

September 19, 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 nos. **V22013328 and V22013329**

KIMBERLY WIGNEY

Animal Services Enforcement Appeal

Activity no.: A22003547

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

When we dismissed Ms. Wigney’s prior appeal (V22013179), after she failed to show up for a July 26 hearing, we explained the severity of the situation, especially given the additional violation (V22013328) and removal order (V22013329) she had then-recently received. We wrote that “[s]tarting today [July 27], Ms. Wigney must do whatever she needs to do to contain Rascal,” explained the consequences for not doing so—that Ms. Wigney would “either have to 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)”—and discussed next steps.

After we received the paperwork for Ms. Wigney’s appeal of the most recent violation notice and the removal order, on August 15 we emailed and mailed our notice for the September 16 that read:

Before responding to this email Ms. Wigney should double-check that she can make the scheduled hearing this round.

If she needs a different day or time for the hearing, let us know that ASAP. Because another dismissal if Ms. Wigney fails to attend the September 16 hearing (like she missed the July 26 hearing related to the May 15 running at large) would result in serious consequences, because this time she is appealing not just another violation notice, but an order to remove Rascal from King County.

...

Failure to respond to this invitation **by 4:00 p.m. on August 11** will be treated as an agreement to the proposed date and time.

Ms. Wigney did not respond, so when on August 15 we mailed and emailed our hearing notice, we reiterated that, “Again, Ms. Wigney needs to make sure she can attend this hearing, and not risk another dismissal for a failure to appear at our September 16 hearing” (underscore in original). We also left Ms. Wigney a voicemail with the scheduling details. We received no communication in response.

Animal Services and its witnesses timely appeared at the September 16 hearing, but Ms. Wigney did not. Her failure to appear constitutes abandonment of the appeal. Accordingly, we DISMISS her appeal, which means we uphold both the latest violation and the removal order.

Where we uphold a removal order for an animal from either unincorporated King County or one of the King County cities Animal Services contracts with to provide services, we have consistently interpreted that as a requirement to remove not from the entirety of King County, but from unincorporated King County and from those contract cities where the same legal standard applies. Those cities are currently:

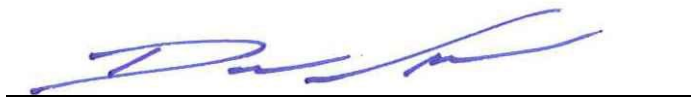
- | | | |
|-----------------------|------------------|---------------------|
| A. Beaux Arts Village | B. Bellevue | C. Black Diamond |
| D. Carnation | E. Clyde Hill | F. Covington |
| G. Duvall | H. Enumclaw | I. Issaquah |
| J. Kenmore | K. Kent | L. Lake Forest Park |
| M. Maple Valley | N. Mercer Island | O. Newcastle |
| P. North Bend | Q. Redmond | R. Sammamish |
| S. SeaTac | T. Shoreline | U. Snoqualmie |
| V. Tukwila | W. Woodinville | X. Yarrow Point |

Ms. Wigney will have to rehome Rascal someplace outside of unincorporated King County and the above cities, at least until (if she wants to be with Rascal) she can move somewhere outside of Animal Services’ jurisdiction and then take Rascal back.

The code here requires the dog be removed within 96 hours. Yet that seems too short to find even a temporary new home. We will give her until **Monday, October 3, 2022**, to find a potential new owner outside of unincorporated King County and outside the cities that contract with Animal Services,¹ disclose to that person that Rascal was ordered removed as a nuisance, have that person agree to take Rascal on (at least temporarily), actually get Rascal out, and provide Animal Services both proof that this new owner lives outside unincorporated King County and those contract cities and provide the new owner's contact information. But it is important for her to make sure Rascal is taken out of unincorporated King County and the contract cities by October 3 and then stays out, for two reasons:

- the \$1000 penalty associated with the removal order (V22013329) only comes due if the removal order itself (here, our modification today of the removal order) is violated, so it is important to get Rascal out by October 3; and
- if Rascal is found in Animal Services' jurisdiction after October 3, Animal Services may seize Rascal, and Ms. Wigney would have no further say where, and to whom, Rascal is rehomed.

DATED September 19, 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 *October 19, 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 In addition to unincorporated King County, the contract cities where the same legal standard applies are currently:

A.	Beaux Arts Village	B.	Bellevue	C.	Black Diamond
D.	Carnation	E.	Clyde Hill	F.	Covington
G.	Duvall	H.	Enumclaw	I.	Issaquah
J.	Kenmore	K.	Kent	L.	Lake Forest Park
M.	Maple Valley	N.	Mercer Island	O.	Newcastle
P.	North Bend	Q.	Redmond	R.	Sammamish
S.	SeaTac	T.	Shoreline	U.	Snoqualmie
V.	Tukwila	W.	Woodinville	X.	Yarrow Point

September 19, 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 nos. **V22013328 and V22013329**

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 September 19, 2022.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Logan, Sean

Hardcopy

McClintic, Kathryn

Hardcopy

Wigney, Kimberly

Hardcopy