

June 17, 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. **V21011832-A21001451**

MICHELLE HANSEN
Animal Services Enforcement Appeal

Activity no.: A21001451

Appellant: **Michelle Hansen**

[REDACTED]
Snoqualmie, WA 98065

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. On March 31, 2021, Michelle Hansen's then-dog was loose and seized a neighbor's dog, injuring her. Regional Animal Services of King County (Animal Services) cited Ms. Hansen for her dog being vicious, trespassing, running at large, and for that and another dog being unlicensed. Ms. Hansen appealed. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny Ms. Hansen's appeal, but we reduce the licensing penalty.

Background

2. As of March 31, Ms. Hansen was homing Liea, a German Shepherd. Irena Kordit had her four-pound Chihuahua/Pomeranian, Lisa. Ex. D5; D6 at 003, n.3. What is not disputed is that Liea took Lisa in her mouth, and a scuffle between Ms. Kordit and Liea occurred before Ms. Kordit could retrieve Lisa from Liea's mouth. Ms. Kordit took Lisa to the veterinarian, who diagnosed Lisa with multiple, traumatic sided rib fractures and spinal injuries. Ex. D3 at 002. That much is clear, though the precise who, what, where, when, how, and why are in controversy.
3. Later that day, Ms. Kordit called Animal Services to lodge a complaint. Ex. D6 at 003, n.1. She then filled out a paper complaint form. Ex. D2.
4. The following afternoon, an Animal Services officer contacted Ms. Hansen to get her version of events. Ex. D6 at 003, n.5. Later that afternoon, Ms. Hansen sent the below texted Ms. Kordit (graphic language warning) the following messages:

I'm 100% serious you stupid selfish bitch..I'm going to be watching every single move you make... And if I see that half dead dog of you even off leash for one second...I will be calling this dude. Bitch...you don't even know the fucking color of my dog. You will suffer greatly for this...and so will your 4 legged waste of fucking breath you think your life was hard before??? Well..guess what happens when you try to hurt somebody for no reason. A lot of not nice shit. Oh and by the way..since I'm on the board and you basically have your entire inside of your house on your fucking front porch I will also make sure that you will start being fined starting today...you picked the wrong bitch to fuck with, and ha ha ha...
...

Looks [] like you haven't much going your favor. Told Yutsy you were fucking with the wrong bitch...and I hope your bitch dog does today.

I meant that I hope she d[i]es today. You deserve it.

Ex. D8 (ellipses in original).

5. On April 2, 2021 Animal Services issued Ms. Hansen a violation notice for Liea being vicious, trespassing, and running at large, and for not licensing Liea and her other dog Max; the document also ordered that Liea be contained. Ex. D7.
6. Ms. Hansen timely appealed, asserting, among other things, that Liea was only picking up Lisa to nurture her and move her to safety, after hearing Lisa's whimpering. Ex. D10 at 002. We went to hearing on June 2.

Hearing Testimony

Irena Kordit

7. Ms. Kordit testified that on March 31 she was sitting on her porch with Lisa, when she saw Ms. Hansen walking in the park. The park is lower than the level of her house by around six feet. There is a steep wall of grass and stone wall between her house and the park. Ex. D4. The bushes make it difficult to look into the park.
8. Lisa was sitting in the sun on the step in front of her porch. Ex. D4 (the small metal fence at the entrance of her porch was added after the incident). When she looked up a few minutes later, her dog, Lisa, was already in Ms. Hansen's dog's (Lia's) mouth. Lia had crept up to her porch like a hunter, coming quietly so that Ms. Kordit did not initially see or hear her.
9. Ms. Kordit reacted by pulling on Lia's collar to try to get her to release Lisa. Lia ignored her, so she screamed and hit Lia's back. Lia dropped Lisa on the step, but Ms. Kordit could not pick her up because Lia was in the way. Lia picked up Lisa again, and then dropped her on the walkway in front of the porch. Ms. Kordit was then able to move around Lia and pick up Lisa.
10. She clarified that Lia did not bite down on Lisa, but had Lisa in her mouth like a crocodile, as if Lia wanted to take Lisa away as food.
11. Ms. Kordit rushed inside her house to grab her car keys to drive to the hospital. She could see from inside that Lia was slowly walking away from her porch. Before driving off, she saw Ms. Hansen beat Lia's back.
12. The veterinarian held Lisa overnight. She had four broken ribs, damage to her spine, and internal bleeding. The vet told her to call Animal Services, which she did. Ms. Kordit picked up Lisa from the vet the next day.
13. Ms. Hansen came to her door and threatened her. Ms. Kordit's daughter helped to pay the medical bills, because Ms. Hansen started to bully Ms. Kordit when she asked Ms. Hansen to cover the bills.
14. Lisa was on heart medicine before the incident because she has an enlarged heart. A few days before the incident, her new medication was beginning to stabilize her condition. Lisa did not have cracked ribs before March 31. Lisa is Ms. Kordit's service dog.
15. The photo of the dog (exhibit D10 at 006) is not the same dog that attacked Lisa. That dog looks too small to be the same dog. She is familiar with the German Shepherd breed, so she is able to identify them easily.

Michelle Hansen,

16. Ms. Hansen testified that two neighbor kids asked to play with Lia that day. When the incident started, Ms. Hansen was about twenty feet behind the kids, walking into the

park. Lisa was not on the porch, but in the sunny area right above the rockery, which is where she usually lays. Ex. D4. Ms. Hansen later said that the first time she saw Lisa was not until Liea already had her in her mouth.

17. Ms. Kordit was inside her house. Liea heard Lisa crying and climbed up the wall towards Lisa. Ms. Hansen was not close enough to see how Liea picked up Lisa. She did not see Liea drop Lisa. She instead saw Ms. Kordit yank Lisa out of Liea's mouth and run straight to her car. Ms. Hansen believes that Liea was trying to comfort Lisa, since Lisa has been sick for a while, and it was Liea's motherly instincts kicking in.
18. Later when Ms. Kordit was back home, Ms. Hansen attempted to talk to her, but Ms. Kordit yelled at her. There have been prior issues between them relating to leashing Lisa. Ms. Hansen did not beat Liea after the altercation, and she physically cannot because she has a shoulder and spine injury and other health issues. The Animal Services officer who came to her residence later to deliver the violations did not ask Ms. Hansen any questions about the incident.
19. Liea's owners had left her and Max with Ms. Hansen three months before the altercation. They never came back for the dogs, and they later asked her to rehome them. She was able to quickly rehome Max. Both dogs have licenses and have been microchipped. The dog in exhibit D10-006 is Liea. She gave Liea back to her original owner in the middle of April. Liea is not aggressive. She is big, which can be scary for someone.

Legal Standards

20. All dogs eight weeks old and older be licensed and registered. KCC 11.04.030.A.
21. Trespassing is defined as a "domesticated animal that enters upon a person's property without the permission of that person." KCC 11.04.230.K.
22. "Running at large," means "off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control," with "under control" itself including "restrained from approaching any bystander or other animal" when "off the premises of the owner." KCC 11.04.020.W, .AA; .230.B.
23. "Vicious" is defined 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.

with the nuisance violation being, "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." KCC 11.04.230.H; KCC 11.04.020.BB.

24. 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

25. We start by clearing up a misunderstanding. A continuing theme in Ms. Hansen’s appeal documents complains that Ms. Kordit’s dog is never on a leash, and thus it was unfair to cite her for Liea not being on a leash. Exs. A1-A3, D10 at 001-02, D11 at 001-002. In our 800 or so Animal Services cases we are not sure if we recall Animal Services *ever* citing anyone for a simple leash violation. It is always something the unleashed dog does *while* off-leash that prompts the citation. Animal Services did not cite Ms. Kordit for Lisa not being on a leash, just like it did not cite Ms. Hansen for a leash violation even though the incident started when she let Liea run off-leash in the park. (The park is not a sanctioned off-leash area.)
26. Instead, Animal Services cited Ms. Hansen because Liea was “running at large,” meaning “off the premises of the owner and not under the control,” so as to be “restrained from approaching any bystander or other animal” when “off the premises of the owner.” KCC 11.04.020.W, .AA; .230.B. Ms. Hansen does not dispute this (exhibit D10 at 002) and there is no question—under both Ms. Kordit’s and Ms. Hansen’s versions—that Liea was not restrained enough to be prevented from approaching Lisa. That, not the lack of a leash, was the violation.
27. As to the most serious issue—whether Liea qualifies as “vicious”—we start by analyzing credibility. Neither Ms. Kordit nor Ms. Hansen were especially credible witnesses.
28. Ms. Kordit stated that the dog pictured in exhibit D10-006 was not the dog that attacked Lisa—the same breed, but smaller than the German Shepherd that attacked Lisa. We find that the pictured dog was Liea, and thus Ms. Kordit was incorrect. That could really matter if the issue were, say, Ms. Hansen asserting that the dog that attacked Lisa was not Liea but some other German Shepherd. However, there is no question that Liea was the dog that had Lisa in her mouth. Ms. Hansen’s text to Ms. Kordit that “Bitch...you don’t even know the fucking color of my dog,” overstates it, but Ms. Kordit misremembering the size of the German Shepherd cuts slightly against her credibility.
29. Conversely, Ms. Hansen asserted that when Ms. Kordit got Lisa away from Liea, Ms. Kordit headed directly to the car, while Ms. Kordit said she had to duck back in the house to retrieve her keys before driving to the hospital. It is theoretically possible that Ms. Kordit happened to have her keys and driver’s license and whatnot on her while she was attempting to free Lisa, and thus that she could have headed directly from the foot of the stairs to her car. But we cannot recall an instance where we were sitting on our porch or just lounging around our house or yard and yet we just happened to have our wallet and keys on us...and men’s pants have plenty of pockets.

30. The Animal Services officer's notes from the Hansen interview the day after the altercation indicate that Ms. Hansen told the officer that Ms. Kordit "grabbed her dog went inside grabbed some clothes and took her dog to the Salish vet." Ex. D6 at 003, n.5. Although at hearing Ms. Hansen denied saying that, the going-inside-first-to-retrieve-items-before-heading-to-the-vet comment would be an extremely odd and completely inconsequential (at the time) comment for an Animal Services officer to manufacture or get wrong.
31. In sum, we find it significantly more probable than not that Ms. Kordit first stepped back into the house to gather her things before heading to the hospital with the injured Lisa. While the issue of whether Ms. Kordit went inside first or went directly to the vet has nothing to do with the altercation, it does cut against Ms. Hansen's credibility, more so than Ms. Kordit remembering Liea as larger than the pictured dog cuts against Ms. Kordit's credibility. And Ms. Hansen's disgusting April 1 text did her credibility no favors.
32. More importantly Ms. Hansen's version of the critical dog-versus-dog interaction was less objectively plausible than Ms. Kordit's.
33. Ms. Kordit asserts that Lisa was picking Liea up like prey to take her away, while Ms. Hansen asserts that Liea picked up Lisa in her mouth only to nurture her. Ms. Hansen's version is not consistent with the statement she apparently made to Animal Services the day after the altercation, that Liea had "grabbed [Lisa] in its mouth and began shaking it." Ex. D6 at 003, n.5. Moreover, the scenario of a larger dog silently approaching a smaller dog, seizing it, and shaking or crushing it, sometimes fatally, is sadly not particularly uncommon among our 800 or so animal-related appeals. We find the prey scenario far more plausible than the mothering scenario even *without* the medical results. And with the medical evidence that Liea suffered "multiple traumatic right-sided rib fractures" and spinal injuries (exhibit D3 at 002), it is closer to a slam dunk.
34. Moreover, we note that whether a dog qualifies as vicious does not turn on whether a dog is mean-spirited. Liea qualifies as vicious because she endangered the safety of an animal without provocation, and constitutes a danger to small dogs like Lisa, especially incapacitated dogs that cannot flee. There is no additional code criteria that the danger must, say, emanate from malign motives. Again, we find it much more likely that Liea was attacking (and not trying to nurture) Lisa, but even if that was not the case, we would still uphold the viciousness designation.
35. Similarly, whether Liea came up the porch stairs to grab Lisa, or whether Lisa started out on the flat area in front of the house (exhibit D4 at 003) is not particularly relevant to that finding. This is not the scenario where, for example, Ms. Hansen alleged that Lisa came charging off the porch at Liea and provoked Liea to react. Instead, Ms. Hansen described Lisa as a "half dead dog" and a "4 legged waste of fucking breath" (exhibit D8), as one that "could hardly stand up[,] let alone walk and not fall over" (exhibit D11 at 001), and argued that Lisa's whimpering was what attracted Liea to come over and try to be motherly. Where Lisa started out is not material to this viciousness designation.

36. However, Lisa's (and thus Liea's) starting location does determine the trespass violation. If we understand Ms. Hansen's argument, homeowners in the Habitat for Humanity village do not have title to property beyond the footprint of their individual houses. Ex. D10 at 007-019. If so, then if Lisa started out on the flat portion in front of the stairs as Ms. Hansen said she did, Liea was not trespassing when she seized Liea, because Liea did not enter upon Ms. Kordit's actual property.
37. Unlike some other Ms. Hansen assertions stretching the limits of believability, both Lisa starting locations are plausible. It is possible that Ms. Hansen was less trustworthy than Ms. Kordit in describing the above-analyzed items, and yet this order reversed as to Lisa's precise starting point. However, we find that slightly less likely than the alternative. In addition, the officer's notes from a second interview she conducted with Ms. Hansen two days after the altercation was that the incident started with Lisa on the porch. Ex. D6 at 003, n.2. We uphold the trespass violation, though by a narrower margin than for the other violations.
38. As to licensing, Ms. Hansen asserts that she only had Liea for about three months before she gave her back to the person who originally left her with him. The temporal exception to the all-dogs-eight-weeks-and-older-must-be-licensed-and-registered only applies to dogs or cats in the County for a period not exceeding one month. KCC 11.04.030.A & F. Ms. Hansen had Liea for much longer than that, so we sustain the violation. Ms. Hansen agrees that Max did not have a valid license at the time of the violation, so we sustain that as well.
39. Ms. Hansen rehomed Max and gave Liea back and asserts that both now are licensed. Where an animal is not initially licensed, but the animal is licensed before our hearing, we typically reduce the penalty. Here, the licenses would presumably be under the current owner's name. Provided that Ms. Hansen provides Animal Services with a name and accurate contact information for the persons she handed Liea and Max to, we will significantly reduce the licensing penalties.

DECISION:

1. We deny Ms. Hansen's appeal as to all five violations.
2. As to the penalty for the licensing violation, if by July 19, Ms. Hansen provides Animal Services the name and accurate contact information for the person to whom she gave each dog to, both \$250 licensing penalties are reduce to \$50 each.

ORDERED June 17, 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 *July 19, 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 JUNE 2, 2021, HEARING IN THE APPEAL OF MICHELLE HANSEN, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21011832-A21001451

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Irena Kordit, and Michelle Hansen. 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 31, 2021 incident by Irena Kordit, dated March 31, 2021
Exhibit no. D3	Veterinary Reports, dated March 31, 2021
Exhibit no. D4	Photographs showing Ms. Kordit’s porch from the Park
Exhibit no. D5	Photograph of Lisa showing her size
Exhibit no. D6	RASKC investigation report no. A21001451
Exhibit no. D7	Notice of violation no. V21011832-A21001451, issued April 2, 2021
Exhibit no. D8	Photographs of text messages
Exhibit no. D9	Photographs showing Liea unattended in front of Ms. Hansen’s home on April 10th
Exhibit no. D10	Appeal, received April 25, 2021
Exhibit no. D11	Emails, dated May 12
Exhibit no. D12	Map of subject area

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

Exhibit no. A1	Email from Ms. Hansen, dated May 9
Exhibit no. A2	Email from Ms. Hansen, dated May 12
Exhibit no. A3	Additional email from Ms. Hansen, dated May 12

DS/lo

June 17, 2021

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21011832-A21001451**

MICHELLE HANSEN
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 June 17, 2021.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Hansen, Michelle

Hardcopy

Kordit, Irena

Hardcopy