

May 16, 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. **V22012965-A22001004**

RICK AND KATHY CISSNA
Animal Services Enforcement Appeal

Activity no.: A22001004

Appellants: **Rick and Kathy Cissna**

[REDACTED]
Kenmore, WA 98028

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 issued Mr. Cissna a violation notice for his dog, Tai, being unlicensed. Mr. Cissna timely appealed, challenging the violation and, in the alternative, requesting a reduction in fines. 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 reduce the penalty.

Background

2. On February 27, Tai was running at large and trespassing on Linda Smith's property. Ms. Smith filed a complaint. Ex. D6. On February 28, Animal Services issued Mr. Cissna a warning notice, stating that the Cissnas had until March 2 to license Tai. Ex. D5 at 003, n.5.
3. On March 3, Animal Services issued Mr. Cissna a violation notice for Tai being unlicensed and unaltered. Ex. D2. The Cissnas appealed, asserting that they had met Animal Services' licensing deadline, and that Animal Services had simply failed to recognize that the pets had been licensed under a different name. Ex. D9.
4. In our hearing notice, we observed that if the Cissnas had met Animal Services' deadline, this might be the rare licensing appeal where we actually overturn a licensing violation, instead of just simply reducing some of the penalty associated with the violation. We went to hearing on May 2.

Legal Standards

5. KCC 11.04.030.A requires all dogs eight weeks old and older be licensed and registered. The penalty for an unlicensed, unaltered dog is \$250, while the penalty for an unlicensed but altered dog is \$125. KCC 11.04.035.C.5.
6. 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

7. Animal Services legally can, and sometimes does, issue a violation notice immediately upon discovery of an unlicensed pet. Yet oftentimes, as here, Animal Services provides a short "safe harbor" during which the owner can license the pet and avoid penalties.
8. When the Cissnas filed their appeal, they believed they had met Animal Services' March 2 deadline, and thus Animal Services should not have penalized them at all. However, the Cissnas actually licensed Tai (along with their cats) on March 4, two days after the deadline and one day after Animal Services issued the violation notice. Ex. D11.
9. However, we make two adjustments. First, during the hearing, Animal Services recognized that Tai was altered. This automatically reduces the penalty from \$250 to \$150. And second, where someone licenses their animal in between the violation notice and our hearing, we typically use our discretion and reduce the penalty.
10. Mr. Cissna acknowledged that Animal Services had (prior to February 28) left a different notice on their door. However, that notice had been for a dog, Nova, belonging to a friend of his daughter who is temporarily living with the Cissnas. He gave that notice to

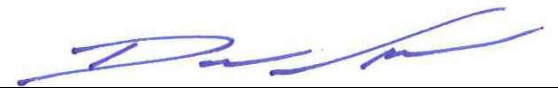
the friend without reading it. The second notice that Animal Services issued to the Cissnas was for their dog, Tai. Mr. Cissna detailed the devastating family dynamic he and his wife have been struggling with, explained the good neighbors they have tried to be, and requested a penalty reduction.

11. Our heart goes out to the Cissnas for what they have had to cope with; no parent should have to take that on. A pet license for an altered dog is \$30 a year. KCC 11.04.035.A.1.b. If we reduce the penalty to \$60, that essentially equates to the past two years of licenses the Cissnas should have purchased but did not. So, the result is not punitive, but more squaring the books.

DECISION:

1. We reduce the licensing penalty from the \$250 listed on the violation notice to \$60.

ORDERED May 16, 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 *June 15, 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 MAY 2, 2022, HEARING IN THE APPEAL OF RICK CISSNA, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V22012965- A22001004

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Rick Cissna, and Linda Smith. 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	Notice of violation no. V22012965-A22001004, issued March 3, 2022
Exhibit no. D3	Warning Notice V22012964
Exhibit no. D4	NVOC mailing/tracking history
Exhibit no. D5	RASKC investigation report no. A22001004
Exhibit no. D6	Online Complaint form of February 27, 2022, incident by Linda Smith, dated February 28, 2022
Exhibit no. D7	RASKC investigation report no. A22000948
Exhibit no. D8	Online Complaint form of incident by Linda Smith, dated February 23, 2022
Exhibit no. D9	Appeal, received March 28, 2022
Exhibit no. D10	Receipt for Pet Licenses bought by Kathy Cissna
Exhibit no. D11	Tag Records for Kathy Cissna
Exhibit no. D12	Tag Records for Rick Cissna
Exhibit no. D13	Example Door Hanger with Pet License Application
Exhibit no. D14	Map of subject area
Exhibit no. D15	Voicemail from K. Cissna

DS/lo

May 16, 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. **V22012965-A22001004**

RICK AND KATHY CISSNA
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 May 16, 2022.



Jessica Oscoy
Office Manager

Cissna, Rick and Kathy

Hardcopy

Eykel, Chelsea

Regional Animal Services of King County

Moore, Samantha

Hardcopy

Smith, Linda

Hardcopy