

October 29, 2021

**OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON**

King County Courthouse
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Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V21012149-A21002351**

JOANN WILLIS

Animal Services Enforcement Appeal

Activity no.: A21002351

Appellant: **Joann Willis**

[REDACTED]
Auburn, WA 98092

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. Joann Willis appeals a Regional Animal Services of King County (Animal Services) order removing two of her dogs from King County. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny the appeal, but we extend the removal deadline; if she timely complies, the \$1000 penalty will not come due.

Background

2. In September 2018, Animal Services received a complaint about the Willis dogs trespassing and having a history of escaping and behaving threateningly. Ex. D9. Animal Services investigated, warned Ms. Willis about the need to control her dogs, and advised her to get her dogs licensed before Animal Services issued her penalties. Ex. D2 at 002, n.2. When she failed to license them, Animal Services cited her. Exs. D2 at 002, D3.
3. In February 2019, the Willis dogs mauled a neighbor's cow, and on a later day went back and mauled it again. Exs. D13-D17. Animal Services designated Zeus, Princess, and Alex vicious and ordered them contained. Ex. D18. Additionally, since neither they nor the fourth Willis dog, Andy, had yet been licensed, Ms. Willis received another licensing violation. *Id.*
4. In March 2019, Ms. Willis received a warning notice for three of her dogs being loose in the yard and not in the six-sided kennel, as required by the compliance order. Exs. D20–D22. In April 2020, her pit bulls again escaped and, when Animal Services discovered that they had *still* not been licensed, Animal Services issued another licensing violation. Exs. D28-D30.
5. Ms. Willis did appeal any of the violations or pay any of the fines.
6. In May 2021, Zeus and Princess escaped from their yard, broke into a neighbor's chicken coop, and killed the chickens. Animal Services issued Ms. Willis a violation for Zeus and Princess running at large, trespassing on private property, and qualifying again as vicious. Ex. D6 (V21012158).
7. Animal Services ordered Ms. Willis to remove the dogs from King County. Ex. D7 (V21012149). In June, Ms. Willis timely appealed the removal order. Ex. D8. In August, there was another complaint about one of the pit bulls roaming free. Ex. D32. We went to hearing on October 13, 2021. We closed the record on October 15, 2021.

Hearing Testimony

Testimony of Leslie Day

8. Ms. Day described an incident in 2016 when she and her husband were walking in the middle of the public street, him with a walking stick. As they passed the Willis farm, three dogs came out from the property and circled them, barking and growling. In hindsight, she regrets that she did not file a complaint at the time.

Testimony of Robyn Boriolo

9. Ms. Boriolo first filed a complaint with Animal Services on February 9, 2019. Ex. D13. She testified that in the first incident, she went out to water the cows. She noticed that one of the cows had half a cheek missing, with blood everywhere. Ex. D16. It was a traumatizing experience, and she did not know what to do. Mr. Boriolo told her that he

recalled someone calling out for the dogs that morning and one Willis dog coming back bloody.

10. For the second attack, the Boriolos were in bed when they heard a loud commotion. They ran outside and saw four dogs attacking their cow in a foot of snow. Ms. Boriolo grabbed one of the dogs and was dragged through the snow. Ms. Boriolo then confronted Ms. Willis, who stated, “Those are not my dogs.” Ms. Boriolo was astonished at that denial, so she began recording. Exs. D14-D15.
11. Afterwards, Ms. Willis apologized and told her it would not happen again. Ms. Willis later stopped by the Boriolos’ home and was shown the receipt for the damages; Ms. Willis did not pay. The Boriolos had to keep their animals locked in the barn in a five-acre property for fear the dogs would return. Ms. Willis questioned Ms. Boriolo if she recalled receiving a money order for the damages, but Ms. Boriolo did not.
12. Ms. Boriolo described how horrible it was to watch her pet get mauled in front of her.

Testimony of Brett Boriolo

13. Mr. Boriolo testified that in the second attack, he attempted to get the Willis dogs off his cow, getting bitten in the process. One of the dogs bit through several layers of his thick clothing and left an abrasion on his skin. Ms. Willis was also out in the field at the time, attempting to call the dogs. Ms. Willis had to drive down the road and jump over the fence to get to the dogs. It was about a 15–20-minute fight to punch and kick the dogs off the cow until the dogs finally tired out. After the second attack they could no longer keep the cow; with the torn-off cheek, the cow was unable to drink or eat.
14. Mr. Boriolo had a conversation with Ms. Willis’s grandfather, Gary Willis, who informed him he would attempt to get Ms. Willis’s dogs off the property, and that he would cover any vet bills. However, Mr. Boriolo ultimately paid the vet bill (exhibit D36) and Mr. Willis let Ms. Willis and her dogs remain on the property. With nothing resolved, every time Mr. Boriolo left the house he carried a shotgun. The Boriolos filed additional complaints on March 23, May 22, and June 5, 2019. Ex. D20, D24 & D26.
15. Mr. Boriolo felt powerless after making calls to multiple entities without resolution. He was so fearful that the dogs could attack his 10-year-old son that he moved his family elsewhere.

Testimony of Sarah Hinckley

16. Ms. Hinckley first filed a complaint regarding Ms. Willis’s dogs in September 2018. Ex. D9. She had been out on her driveway when two dogs came running towards her. She charged the dogs and made herself big to scare them off.
17. In April 2020, Ms. Hinckley filed another complaint. Ex. D28. She had been outside her home when she heard yelling from Ms. Willis’s direction. Ms. Hinckley saw the same two dogs out in the middle of the road, with someone next to them trying to get them back home.

Testimony of Joe Alcorn

18. Mr. Alcorn filed a complaint with Animal Services on May 23, 2021, the day after their chickens were killed. Ex. D2. Mr. Alcorn testified that after they filed a complaint with Animal Services, Ms. Willis requested back their payment for the dead chickens and broken henhouse. Ex. D35.

Testimony of Robyn Alcorn

19. Ms. Alcorn testified that Mr. Alcorn informed her that their chickens had been “massacred” with their heads off and the kennel’s nails and boards pulled off. Ex. D4. So she looked at their surveillance camera, and was able to identify Ms. Willis’ two pit bulls, one brown and the other black and white. Ex. D3.

Testimony of Kandi Dodrill

20. Ms. Dodrill is the neighbor who purchased the Boriolo property. On the day of the attack on the Alcorn’s chickens, Ms. Dodrill was out in front of her pasture when Ms. Willis and her partner asked if she had seen their dogs. Ms. Alcorn had called Ms. Dodrill to alert her of the attack on her chickens, so Ms. Alcorn realized it must have been the Willis dogs that attacked.
21. On August 27, 2021, Ms. Dodrill filed a complaint with Animal Services, a few minutes after she saw one of the Willis dogs roaming free. Ex. D32.

Testimony of Liz Vonmichalofski

22. Ms. Vonmichalofski has witnessed Ms. Willis driving up and down the road calling for her dogs and has also seen the dogs running loose down the road without even turning their heads in the direction of Ms. Willis’s voice.
23. After the attack on the cows, Ms. Vonmichalofski has driven by Ms. Willis’s property and seen the dogs outside unsupervised, near the fence line. Ms. Vonmichalofski does not walk in that direction and, if she does, she takes bear spray for fear the dogs will get out again.

Testimony of JoAnn Willis

24. Ms. Willis testified that she was aware of her dogs attacking the Boriolos’ cows and went to their home with her grandmother to give them a money order that covered most of the costs. Ms. Willis stated that the dogs Ms. Day described encountering in 2016 predated Zeus or Princess. The neighbors do not see her supervising her dogs when they are outside because she is out in the front yard, and since the yard is so big, it makes sense that her neighbors do not see her.
25. As to the cow attacks, the dogs had gotten out twice within days of each other, due to a broken gate that she was unaware of. On the day of the second incident, her grandfather went to the Boriolos’ property and paid the vet in cash.

26. They also compensated the Alcorns for the chickens and the broken kennel. Ms. Willis denied that after the Alcorns filed a complaint they requested their money back. As for the dog licenses, Ms. Willis assumed that the microchip numbers for each dog were sufficient to fulfill the licensing requirement. She currently has five dogs—Beans, Zeus, Princess, Andy, and Alex.

Testimony of Gary and Frances Willis (grandparents)

27. Mr. Willis testified that he helped the Boriolos round up the cow the day the vet came over and he paid the vet. Ms. Willis testified to being outside watching Joann Willis train her dogs. Ex. A1-A2.

Legal Standards

28. Animal Services seeks removal, KCC 11.04.290.A.3, which states that:

Failure to comply with any requirement prescribed by the manager [in the 2019 order] constitutes a misdemeanor. Such an animal shall not be kept in unincorporated King County after forty-eight hours after receiving written notice from the manager. Such an animal or animals found in violation of this section shall be impounded and disposed of as an unredeemed animal and the owner or keeper of the animal or animals has no right to redeem the animal or animals.

29. 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.
30. We are the most exacting of Animal Services on removal orders, given what is at stake. *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (nature of private interest impacted is factor in determining how much process is due); Exam. R. XII.B.4 (in proceeding involving divestiture of legally cognizable rights, examiner may require adherence to court rules to “assure that due process of law is afforded”); *Repin v. State*, 198 Wn. App. 243, 284, 392 P.3d 1174 (2017) (Fearing, C.J., concurring) (analyzing court decisions recognizing “the bond between animal and human and the intrinsic and an estimable value a companion animal”).

Analysis

31. We have overturned more removal orders than we have sustained. However, this case bears little resemblance to the scenarios where we have allowed dogs to remain in King County.
32. First, sometimes the initial altercation that drew the vicious designation and compliance order was, relatively speaking, towards the milder end of the viciousness scale. Here, in contrast, Zeus and Princess attacked a neighbor’s cow on not one but two occasions,

ripping off enough of the cow's check that it could not eat or drink. Ex. D15 (first incident showing significant injury to jaw); Ex. D16 (aftermath of second attack). Similarly, sometimes a dog, especially one with powerful jaws like a pit bull, can inflict damage within but a split second, before running off. However, the second cow attack was a prolonged affair, with the dogs continuing to maul the cow for an extended period, even as the Alcorns tried to punch and kick and drag them away, with one of the dogs biting Mr. Alcorn in the process.¹ That is far more dangerous than the typical behavior triggering a viciousness designation.

33. Second, we have sometimes been persuaded by a no-harm-no-foul argument, overturning removal orders where, after getting a viciousness designation and compliance order, a dog, say, gets loose and runs in the street, thus violating the containment requirement, but not actually doing anything aggressive while out. Here, the May 22, 2021, video is chilling. As the chickens cower inside in fear, the dogs methodically tear open the coup until they can get to and slaughter each of the dozen or so chickens, with almost a nonchalance, tails wagging. Exs. D3, D4 at 002. The killing for the joy of killing was stomach-turning.
34. And third, sometimes the initial altercation, and the later the compliance order violation, are two isolated aberrations on an otherwise spotless record of responsible animal ownership. That could not be further from the case here. There is a litany of irresponsible ownership stretching back years and leading to a terrorized neighborhood, to the point that at least one family moved out and even *former* neighbors took time out of their respective days to offer testify under oath. And although ultimately this case does not turn on credibility, Ms. Willis did not have much. Most glaring, she adamantly denied, under oath, that they had tried to claw back the compensation they provided the Alcorns after learning the Alcorns had called Animal Services. Their text to the Alcorns could not have been much clearer, threatening that the Alcorns could “give us the money back for that kennel or Coupe or whatever...or we will see you in f***** Court.” Ex. D35 at 003.
35. To her credit, recently Ms. Willis has started to take things more seriously, such as with training. Exs. A1-A2. And maybe that will be enough to retain Alex—another dog with a viciousness designation and strict compliance order she will need to contain or risk forfeiting. But it is far too little, too late, for Zeus and Princess.
36. So, while we overturn more removal orders than we sustain, today's scenario is one of the clearer cases. Animal Services meets its burden of proving removal is warranted. However, we note that the penalty for a removal order kicks in only if the removal order itself is violated. And we will extend the deadline for Ms. Willis to meet the criteria for

¹ We have no doubt that the 15-20 minute estimate overstated things; people have enormous difficulty accurately estimating the duration of an event, and they invariably overestimate the amount of time that event took. *See, e.g.*, https://books.google.com/books?id=uBLAU24-qsoC&pg=PA30&lpg=PA30&dq=witnesses+overestimate+time&source=bl&ots=xzT0DFzVu_&sig=ACfU3U3oBGLp6ZKp0dvJiRjiTGeZA2UITQ&hl=en&sa=X&ved=2ahUKewjatsfdq-TpAhVcPn0KHfTICwYQ6AEwCnoECAgQAQ#v=onepage&q=witnesses%20overestimate%20time&f=false. But there is no question this was a long, focused attack, that continued well after, and despite, people's active intervention.

rehoming Zeus and Princess outside of King County or for turning them into Animal Services to have Animal Services find them new homes outside King County.

DECISION:

1. We DENY Ms. Willis' appeal.
2. By **November 12, 2021**, Ms. Willis shall either:
 - A. provide Zeus's and Princess's microchip numbers to Animal Services; find and disclose to a potential new owner(s) that Zeus and Princess were ordered removed from King County as a threat to public safety; have that person or entity agree to take Zeus and/or Princess; actually get Zeus and Princess out of King County; and provide Animal Services with the new owner's contact information;
 - or
 - B. surrender Zeus and Princess to Animal Services.
3. So long as she timely and successfully meets one of those two courses, the \$1,000 penalty applicable to a removal order will not come due.

ORDERED October 29, 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 *November 29, 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 OCTOBER 13, 2021, HEARING IN THE APPEAL OF JOANN WILLIS, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21012149-A21002351

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Joseph Alcorn, Robyn and Brett Boriolo, Leslie Day, Kandi Dodrill, Chelsea Eykel, Sarah Hinckley, Liz Vonmichalofski, Gray and Frances Willis, and Joann Willis. 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 May 22, 2021 incident by Joseph Alcorn, dated May 23, 2021 |
| Exhibit no. D3 | Surveillance Videos |
| Exhibit no. D4 | Still photos |
| Exhibit no. D5 | RASKC investigation report no. A21002351 |
| Exhibit no. D6 | Notice of violation no. V21012158-A21002351, issued June 5, 2021 |
| Exhibit no. D7 | Notice and order for removal no. V21012149-A21002351, issued June 3, 2021 |
| Exhibit no. D8 | Appeal, received June 25, 2021 |
| Exhibit no. D9 | Online Complaint form of September 13, 2018 incident by Sarah Hinckley, dated September 13, 2018 |
| Exhibit no. D10 | RASKC investigation report no. A18004709 |
| Exhibit no. D11 | Notice of violation no. V18008660-A18004709, issued September 21, 2018 |
| Exhibit no. D12 | Proof of Service |
| Exhibit no. D13 | Online Complaint form of January 28, 2019 incident by Robyn Van der Merwe, dated February 9, 2019 |
| Exhibit no. D14 | Video of dog |
| Exhibit no. D15 | Video of injured cow |
| Exhibit no. D16 | Photographs of injuries to Boriolo’s cow |
| Exhibit no. D17 | RASKC investigation report no. A19000721 |
| Exhibit no. D18 | Notice of violation no. V19009092-A19000721, issued February 11, 2019 |
| Exhibit no. D19 | Proof of Service |
| Exhibit no. D20 | Online Complaint form of March 23, 2019 incident by Robyn Van der Merwe, dated March 23, 2019 |
| Exhibit no. D21 | RASKC investigation report no. A19001327 |
| Exhibit no. D22 | Warning Notice V19009272-A19001327, dated April 2, 2019 |
| Exhibit no. D23 | Proof of Service |
| Exhibit no. D24 | Online Complaint form of May 22, 2019 incident by Brett Boriolo, dated May 22, 2019 |
| Exhibit no. D25 | RASKC investigation report no. A19002453 |
| Exhibit no. D26 | Online Complaint form of June 1, 2019 incident by Brett Boriolo, dated June 5, 2019 |

Exhibit no. D27 RASKC investigation report no. A19002628
Exhibit no. D28 Online Complaint form of April 20, 2020 incident by Sarah Hinkley,
dated April 20, 2020
Exhibit no. D29 RASKC investigation report no. A20011184
Exhibit no. D30 Notice of violation no. V20010647-A20011184, issued April 30, 2020
Exhibit no. D31 Proof of Service
Exhibit no. D32 Online Complaint form of August 27, 2021 incident by Kandi Dodrill,
dated August 27, 2021
Exhibit no. D33 RASKC investigation report no. A21004288
Exhibit no. D34 Map of subject area
Exhibit no. D35 Email with text thread, submitted October 15, 2021
Exhibit no. D36 Email with vet bill and letter from veterinary, submitted October 15, 2021

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

Exhibit no. A1 Video of Zeus and Princess fetching toy, submitted October 1, 2021
Exhibit no. A2 Video of Zeus and Princess with chicken coop, submitted October 1,
2021

DS/jo

October 29, 2021

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21012149-A21002351**

JOANN WILLIS

Animal Services Enforcement Appeal

I, Jessica Oscoy, 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 October 29, 2021.



Jessica Oscoy
Office Manager

Alcorn, Joseph

Hardcopy

Boriolo, Robyn/Brett

Hardcopy

Day, Leslie

Hardcopy

Dodrill, Kandi

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Hinckley, Sarah

Hardcopy

Vonmichalofski, Liz

Willis, Gary/Frances

Hardcopy

Willis, Joann

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