

August 5, 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

ORDER ON MOTION FOR RECONSIDERATION

SUBJECT: Regional Animal Services of King County file no. **V22013130-A22002175**

DONNA KALAU LI AND MARVIN LOPEZ

Animal Services Enforcement Appeal

Activity no.: A2202175

Appellants: **Donna Kalauli and Marvin Lopez**

[REDACTED]
Kent, WA 98031

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

In our July 29 decision, we found that Lilo had bitten the complainant, and that nothing the complainant did amounted to legal provocation for Lilo to bite. However, we reversed Lilo's viciousness designation, finding that Lilo does not constitute a danger.

Animal Services requests that we reconsider our decision and add language stating that if Lilo has a second unprovoked bite within two years of his April 29 bite, Animal Services would not

be prevented from using the April 29 bite as a basis for a Notice and Order for Removal under KCC 11.04.290.B.2, which states that:

Any animal that bites, attacks or attempts to bite one or more persons two or more times within a two-year period is declared to be a public nuisance and shall not be kept within unincorporated King County forty-eight hours after receiving written notice from the manager.¹

We will *not* add language prejudging how we would treat the scenario where Lilo bit another person prior to April 29, 2024, we found that bite legally unprovoked, and Animal Services moved to have Lilo removed from the County. But Ms. Kalauli and Mr. Lopez should be aware that KCC 11.04.290.B.2 is out there, and should do whatever they need to do to stay out of that box.

Because a motion for reconsideration postpones the deadline for an appeal, as noted below. Either party may appeal our July 29 decision, or today's order, by the deadline below.

DATED August 5, 2022.



David Spohr
King County 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 *September 5, 2022*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

¹ While KCC 11.04.290.B.2 does not explicitly state that both bites, attacks, or attempted bites must be unprovoked to trigger removal, to avoid an absurd result, we have read in a requirement that a *provoked* bite/attack/attempted bite does not count.

August 5, 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. **V22013130-A22002175**

DONNA KALAULI AND MARVIN LOPEZ

Animal Services Enforcement Appeal

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER ON MOTION FOR RECONSIDERATION** 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 August 5, 2022.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Khamoosh; Sultan/, Hesamuddin

Hardcopy

Marvin Lopez, Donna Kalauli

Hardcopy