

August 17, 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 nos. **V21011969 and V21011970**

JERRY VASQUEZ

Animal Services Enforcement Appeal

Activity no.: A21001880 & A21001864

Appellant: **Jerry Vasquez**

[REDACTED]
Covington, WA 98042

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: raskcappelle@kingcounty.gov

In our notice of hearing, we set a July 26 system test to ensure that would-be hearing participants could work out any access kinks in advance, ensuring a smooth August 11 hearing. Jerry Vasquez did not participate in that system test.

The morning of our August 11 hearing, Mr. Vasquez phoned, thinking the hearing was 10:30 a.m. We confirmed that the hearing was scheduled for 1:00 p.m. that day and re-provided him

with the information to connect to via Zoom and by phone. At 1:00 p.m., eight witnesses were able to use that same information to promptly join us. Mr. Vasquez was not. He called at 1:30 p.m. explaining he had issues connecting to the hearing.

We schedule system tests to avoid scenarios like last week, where a party skips the system test and finds out during the scheduled hearing that they are having trouble participating. We will not reschedule the hearing and put out the other eight witnesses who showed up. However, we do not simply dismiss Mr. Vasquez's appeal for a failure to participate and sustain the entire penalty amount.

There are two grounds for a possible penalty reduction. One is where a violation happened despite, not because of, the owner's responsible efforts. It kicks in where, for example, an owner legitimately has no inkling of a problem coming down the line, and then, without warning or any history of aggression, their dog attacks someone out of the blue. That is absolutely not the case here.

We did not initially realize that the address here was the same address from which a dog previously labeled vicious had escaped and tried to attack a neighbor in 2021. In 2019, a Rottweiler on the Vasquez property (Konan) was declared vicious and ordered contained after it got loose and went after a female neighbor and then a responding Animal Services officer. In 2020, Konan broke loose and went after a different neighbor, who was able to stave off an attack with pepper spray. At that 2020 hearing (V20010556), *Carlos* Vasquez explained that the dogs had a history of breaking off pieces of the fences, but Mr. Vasquez fixes those.

The current case, V21011635, involves two Dogo Argentinos, Nala and Hulk, Jr. getting loose on April 23, 2021, and attacking multiple neighbors. Animal Services came to our August 11 hearing with a slew witnesses to testify not only to the April 23 violence, but a February 6 incident where the same two dogs got loose from the Vasquez property and bit a neighbor, and to even more incidents where large Vasquez dogs attacked or terrorized neighbors or visitors, including one prompting the Vasquezes to put down a different Dogo Argentino, Hulk. At this point it would be more surprising if a large Vasquez dog did *not* at some point in the future get loose and bite or terrorize someone. We do not reduce the penalty on the-violation-happened-*despite*-history-of-responsible-ownership grounds.

However, the other scenario where we reduce penalties is where, after the fact, the owner takes steps to ensure there will be no future violations. The same day (April 23) that Nala and Hulk, Jr. attacked, Jerry Vasquez surrendered those dogs to Animal Services for euthanasia.

There are two ways to look at that:

- If the Vasquezes keep getting large, aggressive dogs, putting down Nala and Hulk, Jr. is irrelevant. Just as putting down Hulk did not protect the neighbors from his replacement, Hulk, Jr., terrorizing people, putting down Nala and Hulk, Jr. will not

protect against the next round of violence. Simply changing the *name* of the perpetrator dog changes nothing of substance and warrants no penalty reduction.

- Alternatively, by putting Nala and Hulk, Jr. down, Mr. Vasquez assured, 100%, that at least those dogs could do no more harm.

Given the history here, the second rationale seems somewhat thin. However, giving the Vasquezes some benefit of the doubt, we reduce the penalty from \$2400 to \$1800.

DATED August 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 *September 16, 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

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JERRY VASQUEZ

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 August 17, 2021.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Vasquez, Jerry

Hardcopy

Wilson, Stephen

Hardcopy