

November 10, 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. **V21012341-A21002778**

JULE CHURCH

Animal Services Enforcement Appeal

Activity no.: A1002778

Appellant: **Jule Church**

Maple Valley, WA 98038

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. Regional Animal Services of King County (Animal Services) asserts that Jule Church caused his dog to endure pain, suffering, or injury. Mr. Church appealed. 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 his appeal.

Background

2. A neighbor submitted video of Mr. Church mistreating his dog. Exs. D2-D4. Animal Services first served Mr. Church a notice for violating KCC 11.04.250.A.1 (cruelty). It then withdrew that notice without prejudice, refiled again under KCC 11.04.250.A.2 (neglect). Exs. D8-D9. Mr. Church appealed, denying that he had struck or hanged his dog by her neck; instead, he blamed it on his snooping neighbor. Ex. D7.

Hearing Testimony

3. Mr. Church testified that he had just moved into his house five days before the incident. He had previously lived in his car and RV before. His dog, Fettuccini, ran down the road to chase a rabbit. Mr. Church did not carry her by the neck. He did pick her up upside down. He does not like to use the word “strike,” but instead uses the word “discipline.” He believes that the definition of “strike” means a closed fist. He used an open hand to spank or swat his dog’s butt a couple times. He then turned her upright and carried her back to the house.
4. Mr. Church testified that he had no intension of harming his dog. If he ever put any harm or markings on her, he would not forgive himself. His dog stays close to him and wants to play with him.
5. Mr. Church testified that there was no threat with a weapon when the officer came to his house. He told the officer that he will swot his dog on the butt if she does something she should not. He argued that a thirty second video does not evaluate his behavior with his dog for the past three years.
6. Mr. Church admitted that he went overboard and has thought about his actions from that day. He has never done something like that before and will never do something like that again. If he ever put a marking on his dog, he would be very distraught. He did admit to joking around and making light of the situation, because he could not believe that his neighbors would treat him like this. Mr. Church also asked if his dog was going to be taken away.

Legal Standards

7. KCC 11.04.250.A.2 makes it unlawful to, “By reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury the person has so caused to any animal.”
8. 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.

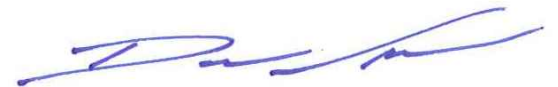
Analysis

9. The video is sickening. Mr. Church’s most forceful strike of Fettuccini comes off-camera, a loud smack. He then enters the first view, dangling her by one leg, then two, then striking her three times. In the next view, Mr. Church switches grips and dangles her by her neck. Ex. D3. What he called “discipline” was nothing short of abuse. Even if Mr. Church did not actually intend to cause Fettuccini to endure pain or suffering (a generous assumption, given the video), he caused Fettuccini pain or suffering when he negligently misapplied “discipline” on a small, defenseless animal, violating KCC 11.04.250.A.2.
10. What made it more disgusting was that, unlike past scenarios where an appellant explained the strange confluence of events that caused them to be at their worst and lose it, but then to show remorse for a totally inexcusable one-off, Mr. Church kept defending his abusive actions as “discipline,” quibbling about whether it only counts as striking an animal if a closed fist is used, asserting that the yardstick was whether he left a mark on Fettuccini, and blaming the whole thing on the complainant, claiming his disbelief that Mr. Church could be treated so harshly by his neighbors.
11. The chutzpah of that last part was truly breathtaking. Mr. Church hoisted a tiny dog by one leg, later hung her by her neck, and in between struck her multiple times, yet somehow tried to paint *himself* as the real victim of a neighbor—a neighbor who did nothing more than forward alarming video of Mr. Church abusing a small dog. Mr. Church’s utter shamelessness shocks us, and after 860-plus animal cases, we thought we had seen everything.
12. Mr. Church brought up the potential for Fettuccini to be taken away from him. KCC 11.04.225.A allows Animal Services, under certain circumstances, to prohibit a person who violates KCC 11.04.250 (as Mr. Church has) from keeping an animal. Whether that is legally an option, or wise here, is a question for another day. But the fact that Mr. Church would think that the behavior he exhibited on that video was “discipline” shows, at the very least, that he desperately needs some professional assistance in proper pet care. If he is not able to enroll in a class, then at least he should commit himself to a serious study of online videos from professional animal behaviorists about proper—and improper—methods of training and discipline.

DECISION:

We DENY Mr. Church’s appeal.

ORDERED November 10, 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 *December 10, 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 27, 2021, HEARING IN THE APPEAL OF JULE CHURCH, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21012341-A21002778

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel and Jule Church. 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 June 17, 2021 incident by Austin Spangrud, dated June 18, 2021
Exhibit no. D3	RASKC investigation report no. A21002778
Exhibit no. D4	Video
Exhibit no. D5	Notice of violation no. V21012198-A21002778, issued June 19, 2021
Exhibit no. D6	Proof of Delivery
Exhibit no. D7	Appeal, received July 9, 2021
Exhibit no. D8	Hearing Examiner Order of Dismissal, dated July 27, 2021
Exhibit no. D9	Notice of violation no. V21012341-A21002778, issued July 24, 2021
Exhibit no. D10	Proof of Delivery
Exhibit no. D11	Appeal, received July 9, 2021
Exhibit no. D12	Map of subject area

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21012341-A21002778**

JULE CHURCH

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 November 10, 2021.



Lauren Olson
Legislative Secretary

Church, Jule

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Spangrud, Austin

Hardcopy