

January 3, 2022

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

King County Courthouse
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REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file nos. **V21012239 and V21012240**

GLEB AND ELENA GROYSMAN
Animal Services Enforcement Appeal

Activity no.: A21002911

Appellants: **Gleb and Elena Groysman**

[REDACTED]
Bellevue, WA 98006

Telephone: [REDACTED]

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King County: Regional Animal Services of King County
represented by **Chelsea Eykel**
Regional Animal Services of King County
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FINDINGS AND CONCLUSIONS:

Overview

1. Regional Animal Services of King County (Animal Services) issued Gleb Groysman a violation notice for his dog, Rick, trespassing on private property and running at large, and ordered Rick's removal from King County. Mr. Groysman's wife, Elena Groysman, timely appealed the removal order. 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 reverse the removal order.

Background

2. There is a long history of Rick roaming loose in the neighborhood, unattended, and defecating in neighbor Cameron Tynes' yard. Mr. Tynes filed five complaints with Animal Services in 2021 (April 23, April 27, April 30, May 8, June 25). Exs. D2, D4, D7, D8, D12 & D17. He also submitted video evidence of the incidents dated April 27, April 30, May 8, June 25, and August 29. Exs. D5, D9, D13 & D18.
3. On April 23, after Mr. Tynes's first-filed complaint, Animal Services issued Mr. Groysman a warning. Ex. D3 (investigation report). After Mr. Tynes's second-filed complaint, Animal Services issued Mr. Groysman a notice of violation for Rick running at large on April 27 (V21011949). Ex. D7.
4. When even that did not get Mr. Groysman's attention, Animal Services issued Mr. Groysman a notice of violation for Rick trespassing on private property and running at large on April 30 (V21011981, exhibit D11), and again on May 8 (V21012025, exhibit D15). When those too were ineffective, on June 25 Animal Services issued another violation, and two days later ordered Mr. Groysman to remove Rick from King County. Exs. D20 (V21012239) & D21 (V21012240).
5. Fortunately, these got Ms. Groysman's attention, and on July 15 she timely appealed the removal order (though not the running at large and trespass violations). Ex. D23. However, Mr. Tynes filed a sixth complaint on August 29. Exs. D24–D25.
6. We went to hearing on December 16, providing Ms. Groysman with a Russian interpreter. (Mr. Groysman was out of the country and unable to attend).

Hearing Testimony

Testimony of Cameron Tynes

7. Cameron Tynes moved to the neighborhood in May 2020. Since then, he has had frequent interactions with the Groysmans regarding Rick trespassing and defecating on Mr. Tynes' property. Mr. Tynes initially talked with Ms. Groysman and requested that she pick up after Rick.
8. However, his interactions with Mr. Groysman were not so cordial. When Mr. Tynes asked Mr. Groysman to pick up Rick's poop, Mr. Groysman asked where it was, and when Mr. Tynes showed him, Mr. Groysman argued that it was not Rick's. On another occasion, Mr. Tynes brought up a safety concern to Mr. Groysman, advising him that it was not safe to have Rick roam around unattended, because they lived in a blind corner in a 25-mph street. Mr. Groysman responded that it would be ok if Rick got hit at 10-15 mph. Despite Mr. Tynes's numerous conversations with the Groysmans, Rick continued to poop on all the neighbors' yards, including his.
9. Mr. Groysman called Mr. Tynes "crazy" and dismissed Rick's safety concern and Mr. Tynes' complaints, stating that in their ten years of living in the neighborhood no one had ever complained. The breaking point was when Mr. Groysman told Mr. Tynes to

- “call the police” if Rick bothered him so much. Mr. Tynes dutifully responded by filing his first complaint on April 23. Ex. D2.
10. Mr. Tynes filed four additional complaints leading up to Rick’s order of removal. He also began recording the incidents.
 11. Early this summer, the Groysmans installed a fence; however, Rick continued to roam loose, unattended, and defecate on Mr. Tynes’s yard. Ex. D18b. Between June and August, there were small incidents with Rick getting out, but the August 26 incident was a major repeat, so Mr. Tynes filed another complaint. Ex. D24.
 12. Since then, the Groysmans have been controlling Rick better. However, there have been other members of their household that have taken Rick out for walks, unleashed. When Mr. Tynes witnessed that, he asked the woman walking Rick to leash him; she did, but further down the street she unleashed him again.
 13. On a positive note, about a month ago, Rick wandered out on the street, defecated on Mr. Tynes’s yard, and Ms. Groysman quickly came to pick up after Rick and apologized. Mr. Tynes is concerned though, that others in the household may not take things as seriously as Ms. Groysman does.

Testimony of Elena Groysman

14. Ms. Groysman testified that her husband has a very assertive personality, and she cannot always influence his decisions or behavior. Twice, Ms. Groysman has seen Rick outside unattended; she realized that it was the landscapers leaving the gate open. Ms. Groysman works all day and takes Rick with her to work, since he cannot be alone for extended periods. When Ms. Groysman takes Rick on walks, she always leashes him and picks up after him; Ms. Groysman even walks around the neighborhood and picks up the poop that she sees, even if it is not Rick’s.
15. Ms. Groysman currently has friends staying with her. Even though she has showed them how to properly handle Rick, perhaps they have neglected to follow her instructions; she will talk to her guests and kids again. Ms. Groysman is apologetic for Rick’s disturbances and wants to be a good neighbor. She explained that Mr. Groysman did not deal with the situation seriously from the beginning, and she was unaware of the earlier complaints filed with Animal Services; the violations were issued to Mr. Groysman and he failed to inform her. She asked Mr. Tynes to advise her if Rick gets loose again.

Legal Standards

16. Animal Services seeks removal under KCC 11.04.290.B.1, which states that:

Any animal constituting a public nuisance as provided in this chapter shall be abated and removed from the county by the owner or by the manager of the regional animal services section, upon the receipt of three notices and orders of violation by the owner in any one-year period.... Where... no finding was entered showing that the owner will be able to provide

reasonable restraints to protect the public from repetitions of violations, the manager of the regional animal services section shall notify and direct the owner of the animal to abate or remove the same from the county within ninety-six hours from the notice.

Thus, removal for an animal with three violations in the year (and here there have been *four*) sounds mandatory (“shall be... removed”), but the text allows for reversal of the removal order upon a “showing that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations.”

17. 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

18. Mr. Groysman’s arrogance put his neighbors’, his family’s, and Rick’s well-being at risk. Egging on Mr. Tynes to “call the police” was a colossally bad decision, thus far, costing the Groysmans a combined \$1100 in penalties, and placing Rick’s continued existence in King County in peril.
19. We agree with Animal Services’ concern that although the situation has stabilized due to Ms. Groysman’s efforts, Mr. Groysman has been out of the country. If things pick up where they left off when he returns, the violations could start up again. However, two pieces argue against that. First, Ms. Groysman was not really on the case until the summer, because Mr. Groysman had not been sharing with her how much trouble he was getting his family into; Mr. Tynes agreed the situation had dramatically improved since June. Second, even if Mr. Groysman does not care much for his neighbors or for Rick, he must care some about his pocketbook, as another violation between now and April could result in \$1200 in penalties (as the \$600 in penalties from the June violation notice would again double).
20. Thus, at least for this round, we find that, through Ms. Groysman’s efforts (including installing fencing which cost close to \$1,000), Rick will be reasonably restrained enough to protect the public from repeated violations.

DECISION:

We REVERSE the removal order.

ORDERED January 3, 2022.



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 *February 2, 2022*. 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 DECEMBER 16, 2021, HEARING IN THE APPEAL OF GLEB AND ELENA GROYSMAN, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NOS. V21012239 AND V21012240

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Elena Groysman, and Cameron Tynes. 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	A21-1874 Online Complaint form of April 23, 2021 incident by Cameron Tynes, dated April 23, 2021
Exhibit no. D3	RASKC investigation report no. A21001874
Exhibit no. D4	A21-1929 Online Complaint form of April 27, 2021 incident by Cameron Tynes, dated April 27, 2021
Exhibit no. D5	Video A21-1874
Exhibit no. D6	RASKC investigation report no. A21001929
Exhibit no. D7	Notice of violation no. V21011949-A21001929, issued April 28, 2021
Exhibit no. D8	A21-2003 Online Complaint form of April 30, 2021 incident by Cameron Tynes, dated April 30, 2021
Exhibit no. D9	Video A21-2003
Exhibit no. D10	RASKC investigation report no. A21002003
Exhibit no. D11	Notice of violation no. V21011981-A21002003, issued May 1, 2021
Exhibit no. D12	A21-2118 Online Complaint form of May 8, 2021 incident by Cameron Tynes, dated May 8, 2021
Exhibit no. D13	Video A21-2118
Exhibit no. D14	RASKC investigation report no. A21002118
Exhibit no. D15	Notice of violation no. V21012025-A21002118, issued May 8, 2021
Exhibit no. D16	NVOC mailing/tracking history
Exhibit no. D17	A21-2911 Online Complaint form of June 25, 2021 incident by Cameron Tynes, dated June 25, 2021
Exhibit no. D18	Video A21-2911
Exhibit no. D19	RASKC investigation report no. A21002911
Exhibit no. D20	Notice of violation no. V21012239-A21002911, issued June 27, 2021
Exhibit no. D21	Notice and Order for Removal V21012240-A21002911, issued June 27, 2021

Exhibit no. D22	NVOC mailing/tracking history
Exhibit no. D23	Appeal, received July 15, 2021
Exhibit no. D24	A21-2972 Online Complaint form of August 29, 2021 incident by Cameron Tynes, dated August 29, 2021
Exhibit no. D25	Video A21-2972
Exhibit no. D26	RASKC investigation report no. A21002972
Exhibit no. D27	Notice of violation no. V21012474-A21004313, issued August 30, 2021
Exhibit no. D28	NVOC mailing/tracking history
Exhibit no. D29	Map of subject area

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

Exhibit no. A1	Photographs of fencing
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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file nos. **V21012239 and V21012240**

GLEB AND ELENA GROYSMAN
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 January 3, 2022.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Groysman, Gleb/Elena

Hardcopy

Tynes, Cameron

Hardcopy