

July 23, 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)

**ORDER OF DISMISSAL**

SUBJECT: Regional Animal Services of King County file no. **V21011943-A21001879**

**ABRAHAM AND JOSHI VILLAGOMEZ**

Animal Services Enforcement Appeal

Activity no.: A21001879

Appellants: **Abraham and Joshi Villagomez**

Woodinville, WA 98077

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: [raskappeals@kingcounty.gov](mailto:raskappeals@kingcounty.gov)

On April 24, Regional Animal Services of King County (Animal Services) issued a notice and order. As that document stated, any appeal had to be received, in writing, by Regional Animal Services of King County by May 19, or else the notice and order would become a final determination. That was consistent with KCC 20.22.080.B, which requires appeals to be received within 24 days of the date the agency determination is issued. The first appeal-related item was a one line email the day after the appeal period closed. Animal Services filed a motion to dismiss the appeal as untimely.

In many scenarios, an examiner has a fair amount of discretion and flexibility. For example, if an appeal is timely but inadequate in content, an examiner “may” dismiss the appeal, but alternatively “may” allow a party to clarify the appeal issues. KCC 20.22.090.B. Requiring clarification, instead of dismissal, is almost always the approach we choose in such a scenario. We would do so here if *content* were the shortcoming in this appeal.

However, untimely appeal statements are decidedly different. The examiner “shall” (not “may”) dismiss an untimely appeal. KCC 20.22.090.A. As KCC 20.22.080.H. states, where:

a person fails to timely deliver the appeal statement[, the] examiner does not have jurisdiction to consider the appeal and the decision of the department ... becomes final and unreviewable.

The appeal is accordingly DISMISSED.

However, we note that the April 15 incident which prompted the violation notice appears to be a one-off. The complainant took the time to appear at our motion hearing and note that he fully supports a penalty reduction: the Villagomezes have effectively controlled Cujo, there have been no more issues, and the Villagomezes have been great neighbors. Because we have no jurisdiction to consider this case, we can not order Animal Services to reduce the penalty, but we ask Animal Services to consider reducing the penalty.

DATED July 23, 2021.



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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 *August 23, 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. **V21011943-A21001879**

**ABRAHAM AND JOSHI VILLAGOMEZ**

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 July 23, 2021.



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Lauren Olson  
Legislative Secretary

**Eykel, Chelsea**

Regional Animal Services of King County

**Foster, Jeff**

Hardcopy

**Villagomez, Abraham/Joshi**

Hardcopy