

July 8, 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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V21011965-A21001856**

SAUCHUEN WONG

Animal Services Enforcement Appeal

Activity no.: A21001856

Appellant: **Sauchuen Wong**

[REDACTED]
Seatac, WA 98168

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

FINDINGS AND CONCLUSIONS:

Overview

1. Today's case involves an appeal of a Regional Animal Services of King County (Animal Services) violation notice and compliance order. After hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we grant the appeal as to the licensing item, deny it as to the running at large and viciousness items, and reduce the remaining penalties.

Background

2. The basic facts here are not really in dispute. On April 21, Appellant’s mom opened the fence gate to carry a large box to her car. Appellant’s dog charged out from the fenced yard through the open gate and into the street, where it attacked a leashed dog. Appellant quickly pulled his dog back into the house, but not before it had bitten the other dog hard enough to require veterinarian care.
3. Animal Services served a violation notice asserting that Appellant’s dog was:
 - A. unaltered and unlicensed, in violation of KCC 11.04.030.A, which requires all dogs eight weeks old and older be licensed and registered;
 - B. running at large, meaning “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; and
 - C. “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,” with KCC 11.04.230.H declaring as 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.” The hearing will decide whether Lucky meets the code criteria.
4. We went to hearing on June 23. 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. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.

Analysis


5. As to the licensing violation, the dispute involves identification. There is no license on record at that address for a dog named “Lucky.” However, as of the date of the violation there was a black male dog licensed at the address, but under the name “Little Guy.” Appellant testified that his mother calls the dog Lucky, but his younger brother calls the dog Little Guy, and the younger brother was the one who licensed the dog. Animal Services was willing to stipulate that Lucky is another name for Little Guy, and thus there is no licensing violation. We grant Appellant’s challenging on this point.
6. Appellant does not challenge the other two violations, but requests a penalty reduction, perhaps by \$100-\$200. We think an even slightly *greater* reduction is warranted. Ours is not a scenario where the household was being irresponsible prior to the incident. They kept Lucky in a fenced enclosure, and, prior to April 21, there is nothing in the record

showing they had a duty to take extra precautions with Lucky. They have taken extra steps since, such as muzzling Lucky when off the property, and no longer just letting Lucky roam the front yard, all to prevent a repeat. And they had begun making payments to the complainant to reimburse her veterinarian cost. We reduce the \$550 penalty to \$200.

DECISION:

1. We GRANT the appeal as to the licensing violation and \$250 penalty.
2. We DENY the appeal as to the running at large and viciousness violations and uphold the confinement order, but we REDUCE the penalty from \$550 to \$200.

ORDERED July 8, 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 *August 9, 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 23, 2021, HEARING IN THE APPEAL OF SAUCHUEN WONG, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21011965-A21001856

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Sauchuen Wong, and Kristen Eken. 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 April 21, 2021 incident by Kristen Eken, dated April 22, 2021 |
| Exhibit no. D3 | Photograph of injured dog |
| Exhibit no. D4 | Video of injured dog |
| Exhibit no. D5 | Vet Bills |

Exhibit no. D6	RASKC investigation report no. A2100185601
Exhibit no. D7	Notice of violation no. V21011965-A21001856, issued April 30, 2021
Exhibit no. D8	NVOC mailing/tracking history
Exhibit no. D9	Appeal, received May 14, 2021
Exhibit no. D10	Map of subject area

DS/lo

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CERTIFICATE OF SERVICE

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SAUCHUEN WONG

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 July 8, 2021.



Lauren Olson
Legislative Secretary

Eken, Kristen

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Wong, Sauchuen

Hardcopy