the Clark property, brutally attacked Remi, and then retreated back to her property? In fact, we pressed Ms. Clark if that was her new theory of the case—that it was Ellie. She stated that it was not.<sup>3</sup> And, of course, an it-was-Ellie-not-Arya theory would have undercut her statement to the officer and her appeal and amended appeal statements that all four Clark dogs were in the backyard and in the Clarks’ sight the entire time. Exs. D3 at 002, n.2, D13 at 002 & A1-A2.
56. So that leaves only the random dog hypothesis. Ms. Clark submitted photos of two dogs that were at some point seen wandering, along with some social media chatter. Ex. J. Neither of those dogs looks remotely like Arya (or Ellie). Ms. Clark conceded that she had not seen either of those random dogs in their neighborhood, and the other four witnesses—Ms. Moss, Ms. Sawyer, Ms. Prichard, and Ms. Hanley—testified that they had never seen those dogs either. Ms. Prichard and Ms. Hanley testified that neither of those random dogs was the dog that attacked Remi on March 6. And Ms. Moss also testified that, before March 6, she had seen Arya—not a random dog—loose, typically sitting on the Clarks’ front porch or in their front yard.
57. To believe Ms. Clark, we would have to accept that, although Arya had a history of repeatedly getting loose up until March 6, a dog that multiple witnesses identified as the black-and-white one pictured in the Clarks’ backyard was not Arya but instead a near identical-looking dog randomly resting by the Clarks’ garage, who then came from the Clarks and attacked Remi, and then, after being chased further away from the Clark property, circled back to rest again on the Clark porch, all without the Clarks noticing. Such arguments may work in the “beyond a reasonable doubt” context, but are grasping at straws in the “preponderance of the evidence” context we operate in. KCC 20.22.210.B. Animal Services easily meets its burden; in fact, if we applied the higher, “clear and convincing” standard, we would still have found that Animal Services still proved it was Arya who attacked Remi on March 6.<sup>4</sup>

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<sup>3</sup> Again, the scope of an appeal is limited to matters or issues raised in the initial appeal statement and any appeal amendment the examiner authorizes. KCC 20.22.080.G. Her amended appeal statement focused on all the Clark dogs being accounted for at the time of the attack. Ex. A2.

<sup>4</sup> See also *Mansour v. King County*, 131 Wn. App. 255, 265, 128 P.3d 1241, 1246 (2006) (rejecting “arbitrary and capricious” as too low a standard, but rejecting “beyond a reasonable doubt” and “clear and convincing evidence” as too high a standard, and determining that a “preponderance of the evidence” was the correct standard for animal enforcement appeals). *Mansour* occurred during an era where a different County tribunal, not the examiner, entertained animal enforcement appeals.

58. The scope of an appeal is limited to matters or issues raised in the initial appeal statement and any appeal amendment the examiner authorizes. KCC 20.22.080.G. Aside from sort of advancing what sounded like a provocation defense at hearing (by pointing the finger at Ms. Prichard and Remi), Ms. Clark did not raise any alternative defense, like “even if Arya was the attacked, the examiner should overturn the viciousness designation because....” Still we are wary of upholding a viciousness designation without satisfying ourselves that the dog meets the code criteria.
59. Here, Arya endangered the safety of at least Ms. Prichard’s dog (if not Ms. Prichard and her young child), attacking a leashed Remi without provocation. Wounds to the face are the most serious, and Arya did a number on Remi’s face including to her lower eyelid, just missing her eye, and leaving a “deep” puncture wound/laceration, requiring sutures and a catheter. Exs. D7-D8. Moreover, this was not a scenario where Arya came to posture and show aggression to get Remi to exit the street, perhaps delivering a single “back-off” bite in a split-second encounter; instead, after Ms. Prichard scared Arya off, Arya circled back and came at Remi again. Even without the aggression Arya exhibited to other neighbors (and certainly with it), had Ms. Clark raised a challenge beyond the identity of the attacker, we would still have found that Arya constitutes a danger, meeting the criteria for the viciousness designation and creating the need to keep Arya secure.
60. Finally, there was discussion about Ms. Prichard’s claim for reimbursement. Exs. B1-C2. That would be between the Prichards, the Clarks, and the Clarks’ insurance company, either through a claim or some sort of court action. The appeal we deny today relates only to Animal Services’ violation notice, compliance order, and \$550 penalty. We have no jurisdiction over private v. private matters.

DECISION:

We DENY Ms. Clark’s appeal.

ORDERED May 5, 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 *June 4, 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 APRIL 21, 2021, HEARING IN THE APPEAL OF CELINA CLARK, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21011731-A21001085**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Patricia Moss, Jamie Sawyer, Michele Prichard, Susannah Hanley, and Celina Clark. 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 Complaint form of March 6, 2021 incident by Michele Prichard, dated March 7, 2021
Exhibit no. D3	RASKC investigation report no. A21001085
Exhibit no. D4	Ring camera Videos
Exhibit no. D5	Ms. Hanley's Written Statement, dated March 8, 2021
Exhibit no. D6	Insurance Information given to Ms. Prichard
Exhibit no. D7	Photograph of Remy's injuries
Exhibit no. D8	Veterinary examination notes and bill, dated March 8
Exhibit no. D9	Photograph of Arya
Exhibit no. D10	Notice of violation no. V21011731-A21001085, issued March 9, 2021
Exhibit no. D11	Proof of Service
Exhibit no. D12	Text messages from prior owner of the Prichard house
Exhibit no. D13	Appeal, received March 17, 2021
Exhibit no. D14	Map of subject area

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

Exhibit no. A1	Celina Clark Appeal
Exhibit no. B1	Quote Received from Michele Prichard
Exhibit no. C1	South Seattle Veterinary Hospital Patient Chart
Exhibit no. D1	Photos of injuries
Exhibit no. E1	Michele Prichard Online Complaint Form
Exhibit no. F1	Notice of violation no. V21011731-A21001085, issued March 9, 2021
Exhibit no. G1	RASKC investigation report no. A21001085
Exhibit no. H1	Susannah Hanley Written Statement
Exhibit no. I1	Email titled RE: Case #A21-1085
Exhibit no. J1	Facebook Screenshots
Exhibit no. K1	Three Ring Videos

DS/lo

May 5, 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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V21011731-A21001085**

**CELINA CLARK**

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 May 5, 2021.



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Lauren Olson  
Legislative Secretary

**Clark, Celina**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Hanley, Susannah**

Hardcopy

**Moss, Patricia**

Hardcopy

**Prichard, Michele**

Hardcopy

**Sawyer, Jamie**

Hardcopy