

July 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

ORDER OF DISMISSAL

SUBJECT: Regional Animal Services of King County file no. **V22013179-A22002605**

KIMBERLY WIGNEY

Animal Services Enforcement Appeal

Activity no.: A22002605

Appellant: **Kimberly Wigney**

[REDACTED]
Redmond, WA 98052

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

On June 29 we emailed and mailed the notice for yesterday's hearing. We received no communication in response from Ms. Wigney that yesterday would not work. Animal Services and their witnesses timely appeared. Ms. Wigney did not, nor has she contacted our office since to explain her absence. Her failure to appear constitutes abandonment of her appeal. We therefore DISMISS her appeal.

It is not clear how much there would have been to tackle at the hearing anyway. Ms. Wigney did not dispute that Rascal was loose on May 17, and there was video showing that Rascal was indeed loose off his property. That is a violation.

Our concern is more forward-looking. It appears Ms. Wigney thinks Rascal should be allowed to roam to calm himself. However, that is not a law; a dog off its property needs to be under a person's control of the owner, either by leash, verbal voice, or signal control. An examiner must follow the actual laws when making a ruling, and Ms. Wigney has to follow the law when owning a dog.

Originally this was a minor case, first a warning and then a \$50 penalty. But Ms. Wigney has been unable to contain Rascal, and penalties double with each successive violation notice. Today we uphold a \$400 penalty for Rascal running at large on May 17. Animal Services has since issued a violation notice for an alleged June 18 running at large incident, which carries an \$800 penalty. We understand Ms. Wigney has appealed this.

More seriously, because there have been three or more violations within a one year period, Animal Services has served Mr. Wigney with an order to remove Rascal from King County. We understand Ms. Wigney has appealed this as well. At our future hearing it will be her burden to show "that the owner will be able to provide reasonable restraints to protect the public from repetitions of violations." When we receive the case paperwork, we will schedule a hearing on the latest violation notice and the removal order, likely in early September.

Starting today, Ms. Wigney must do whatever she needs to do to contain Rascal. Keep him inside the house, and make sure he is on a leash and/or a tether anytime he is outside. If he needs to go off the property, Ms. Wigney must walk him on a leash.

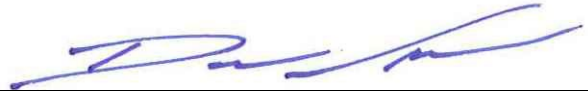
That may seem stressful for her and Rascal, but it will be even more stressful if Ms. Wigney cannot show she has put in place reasonable restraints to protect the public from repeated escapes, and we uphold the removal order. Because then Ms. Wigney will either have to (a) rehome Rascal with someone who lives outside of Animal Services' jurisdiction (and she and Rascal will face separation) or (b) Ms. Wigney and Rascal will have to move together to somewhere outside of Animal Services' jurisdiction (and she and Rascal will both face upheaval). Either of those seem much more stressful for everyone than merely containing Rascal on his property.

Now is the time for Ms. Wigney to kick up containment several notches. We empathize with the trauma Ms. Wigney and Rascal have suffered. But matters will only get worse, not better, if she does not turn things around very quickly.

If Ms. Wigney had not gotten the message before today about the severity of this situation and what she needs to do ASAP, now she has. When we go to hearing on the latest appeal, likely in

early September, we do not want to have to uphold a removal order because Ms. Wigney has been unable to consistently contain Rascal. Instead, it is in Mr. Wigney’s—and Rascal’s—best interest to show a spotless record of containment from today forward.

DATED July 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 *August 26, 2022*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

DS/jo

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CERTIFICATE OF SERVICE

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KIMBERLY WIGNEY

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 OF DISMISSAL** 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 July 27, 2022.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Logan, Sean

Hardcopy

McClinitic, Kathryn

Wigney, Kimberly

Hardcopy