

June 21, 2022

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

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V22013015-A2201360**

**AUBRIE BARTON**

Animal Services Enforcement Appeal

Activity no.: A22001360

Appellants: **Rick Camp and Aubrie Barton**

[REDACTED]  
Enumclaw, WA 98022

Telephone: [REDACTED]

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

Overview

1. Aubrie Barton appeals a Regional Animal Services of King County (Animal Services) violation notice asserting that cows from her property trespassed onto one neighbor's property and, a few days later, entered a public roadway. 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 deny her appeal.

### Background

2. In 2020, Animal Services received an online complaint form from Ernie Partlow on January 13, regarding Ms. Barton's cows on his property. Ex. D9. Animal Services then received an online complaint form from Teal Coutts-Sargent on March 7, regarding Ms. Barton's cows on the portion of the Barton property he and Violette Gregoire leased. Ex. D18. Animal Services received an additional online complaint form from Ernie Partlow on December 17, regarding Ms. Barton's cow in his yard a week earlier. Ex. D11. Animal Services issued Ms. Barton warning notice V20011470-A20015439 on December 19, for her cow trespassing on private property. Ex. D13.
3. In 2021, Animal Services received an online complaint form from Ernie Partlow on November 9, regarding Ms. Barton's cows in his yard. Ex. D14. This time, Animal Services issued Ms. Barton violation notice V21012677-A2105639 on November 11, for her cow trespassing on private property. Ex. D16. Ms. Barton did not appeal.
4. The current dispute started on March 17, 2022, when Animal Services received an online complaint form from Tony Chase regarding Ms. Barton's animal on his property. Ex. D2. Then Animal Services received an online complaint form from Ms. Gregoire on March 20, regarding Ms. Barton's cows trespassing on her property multiple times in March. Ex. D3.
5. Animal Services issued Ms. Barton violation notice V22013015-A22001360 on March 20, 2022, for her cow trespassing on private property on March 17 and for being on public property, not under control, on March 19. Ex. D6. Ms. Barton emailed her appeal to our office the evening of April 14. We forwarded the appeal to Animal Services and asked Ms. Barton to submit it to Animal Services. Ex. D8. She did not resubmit it, but Animal Services agreed to treat it as a valid appeal. We went to hearing on June 6.

### Hearing Testimony

#### *Testimony of Teal Sargent*

6. Teal Sargent testified that he has had numerous issues with Ms. Barton controlling her livestock. When animals came onto his property, Mr. Sargent tried to notify Ms. Barton. Her animals are consistently on the one acre he leases from her. Mr. Sargent has young children, so it is dangerous for the cows to come onto his property. Ms. Barton's fence is poorly managed. Ex. D22-002. There were instances in April and May of the cows trespassing or attempting to.
7. Video exhibit D5 shows an individual [Ms. Barton] appear and quickly disappear between the carport and truck. Mr. Sargent opined that she hid because she knew he had cameras set up. The video then shows the cow running into the roadway. Additionally, video exhibit D20 shows the cow going from the top pasture and, instead of going to Ms. Barton's, it goes onto the Chase property.
8. Ms. Barton was aware that her animals were getting loose. One of her cows was hit and killed in the road one night at around 1:30 a.m. [This was back in November 2020. Ex.

D20.] The next day Mr. Sargent saw the dead cow, which sat next to the road for two to three days.

9. There is a 20-foot-wide by 15-foot-deep agricultural ditch between the portion of the property Mr. Sargent lived on and the main Barton property. Ms. Barton is aware that her animals should not have access to the ditch. Ms. Barton's two dogs would also come onto his property. Ms. Barton has Bandit, a larger herding dog, and Bash, a smaller dog. The prior renter had not set up garbage disposal with the city, so Bash regularly rifled through the garbage.
10. Ms. Barton's lease with Mr. Sargent allowed him to reside on the property and gave him the responsibility to remove the manufactured home. Mr. Sargent repaired the unit, at which point Ms. Barton decided that she wanted to keep it. This led to binding arbitration, which Ms. Barton lost, as she had already lost her right to the structure. There were arbitration rulings in February, April, and finally in May which forced compliance. Mr. Sargent is not currently at the property.
11. Ms. Barton refused to acknowledge her responsibilities as a landlord. Mr. Sargent agreed that the lease allowed for the landlord to have access to the site; however, Ms. Barton is required to give Mr. Sargent 72-hour notice before she comes onto the property, which she has not done. Mr. Sargent was fearful of Ms. Barton, because she was discharging guns, so he asked her to not come onto the property and he locked his gates for his own privacy. Mr. Sargent did not ask Ms. Barton to fix the fence. Instead, he requested Ms. Barton put up a fence on her side of the property.

*Testimony of Ernie Partlow*

12. Ernie Partlow testified that he has lived on his property since 2018. Ms. Barton's cows have been on his property about 15 times; it happens every couple of months. Mr. Partlow did not always take pictures when the cows were loose when he first moved in, because he understands that things happen from time to time. Mr. Partlow estimates that he has contacted Ms. Barton around 15 times regarding loose animals. The first time he called Animal Services, there was a large bull on his side of the fence. Ms. Partlow Barton told Ms. Barton that she needed to keep her cows off his property. Mr. Partlow's property is directly south of Ms. Barton's.
13. Mr. Partlow has seen Ms. Barton's cows run past his property towards the elementary school. Having loose animals in the roadway is a hazard. One of her cows came down his driveway in the middle of the night. The cow that was hit in the middle of the night ended up at the end of his driveway. Ex. D20.
14. On March 4, 2022, a deceased sheep was also in the roadway. Sheep have been on his property since Rick Camp [who now has livestock on the Barton property] fixed the fence. Ms. Barton's dogs are also loose. Mr. Partlow recalls a conversation with Mr. Camp regarding the animals. The cattle have not been on his property for a couple months.

*Testimony of Aubrie Barton*

15. Aubrie Barton testified that Mr. Sargent's lease started in February of 2020. Mr. Sargent changed the lease because he wanted to either pay half the rent or he would take the manufactured house before five years. At the end of tenancy in February 2022, Ms. Barton attempted to turn over the title of the manufactured home to Mr. Sargent. Ms. Barton was trying to transfer the title, but Mr. Sargent would not transfer it, which meant he was trespassing from February on. The court ruled that he needed to remove his property off Ms. Barton's property. He recently sold the manufactured home and is working on trying to remove it.
16. Ms. Barton saw Mr. Sargent chase a cow that had jumped the fence into the road. Ms. Barton has been constantly fearful of Mr. Sargent. She had to change jobs because he was harassing her at work. Her lawyer told her to hold off on attempting to fix the fence on Mr. Sargent's property due to the threats she was receiving from Mr. Sargent. He is off the property now, but he still will not allow Ms. Barton onto the property to fix the fence.
17. Mr. Sargent started refusing Ms. Barton site access in the middle of 2021. Mr. Sargent locked the two gates so Ms. Barton could not access the fence to fix it. Ms. Barton cannot access the fence that needs fixing on Mr. Sargent's property from the south because she would be unable to get a tractor through the ditch.
18. Ms. Barton was displaced from her property for six months due to a domestic violence situation. She returned in June or July of 2021. Once she returned, she started taking care of the property. She tried to check on the septic field on Mr. Sargent's property, but she was refused access.
19. Ms. Barton attempted to fence the cows to an area on the property farther away from Mr. Sargent, but she was told by the County that she could not put a fence in that area due to flooding.
20. Ms. Barton sold some of her cattle at auction. The only animals she has on the property now are her dogs. She asserts the remaining livestock are Mr. Camp's. It was difficult for Ms. Barton to do basic things due to the violent situation she was in. This prevented her from selling her cattle when they were roaming between 2018 and 2020.
21. Ms. Barton was aware of her cow being hit in the road. The sheep that was hit in the road was not hers. Ms. Barton got rid of the sheep before March 2022.

*Testimony of Rick Camp*

22. Rick Camp testified that he arrived at the property in August 2021, and he brought his cattle to the property in December 2021. When he first arrived, the fences were in poor condition. Mr. Camp put in over three-thousand dollars into fencing materials. He stretched three sides of the fence. He had a conversation with Mr. Partlow about the roaming animals and fixing the fences. Mr. Camp went onto Mr. Sargent's property to

measure, so he could purchase fencing materials to replace it. Mr. Camp then received a threatening letter through his attorney regarding attempting to fix the fence.

23. All the fencing, except for the section on the Sargent portion of the property, has been repaired or replaced. The ditch is full of water, and it would be difficult to maneuver fencing materials through it coming from their side. Mr. Camp has purchased the fence posts and panels to fix that section of the fence. Mr. Camp has also purchased hotwire rail. Mr. Camp plans on completely replacing the fencing that is currently broken.
24. The photograph in exhibit D22 showing a leaning fence was taken on May 11, 2022. Mr. Camp replied that the top of the wire is still up on the fence, and the cows have not been over it, as seen by the uneaten grass. Mr. Camp did not sink the posts in concrete.
25. Mr. Camp cannot do anything about the fence on the leased area until the structure is moved. It would cost about three thousand for Mr. Camp to put up another fence around the leased area, which he would then end up removing. If he put a secondary temporary fence, it would lead to issues with fertilization of the ground. Mr. Camp also argued that the whole point of grazing is to move the animals between different food sources.
26. When asked about the sheep that was hit in the road in March 2022, Mr. Camp replied that he sold his sheep on February 9, 2022.
27. Mr. Camp said the cattle in the video were running because they were being chased. Mr. Camp would not wrangle cattle into the road. Regarding the cow that was hit early in the morning, Mr. Camp hauled the cow the day after it was hit. Mr. Camp agrees that livestock should not be roaming in the street. Currently, his cattle are in their winter pen, and they do not have access to the area with the broken fence.

#### Legal Standards

28. On March 17, did Appellant's cow trespass onto Mr. Camp's property, defined as a "domesticated animal that enters upon a person's property without the permission of that person," KCC 11.04.230.K?
29. On March 19, did Appellant's cow enter onto a public roadway, being an animal "on any public property not under control by the owner or other competent person," with "under control" being defined as "either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner," KCC 11.04.020.AA, .230.M?
30. 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

31. This case would be a lot more complex if the trespass Animal Services cited Ms. Barton for were livestock from her main property being on the portion of her property leased to Mr. Sargent and Ms. Gregoire. (Ms. Gregoire had complained about Barton cows trespassing on the leased area multiple times. Ex. D3.) That could pull us into an analysis of the lease terms, Mr. Barton and Mr. Camp's efforts to fix their common fence, and whether Mr. Sargent or Ms. Gregoire inappropriately hindered those efforts. We have some sympathy for the defense that one cannot impede another person from fixing a fence and then complain that animals are coming across the downed fence line. However, Ms. Barton was not cited for animal trespass on the Sargent/Gregoire leasehold.
32. The March 17 trespass was a cow from the Burton property going onto the Chase property. Ex. D2; testimony of Chelsea Eykel. There is no evidence that Mr. Chase (nor the other neighbor on whose property cows from the Barton property had trespassed, Mr. Partlow) had impeded containment efforts. And the March 19 violation was for a cow on a *public* roadway, the same roadway where a car collided with, and killed, a Barton cow last fall. Ms. Barton and Mr. Camp knew, from plenty of previous experience, that at least their internal fence with the leashed portion of their property was porous, and that their livestock were getting onto the roadway and onto other neighbors' properties.<sup>1</sup>
33. We understand why, while they waited to re-gain full access to the fence in the leased area, Mr. Camp and Ms. Barton did not want to incur the effort and expense of putting up a temporary fence, or of confining their animals and grazing to the winter pen or other secure area, or of taking some other step. But that was a choice they made. And choices have consequences. Here that was a violation for trespass on a different neighbor's property, and a violation for an animal on public property (212<sup>th</sup> Ave. SE) not under control.

### DECISION:

We deny Ms. Barton's appeal.

ORDERED June 21, 2022.



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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*

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<sup>1</sup> There was testimony and photographs casting some doubt on security of the fencing along other portions of the Barton property. Ex. D22. We make no findings as to the durability of that fencing.

21, 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 JUNE 6, 2022, HEARING IN THE APPEAL OF AUBRIE  
BARTON, REGIONAL ANIMAL SERVICES OF KING COUNTY  
FILE NO. V22013015-A2201360**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Teal Sargent, Ernie Partlow, Aubrie Barton, and Rick Camp. 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 17, 2022, incident by Tony Chase, dated March 17, 2022
Exhibit no. D3	Online Complaint form of March 7, 8, 11, 14, 19, 2022 incidents by Violette Gregoire, dated March 20, 2022
Exhibit no. D4	RASKC investigation report no. A22001360
Exhibit no. D5	Ring Camera Video
Exhibit no. D6	Notice of violation no. V22013015-A2201360, issued March 20, 2022
Exhibit no. D7	NVOC mailing/tracking history
Exhibit no. D8	Appeal, received April 15, 2022
Exhibit no. D9	Online Complaint form of January 13, 2020, incident by Ernie Partlow, dated January 13, 2022
Exhibit no. D10	RASKC investigation report no. A20000266
Exhibit no. D11	Online Complaint form of December 11, 2020, incident by Ernie Partlow, dated December 17, 2020
Exhibit no. D12	RASKC investigation report no. A20015439
Exhibit no. D13	Warning Notice V20011470-A20015439, dated December 19, 2020
Exhibit no. D14	Online Complaint form of November 9, 2021, incident by Ernie Partlow, dated November 9, 2021
Exhibit no. D15	RASKC investigation report no. A21005639
Exhibit no. D16	Notice of violation no. V21012677-A21005639, issued November 11, 2021
Exhibit no. D17	NVOC mailing/tracking history
Exhibit no. D18	Online Complaint form of March 7, 2022, incident by Teal Coutts-Sargent, dated March 17, 2022
Exhibit no. D19	RASKC investigation report no. A22001164
Exhibit no. D20	Photograph of trespassing cows with dates
Exhibit no. D21	Video of cow running into road on April 6, 2022
Exhibit no. D22	Recent photographs of dilapidated fence
Exhibit no. D23	Map of subject area

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V22013015-A2201360**

**AUBRIE BARTON**  
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 June 21, 2022.



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Lauren Olson  
Legislative Secretary



**Aubrie Barton, Rick Camp**  
Hardcopy

**Chase, Tony**  
Hardcopy

**Couts-Sargent, Teal**  
Hardcopy

**Eykel, Chelsea**  
Regional Animal Services of King County

**Partlow, Ernie**  
Hardcopy