

June 24, 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 IN V21012061; ORDER OF STAY IN V21012060

SUBJECT: Regional Animal Services of King County file nos. **V21012060 & V21012061**

Yael Tellez-Rodriguez
Animal Services Enforcement Appeal

Activity no.: A21001858

Appellant: **Yael Tellez-Rodriguez**

[REDACTED]
Kent, WA 98031

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

At yesterday's conference, Animal Services agreed that the removal order (V21012061) cited the wrong basis for removal. The actual issue is not KCC 11.04.290.B.2 (removing an animal that attacks one or more persons two or more times within a two-year period) but KCC 11.04.290.A.3, for Appellant (allegedly) failing to secure Prieta in conformance with a confinement order. Animal Services is withdrawing V21012061 and will reissue a removal order under a new number. We thus DISMISS WITHOUT PREJUDICE V21012061. Appellant will then have the normal 24 days to appeal that removal order.

As to V21012060, related to an April 15 incident where Prieta allegedly attacked and killed a smaller dog (the event prompting the V21012061 removal order), the dispute is not a *legal* one about the implications of an event occurring in a municipality outside Animal Services' jurisdiction, but a *factual* one about where the incident took place. Animal Services believes it has evidence that Prieta attacked the dog in Kent, in the vicinity of Appellant's apartment. Such a factual dispute is a matter we would decide after full hearing, with testimony under oath from both sides and any documentary evidence.

We thus STAY the appeal in V21012060 until such time as Animal Services issues a subsequent removal order, Appellant appeals that, and we receive the new case. At that point we will consolidate V21012060 with whatever the new removal order number is, and schedule a combined hearing to address both matters.

If for some reason we have misunderstood the situation, by **July 26, 2021**, either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED June 24, 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 26, 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 nos. **V21012060 & V21012061**

Yael Tellez-Rodriguez
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 IN V21012061; ORDER OF STAY IN V21012060** 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 24, 2021.



Lauren Olson
Legislative Secretary

Escobedo, Oliva

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Kladikm, Branson

Hardcopy

Tellez-Rodriguez, Yael

Hardcopy

Williams, Earleen

Hardcopy