

January 27, 2022

**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. **V21012542-A21004670**

TAMOUR SINDHU

Animal Services Enforcement Appeal

Activity no.: A21004670

Appellants: **Tamour and Muhammad Sindhu**

[REDACTED]
Kent, WA 98031

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County
represented by **Rebecca Smokoska**
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. Tamour Sindhu appeals a Regional Animal Services of King County notice and order. After hearing witness testimony and observing demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we uphold the trespass and viciousness violations and overturn the licensing violation.

Background

2. Animal Services issued violation notice V21012542-A21004670 to Tamour Sindhu on September 23, 2021. Ex. D5. Mr. Sindhu filed an appeal on October 14, 2021. Ex. D8. The appeal did not dispute the violations, merely countering that the dog did not belong to him.
3. We scheduled a prehearing conference for November 4, and another for November 16. Neither party appeared at either conference. We scheduled another pre-hearing conference for December 1, for which Muhammad Sindhu appeared on his (adult) son's behalf and Animal Services appeared. We held the hearing on January 19, 2021.

Hearing Testimony

Testimony of Kathryn Evans

4. Kathryn Evans testified that she keeps chickens and ducks as pets. The birds are friendly; the chickens even sit in laps. On September 15, she received a phone call from her neighbor, Jim Giron, saying there was a bulldog in her backyard, there were some dead birds, and that he had chased the dog away.
5. Ms. Evans returned home and saw four dead birds. Two chickens, Phippen and Henrietta, and two unnamed ducks were killed. An additional hen, a black-colored one, had a three-inch cut on her back; that hen has since healed.
6. The next day, Ms. Evans was working from home and keeping an eye on the yard. She went to the back of her yard and heard the fence rattling. She saw a bulldog pushing on the part of the fence that Mr. Giron had secured. She drove around to the Sindhu house. A man opened the door and she told him what had happened. The man said that he was sorry, and that it was his son's dog. The man reiterated at least three times that his son owned the dog. The man also said the dog had been no problem; it played with the children.
7. While there, Ms. Evans told the man that she had already filed a report. She saw the dog in the yard and also wandering around the house. She also saw a wire cage in the garage. The man attempted to put the dog in the cage, but the dog ran away. Ms. Evans returned home and filed an updated report to Animal Services.
8. On rebuttal, Ms. Evans said that the man she spoke with at the Sindhu residence could have been a different older man, perhaps more slender than the gentleman (Muhammad Sindhu) on the Zoom hearing. It seemed like the man lived in the home because he seemed comfortable there. There have been a number of people who live at the Sindhu residence; she is not familiar with them. Mr. Giron is more familiar with the Sindhu family; he provided her with the name of the son, Tamour.
9. Prior to this incident, Ms. Evans had not seen the bulldog. Several years ago, she saw a different, younger dog tied to a bush once at the Sindhu property.

Testimony of James Giron

10. James Giron testified that on September 15 he noticed that his beagle was barking in the backyard. He saw two dead ducks in Ms. Evans backyard and heard a ruckus in the back of her house. Mr. Giron went over to Ms. Evans yard, and he saw a bulldog, which he had never seen before. The dog ran around him and then ran under the fence to the Sindhu property.
11. Mr. Giron called Ms. Evans to tell her what had happened. He returned to his house to grab tools to secure the fence. When he came back to the Evans property, the same dog was back in her yard, standing over the black chicken. Mr. Giron ran the dog out of Ms. Evans yard, and it ran back into the Sindhus' yard, under their fence.
12. Mr. Giron has known the Sindhus for about fifteen years. A few years ago, Muhammad Sindhu asked if Mr. Giron wanted a dog. Mr. Giron saw the dog, a black and white pit bull, tied up to a tree on the Sindhu property. Tamour was not there, but the other Sindhu son, Karam, was there. Karam Sindhu said it was Tamour's dog, and that they could not keep the dog there anymore. Mr. Giron adopted that dog.

Testimony of Tamour Sindhu

13. Tamour Sindhu testified that when he returned home from work, someone at home said the dog killed chickens next door. Tamour felt terrible and sorry for the neighbor.
14. Tamour does not own the dog. The dog belongs to the guy who was remodeling the house and cleans their yard. This worker had bailed out on the Sindhus. Tamour told the worker to take his dog back, and he did. He does not have contact information for the dog owner. The dog owner was working with his dad. Tamour thinks his dad identified him (Tamour) as the dog owner because he loves dogs. Tamour thinks his brother named the dog "Rocky." Rocky was at the Sindhu property for about a month.
15. Tamour Sindhu is unsure who answered the door to Ms. Evans. His uncle, Bazad Sindhu, came and visited, so it might have been him. Bazad has two sons, but they live outside the country. Tamour is at work from eight to ten seven days a week and is often not home.

Testimony of Muhammad Sindhu

16. Muhammad Sindhu testified that the dog does not belong to Tamour. The dog belongs to the guy who worked on the house and yard. He does not have the worker's contact information. A guy came to his store and sent his relative to work on the house. The worker asked the Sindhus if he could keep the dog with them for a few days. The worker set up a kennel in their garage. The dog was on the property for about a week. The day the worker finished his work, which was a day after the incident or the following day, he took the kennel and the dog.

17. Muhammad Sindhu testified that he never said that the dog belongs to his son. He never even had a conversation with Ms. Evans. His family shortly had a dog, but that was the dog they previously gave to Mr. Giron.

Legal Standards

18. Trespass is defined as a “domesticated animal that enters upon a person’s property without the permission of that person.” KCC 11.04.230.K.
19. Vicious is defined as “[h]aving performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation,” with the violation itself framed as, “Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal’s premises or lawfully on the animal’s premises.” KCC 11.04.020.BB; .230.H.
20. All dogs eight weeks old and older must be licensed and registered. KCC 11.04.030.A.
21. Mr. Sindhu did not challenge the merits of any of the violations, only that it was not his dog. Ex. D8.
22. 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

23. We are not sure exactly what to make of Ms. Evans’ uncertainty as to whether the adult at the Sindhu house, who told her multiple times that the perpetrator dog was his “son’s,” was Muhamad Sindhu (Tamour’s father) or someone else, perhaps an uncle. (There is no other “son” in the picture besides Tamour.) Ultimately, it is not necessary for us to pin down which Sindhu spoke to Ms. Evans that day.
24. As of September 15, the Sindhus were harboring, keeping or maintaining a dog, meaning “performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal’s actions, or that the animal or animals are treated as living at one’s house by the homeowner.” KCC 11.04.020.K. The Sindhus were responsible for what the dog did on September 15.
25. Ours is not the scenario where, say, a friend brought a dog along for a few-hour visit and while the friend and the dog were temporarily on the property, the dog busted loose and did something. Per the Sindhus’ own testimony, the dog was there for between a week and a month, living on the property in a cage set up in the garage. The dog was there enough that one of the Sindhus even gave the dog a name. The dog was wandering around the house when Ms. Evans came. The Sindhus are responsible for the consequences of the dog’s actions on September 15.

26. To be sure, whoever brought the dog to the property and presumably has the dog now might *also* have been a responsible party. This is why we wrote in our December 6 hearing notice that:

The Sindhus have a month's lead time to obtain and present (in their January 5 prehearing materials) the contact information for the worker they assert owns the dog, along with other materials and witnesses.... If either party needs a subpoena to compel a witness to appear and testify and hearing, please contact our office ASAP.

The Sindhus thus had plenty of notice that if they wanted the violation and confinement order directed to someone else, they needed to identify that person. That would not necessarily have gotten them out of anything, because there is nothing in the record showing that the worker was even there on the Sindhu property to supervise the dog on September 15, when the dog broke loose and attacked. But, had they produced the owner, at least there might have been a question of who was most appropriate to cite for the trespass and viciousness violations and to assign the associated monetary penalties.

27. Yet it apparently was not worth the Sindhus time to try to track that person down; neither Sindhu testified to even any *efforts* they made after receiving our December 6 notice to obtain the person's contact information. Due to that lack of effort, there is now a unknown dog, perhaps in King County, in the care of someone unaware that the dog has been declared vicious and ordered contained. So not only are the Sindhus' the proper recipients of the violation notice, we also do not reduce the monetary penalties for the trespass or the viciousness violations.
28. We look at the licensing violation differently. Given a strict reading of KCC 11.04.020.K, a neighbor who agreed to come over and walk and feed a dog one evening would be on the hook not only to make sure the dog did not commit a violation while on the neighbor's watch (a reasonable expectation) but also for licensing the dog (an unreasonable expectation). That would be the equivalent of expecting a valet parking service to not only park a customer's car legally and not scratch it (a reasonable expectation), but also to ensure that the customer had a valid driver's permit and that the car was up-to-date on its tags and taxes (an unreasonable expectation). So, while the Sindhus were responsible for the dog's actions on September 15, on our facts we do not find them responsible for the dog's lack of a license (if indeed the dog lacked a license). We overturn the licensing violation.

DECISION:

1. We DENY the appeal as to the trespass and viciousness violations and those associated \$550 in penalties.
2. We GRANT the appeal as to the licensing violation and those associated \$250 in penalties.

ORDERED January 27, 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 28, 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 JANUARY 19, 2022, HEARING IN THE APPEAL OF TAMOUR SINDHU, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V21012542-A21004670

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Rebecca Smokoska, Kathryn Evans, James Giron, Tamour Sindhu, and Muhammad Sindhu. 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 September 15, 2021, incident by Kathryn Evans, dated September 15, 2021 |
| Exhibit no. D3 | Online Complaint form of May 15, 2021, incident by Kathryn Evans, dated September 16, 2021 |
| Exhibit no. D4 | Online Complaint form of September 15, 2021, incident by Jim Giron, dated September 18, 2021 |
| Exhibit no. D5 | RASKC investigation report no. A21004670 |
| Exhibit no. D6 | Notice of violation no. V21012542-A21004670, issued September 23, 2021 |
| Exhibit no. D7 | NVOC mailing/tracking history |
| Exhibit no. D8 | Appeal, received October 14, 2021 |
| Exhibit no. D9 | Photograph of deceased fowl |
| Exhibit no. D10 | Map of subject area |
| Exhibit no. D11 | King County Parcel Viewer Map |

DS/lo

January 27, 2022

**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

CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V21012542-A21004670**

TAMOUR SINDHU

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 January 27, 2022.



Lauren Olson
Legislative Secretary

Evans, Kathryn
Hardcopy

Giron, James

Sindhu, Tamour/Muhammad
Hardcopy

Smokoska, Rebecca
Regional Animal Services of King County

Wheatley, Aaron
Regional Animal Services of King County