

**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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V22012989-A22001233**

**EMMA HAWES**

Animal Services Enforcement Appeal

Activity no.: A22001233

Appellant: **Emma Hawes**

Email: 

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](mailto:raskcappeals@kingcounty.gov)

**FINDINGS AND CONCLUSIONS:**

Overview

1. Emma Hawes appeals a violation for three dogs running at large, being unlicensed-unaltered, qualifying as vicious, and needing to be confined. Regional Animal Services of King County (Animal Services) later dismissed the viciousness and running at large violations, and our hearing focused on licensing. 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 grant Ms. Hawes appeal for two of the licensing violations and deny it for the third.

### Background

2. In September and November of 2021, Animal Services issued Ms. Hawes violation notices for her dogs, Xander and Khali, being unlicensed and unaltered. Ex. D8-D9. Ms. Hawes did not appeal those.
3. On March 9, 2022, Carla Hoffman filed a complaint asserting that, on the previous day, three husky-type dogs charged and barked at her. Ex. D2. Animal Services issued Ms. Hawes a violation notice for her presumably three dogs [Xander, Khali, and Ayla]. Ex. D5. Ms. Hawes timely appealed. Ex. D12. We scheduled a hearing for May 4.
4. On April 20, Animal Services emailed that, in preparing its hearing exhibits, it discovered Ms. Hawes' email demanding to have her personal information redacted, with threat of imminent legal action and demand for costs. Animal Services requested that we convert the May 4 hearing to a pre-hearing conference, so we could sort the issue out prior to exhibit submittals.
5. On April 22, we issued a notice converting our May 4 hearing to a pre-hearing conference. On April 27, Ms. Hawes wrote that she was declining the conference, that "The demands contained herein are not legal, logical or relevant to the appeal. Please proceed with the appeal hearing. All other legal proceedings will occur independently."
6. On April 28 we issued an order keeping the conference, and noting that Ms. Hawes boycotting the conference risked her appeal being dismissed. We observed that at the conference we would determine if Ms. Hawes believed Animal Services needed to redact some information from the exhibits it was planning to send (and if so, what and why). We extended the deadline until May 2 for Ms. Hawes to email a copy of the cease-and-desist order, so we could better understand and limitations that apply to our process.
7. As Ms. Hawes failed to submit the order or otherwise respond, examiner staff called her to check on it. Ms. Hawes threatened that because examiner staff had called her on her cell phone, she would be filing an anti-harassment lawsuit.
8. At the May 4 pre-hearing conference, it turned out Ms. Hawes had not sent in the order because no court had actually issued any such order. Ms. Hawes agreed to have her email updated to [emailforanimalcontrol@gmail.com](mailto:emailforanimalcontrol@gmail.com) and agreed no other redactions would be necessary in any hearing exhibits.
9. At that conference we also set a May 25 hearing. In our prehearing order of the following day, we set various deadlines and included the following:

**Witness Intimidation.** There seem to be allegations of harassment in both directions. We take assertions of witness intimidation very seriously. Parties and their witnesses should focus these two weeks on preparing for our hearing, and shall refrain from cross-party communications, beyond the exchange of exhibits discussed above. Violations of this in the next two weeks may prompt evidentiary sanctions.

10. On May 5, Animal Services requested rescheduling of the May 25 hearing, due to Ms. Hoffman being out of the country and unavailable to testify. We declined that request.
11. On May 19, Ms. Hoffman emailed that, despite our order related to witness intimidation, Ms. Hawes had “liked” dozens of her posts on Nextdoor, learning about it by notifications received via email. Ex. D14. Animal Services moved to dismiss Ms. Hawes’ appeal. We denied the motion and again affirmed that we would go to hearing on May 25.
12. On May 23, Animal Services emailed to dismiss the case without prejudice, intending to re-issue the violations with lesser charges. We responded that, again, we would keep the May 25 hearing.

### Hearing Testimony

#### *Testimony of Chelsea Eykel*

13. Sgt. Eykel dismissed without prejudice the running at large, viciousness violations, and the order for confinement, and licensing violation for Khali; Animal Services was proceeding with the licensing violation for Ayla and Xander. She stated that Animal Services intended to re-issue the violation notice for a different violation, dogs running in packs.

#### *Testimony of Emma Hawes*

14. Ms. Hawes testified that she used her mobile phone to view Nextdoor through the Safari internet browser, not the Nextdoor app. She said that because of the way the buttons are positioned, she accidentally “liked” Ms. Hoffman’s posts while she was scrolling through the website, and then pressed “unlike.”
15. Ms. Hawes was out of the country on March 8 and did not have any dogs on the property in March. Khali was relocated to Olympia in September of 2021 and Xander was in Oregon on March 8.
16. Ayla had puppies and they were transferred within eight weeks. The only male dog on the property that Ms. Hawes had after returning from Australia was Xander.

#### *Testimony of Chris Gunderson*

17. Mr. Gunderson has been an administrator for Nextdoor for about eight years. He is familiar with the interface and has a high level of IT knowledge. Mr. Gunderson has the ability to see users’ activity, such as when they “like” a post, as long as they do not “unlike” it afterwards. If someone “likes” a post, the owner of the post is notified.
18. Mr. Gunderson testified that it is possible to filter notifications so that the owner of the post is not notified of events such as when someone “likes” their posts. But he clarified that while it is possible to turn off notifications for *particular* posts, he was not sure if one could turn off notifications across the board (meaning for *all* posts).

19. As to whether, by Mr. Hawes taking a screenshot of a Nextdoor post, Safari would automatically “like” a post, he states that this is not possible; it would pose a security risk if the interface allowed that. He found it unlikely that Ms. Hawes could have inadvertently liked all Ms. Hoffman’s posts.

#### Legal Standards

20. The remaining issue for hearing is whether Ms. Hawes’ dogs were unlicensed and unaltered, in violation of KCC 11.04.030.A, which requires all dogs eight weeks and older that are “harbored, kept or maintained” in King County be licensed and registered. “Harbored, kept or maintained” is defined as “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.Q.
21. 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

##### *Participant Credibility*

22. With the exception of Mr. Gunderson, who offered some measured, straightforward thoughts on a technical issue this round, participants involved with this extreme neighborhood dysfunction, both in 2017 and again now, seem to have become largely unmoored.
23. That was visible at our 2017 hearing.
- Ms. Hawes spent significant time then railing against a past decision by a *different* tribunal (a decision that had long since become final and unchallengeable) and denigrating an Animal Services employee (who was not even a witness to the incident under review and thus could play no role in our analysis of the merits), while spending zero time preparing even a single exhibit to advance her case, despite the issue being incredibly serious—an order removing her beloved dog from King County.
  - If our recollection is correct, the neighbor who testified seemed, like Ms. Hawes, to also be caught up in the drama. And we observed in our written decision that neighbors had *twice* mis-identified an Alaskan malamute as Ms. Hawes-then Alaskan malamute.

- Animal Services had not even bothered to submit the critical order underlying its later removal order, leading to our summary dismissal of its case without reaching the merits.<sup>1</sup>

24. This round was somehow even worse.

- Ms. Hawes repeatedly lashed out at everyone, including examiner staff, refused to answer simple questions, and had a hard time channeling her anger into a focus on the actual merits. She kept asking Mr. Gunderson the same questions over and over and—seemingly willfully—mischaracterizing his testimony. She seemed intent on continuing to undermine her own credibility, the most egregious example of which was she disputed that she was responsible for licensing “Xaner” (as Animal Services misspelled it in its violation notice), only to reluctantly admit at hearing that they have a dog, “Xander.” Exs. D5 at 001, D12 at 001. Hers was the type of argument that gives lawyers a bad name and makes them the object of jokes and derision.
- Ms. Hoffman, for her part, received a message from Ms. Hawes (weeks before our order) that said nothing more sinister than, “Hi, Carla, I responded several times, all quite reasonably, and immediately the discussion gets closed and my comment is removed. This is a personal vendetta now and nothing to do w[i]th dogs unfortunately,” and yet Ms. Hoffman complained that this was totally uncalled for and disturbing. Ex. D3 at 002, n.4, and Ex. A2 at 006.
- Animal Services was not able to elevate, seemly unable to accept that we were keeping the May 25 hearing, and continually trying different ways to get out of it.

25. To the extent we have a future hearing, it would be in everyone’s interest to step back, take some deep breaths, and think, “How can I present myself and my points in a significantly more credible way than I have done to date.” Because thus far these proceedings have been an absolute race to the bottom, persuasion-wise.

### *Witness Intimidation*

26. While mistakes happen, we find it hard to accept that someone as smart as Ms. Hawes repeatedly, but inadvertently, continue to hit “like” on a profile, something she did at least nine times. Ex. D14 at 001. She seems too savvy for that.

27. Ms. Hawes is definitely capable of intimidation.

- She ground our initially-scheduled hearing to a halt by threatening Animal Services with court action on redacting information.
- She threatened examiner staff with an anti-harassment lawsuit for having the temerity to call her on a phone number other than the one she prefers.

---

<sup>1</sup> See [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2017/february%202017/V16006259\\_Hawes.ashx?la=en](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2017/february%202017/V16006259_Hawes.ashx?la=en).

- And she threatened a *different* Nextdoor user with legal action and a damages suit if that woman did not remove “any reference to [the dog] owners being difficult” from her posts. Ex. A2 at 007. (Because, of course, what better way to show the world that you are not actually “being difficult” than to threaten legal action against someone who suggests that you are.)
28. Yet simply hitting “like” on a public post is not what we were getting at with our order. And while Ms. Hoffman may have felt intimidated, she also felt intimidated by the earlier Ms. Hawes post (quoted above), which shows Ms. Hoffman is not the most objective judge of what qualifies as “intimidation.” And we note that, like Ms. Hawes, Ms. Hoffman was quick to threaten legal action at the slightest provocation, responding to Ms. Hawes simply liking her posts by writing that “[i]f this continues, I will be involving the courts/law enforcement system.” Ex. D14 at 001.

### *Licensing*

29. Ms. Hawes asserted that, well before the March violation, she had rehomed two of her White Suisse shepherds, leaving only Xander. Although she asserted that on March 8 Xander was in Oregon, she still has an interest in Xander, and Xander resides part-time in King County. We sustain the licensing violation as to Xander and dismiss the other two.
30. Forward-looking, there is no minimum time period on the requirement to license all dogs eight weeks and older that are “harbored, kept or maintained,” because “harbored, kept or maintained” includes “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.” KCC 11.04.030.A; KCC 11.04.020.Q. There is a temporal, 30-day exception, but that is limited to “dogs or cats...whose owners are nonresidents temporarily within the county for a period not exceeding thirty days.” KCC 11.04.030.F.
31. That combination is troublesome, because given a strict reading of KCC 11.04.020.K, someone who hosts a neighbor’s dog for, say, the weekend would be on the hook not only to make sure the dog did not commit any violations on their watch (a reasonable expectation) but also for licensing the dog (an unreasonable expectation). We have likened that to the equivalent of expecting a valet parking attendant to not only park a guest’s car legally and not scratch it (a reasonable expectation), but also to ensure that the guest had a valid driver’s permit and that the car was duly licensed and up-to-date on taxes (an unreasonable expectation).
32. So, we have carved out a limited exception, based on the facts of each case. But there is no provision one can point to as an iron-clad “safe-harbor.” If the Hawes have an interest in a dog, or if the dog’s presence at their residences is more than a one-off visit, it is much wiser to license the dog than to potentially receive another \$250-per-dog fine.

DECISION:

1. We dismiss the violations for running at large and viciousness, without prejudice, for all three dogs.
2. We grant Ms. Hawes appeal as to the licensing violation for two of the dogs, and deny it for Xander.
3. The total penalty due is thus \$250, not \$2400.

ORDERED June 9, 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 *July 11, 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 25, 2022, HEARING IN THE APPEAL OF EMMA  
HAWES, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO.  
V22012989-A22001233**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Chris Gunderson, and Emma Hawes. 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 March 8, 2022, incident by Carla Hoffman, dated March 9, 2022
Exhibit no. D3	RASKC investigation report no. A22-001233
Exhibit no. D4	Emails between Ofc. Wilcox and Emma Hawes, dated March 9, 2022
Exhibit no. D5	Notice of violation no. V22012989-A22001233, issued March 9, 2022
Exhibit no. D6	Receipt for Xander’s license, dated 2019
Exhibit no. D7	Statement from Angus Hawes from case no. A19-5929 regarding Xander and Khali
Exhibit no. D8	Notice of violation no. V21012518, issued September 14, 2021
Exhibit no. D9	Notice of violation no. V21012662, issued November 9, 2021
Exhibit no. D10	NVOC mailing/tracking history
Exhibit no. D11	Screenshots from Apex Shepherds/ApexWintersWind referencing Xander, Khali, Ayla, and Aslan from 2021 and 2022
Exhibit no. D12	Appeal, received March 29, 2022
Exhibit no. D13	Map of subject area
Exhibit no. D14	Nextdoor Screen shot and email from Carla Hoffman, submitted May 19, 2022

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

Exhibit no. A1	Response to exhibit no. D14, submitted May 19, 2022
Exhibit no. A2	Screenshots of Nextdoor statements
Exhibit no. A3	Email from Emma Hawes regarding Ofc. Wilcox



June 9, 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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V22012989-A22001233**

**EMMA HAWES**

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 June 9, 2022.



---

Jessica Oscoy  
Office Manager

**Anderson, Tim**

Regional Animal Services of King County

**Eykel, Chelsea**

Regional Animal Services of King County

**Gunderson, Chris**

**Hawes, Emma**

Hardcopy

**Hoffman, Carla**

Hardcopy

**Smokoska, Rebecca**

Regional Animal Services of King County