

December 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
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www.kingcounty.gov/independent/hearing-examiner

ORDER OF DISMISSAL

SUBJECT: Regional Animal Services of King County file no. **V21012663-A21005595**

JENNIFER HUDAK-MOHR
Animal Services Enforcement Appeal

Activity no.: A21005595

Appellant: **Jennifer Hudak-Mohr**

[REDACTED]
Bellevue, WA 98004

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

We emailed and mailed our notice of today's conference. We received an acceptance from Jennifer Hudak-Mohr on our calendar invite. Ms. Hudak-Mohr did not inform us that today's date or time had (since her initial acceptance) become unworkable. Yet while Animal Services and Eloise Tran, along with a Spanish interpreter, promptly joined, Ms. Hudak-Mohr did not, in the almost entire hour we kept the participants on the line. Her failure to appear could warrant dismissal of her appeal. But there is a more significant ground for dismissal.

Our case involves Animal Services' allegation that, on November 6, Ms. Hudak-Mohr's dog trespassed again on the Tran property, defined as a "domesticated animal that enters upon a person's property without the permission of that person." KCC 11.04.230. While Ms. Hudak-

Mohr complains about a lot of things in her appeal statement she did not dispute that her dog entered the Tran property, without the Trans' permission, on November 6. (Indeed, while today's proceeding was not a hearing, and we swore in no witnesses and accepted no testimony or exhibits, there is apparently time-stamped motion-sensor video of Ms. Hudak-Mohr's dog trespassing onto the Tran property that day.) That is the only issue we have jurisdiction over.


Ms. Hudak-Mohr complains about harassment. That would be valid if she was asserting something like, "Ms. Tran keeps complaining about my dog trespassing on her property, but the dog in the videos is not my dog" or "Ms. Tran complains about _____, but _____ is not against the law, and I/we have every right to do that." Bellevue law is clear that owners of domesticated animals have a duty to control their animals and keep them from, among other things, trespassing onto private property. It is Ms. Hudak-Mohr's duty to follow the law, not Ms. Tran's duty to overlook violations of the law.

Accordingly, we DISMISS Ms. Hudak-Mohr's appeal.

We caveat that dismissal by repeating that today was not a hearing on the merits. We did not admit any exhibits (such as video that apparently exists of the November 6 incident), swear in any witnesses, or take any testimony under oath. If Ms. Hudak-Mohr is indeed challenging whether her dog was trespassing on November 6, she is free, by **December 30, 2021**, to file a motion for reconsideration, explicitly disputing that it was her dog on the Tran property on November 6 and requesting that we hold a hearing to address the merits of the trespassing violation. In that event, we will reopen the appeal and schedule a hearing on the merits.

But absent that, we note that this is now the dog's second violation in a 12-month period (the first being V21-012113, an unappealed violation notice involving a May 23 trespass). And per Bellevue law, any animal receiving three violations in any one-year period is subject to removal from Bellevue, unless the owners could show that they are able to provide reasonable restraints to protect against more violations. BMC 8.04.370.B.2. We always hate seeing removal orders, so now would be a great time for Ms. Hudak-Mohr to stop trying to shift blame and to focus her efforts on controlling her animals.

DATED December 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 *January 17, 2022*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21012663-A21005595**

JENNIFER HUDAK-MOHR
Animal Services Enforcement Appeal

I, Jessica Oscoy, 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 December 17, 2021.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Hudak-Mohr, Jennifer

Hardcopy

Ruiz, Griselda Ms.

Tran, Eloisa Ms.

Hardcopy