

August 24, 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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V222013165-A22002498**

LILLY FEDAS

Animal Services Enforcement Appeal

Activity no.: A22002498

Appellant: **Lilly Fedas**

[REDACTED]
Kent, WA 98032

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
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FINDINGS AND CONCLUSIONS:

Overview

1. Lilly Fedas appeals a Regional Animal Services of King County (Animal Services) notice and order citing her two dogs for trespassing and declaring one of them vicious. After hearing witness testimony and observing demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we uphold the violations, modify one of the compliance terms, and reduce the fine.

Background

2. On May 12, 2022, Animal Services issued a violation notice to Ms. Fedas for her dogs, Mocha and Prime, trespassing on private property, and for Prime qualifying as vicious and needing to be confined. Ex. D6. On June 6, Ms. Fedas appealed. Ex. D8. We went to hearing on July 26.

July 26 Hearing Testimony

Testimony of Yoanny Alvarez

3. Yoanny Alvarez testified that on May 11 she opened her sliding door to let her two-year-old daughter outside to play in the yard. Ms. Alvarez turned around to get a chair. Ms. Alvarez did not have eyes on her daughter for about five to six seconds. As she was turning, she heard her daughter cry. Ms. Alvarez turned back around to the yard and saw a dog [Prime] on top of her daughter. Prime had two paws on her daughter's chest.
4. Ms. Alvarez guessed the dog had pushed her daughter down. When we pressed her on what she had seen prior to her daughter on the ground and Prime over her, she acknowledged that she did not know what they were doing beforehand.
5. Her daughter is about 35 pounds. Her daughter was about ten steps away from the sliding door. The other dog in the yard [Mocha] did not do anything.
6. Ms. Alvarez screamed, and the dogs ran away through the side fence. Ms. Alvarez grabbed her daughter and brought her inside the house. Her daughter was bleeding from her forehead and on top of her eye. Ex. D4. She called 911. The police and ambulance quickly arrived. Ms. Alvarez did not speak with the police, but the officer took a picture of her daughter and then walked around to try to find the dogs. The police saw that the dogs were trying to get back to their house by going through the Alvarez property again. The police chased the dogs. Ms. Alvarez was not there when Animal Services arrived.
7. The ambulance brought Ms. Alvarez and her daughter to the emergency room (ER). Her husband spoke with the police when she was at the ER. The ER doctor told Ms. Alvarez that the wound on the forehead looked like it was possibly from a bite, while the other injury looked like it was from a scratch. The yellow stain on the daughter's eye is from the wound treatment. Ex. D4. Since this incident, her daughter has been traumatized by big dogs.
8. Animal Services was waiting for Ms. Alvarez when she returned from the ER. Animal Services took a picture of the daughter and showed Ms. Alvarez two photos of dogs. Ms. Alvarez identified which dog it was. Her daughter only speaks Spanish, and her speech is limited because she is two years old.
9. Ms. Alvarez filed a complaint for Prime being in her yard again on June 3. Ex. D9. Ms. Alvarez did not witness that incident, but her husband did.

10. Ms. Alvarez's yard is not fully fenced. Their landlord told them that they would not fence the yard.

Testimony of Lilly Fedas

11. Lilly Fedas testified that on May 11 she was outside with Prime and Mocha. The dogs were mellow, so she thought it would be okay to leave them outside for a moment. About fifteen minutes later, the police were at her door saying her dogs were involved in an incident. Her dogs came back to her through the street, not through the neighbor's yard.
12. The police officer told Ms. Fedas that he had just spoken with the mother of the child [Ms. Alvarez], who said she saw the dog running down the street. The officer did not say that Ms. Alvarez saw the dog on top of her daughter. The Animal Services officer also told Ms. Fedas that the mother of the child said she saw the dog running in the distance. Ms. Fedas provided Animal Services photos of Prime and Mocha for the child to identify the dog.
13. Since the incident, Ms. Fedas has taken precautionary measures to make sure the dogs do not get out again. She installed six-gauge wire mesh fence, to prevent the dogs from getting out even if the wooden panels break. She also got an invisible fence and collars.
14. The dogs are rarely left out without a person with them. The dogs keep finding new ways to get out. The first time they got out, they broke a wood panel. Ms. Fedas has fixed the fence with the wire mesh. On June 3, they broke an upper board on the fence to escape. Ex. D8-013.
15. Ms. Fedas testified that Prime is not vicious. There have been no other incidents with Prime. Prime is 80 pounds. The dogs were not licensed previously because she was unemployed.

Testimony of Heather Evans

16. Heather Evans testified that when she arrived on May 11 the police officer and Animal Services were already there. The police officer said he was there because a dog had scratched a child. Ms. Evans gave the officer photos of the dogs. The officer said he was going to show them to the child to see if she could identify the dog; he was unsure if that was possible because the child was young.
17. The officer told Ms. Evans that Ms. Alvarez had let her children out to play, went into the kitchen, heard her daughter cry, ran outside, brought her daughter into the house, and then noticed the blood on her. The officer also told Ms. Evans that Ms. Alvarez saw the dogs running away from the home, which is why they needed the pictures.
18. Ms. Evans testified that the wire mesh they used on the fence is not flimsy wire but the same wire that is used to reinforce concrete. After May 11, they reinforced the lower part of the fence. After the dogs got out on June 3, they covered the entire six-foot-tall fence with wire. They also sunk the gates in concrete.

Hearing Pause

19. When we clarified with Ms. Alvarez about who said what to what officer, she explained that she did not speak to any officers before going to the ER. When she returned from the ER, only the Animal Services officer was there. When we asked about who identified the dog for the Animal Services officer, Ms. Alvarez explained that her daughter did not speak with the officers because she speaks only Spanish and none of the officers spoke Spanish.
20. We thought it might be helpful to see what if anything the girl could remember, and tried to add a Spanish interpreter to the virtual hearing. As we could not obtain one on the spot, we paused proceedings, noting that the girl might or might not remember much of anything, but better to err on the side of getting at all potential sources. We advised Ms. Alvarez to not speak to her daughter about the incident or about dogs. We set a resumed hearing on August 3.
21. On July 27, Animal Services requested that we accept a May 11 ER report summary, which listed “open wound of face due to dog bite,” in lieu of taking the girl’s testimony. We did not admit the ER report, it being well past the second and final deadline for exhibit submittals. We wrote that while we had low expectations that a two-year-old would be able to offer much of substance almost three months later—or even if one of the investigating officers had been fluent in Spanish and talked to her immediately after an incident—we would proceed as planned.

August 3 Hearing

22. Jose Alvarez explained at hearing that his daughter is only two years old and is too young to have a normal conversation. That would turn out to be accurate.
23. We have a general outline we follow with child witnesses, establishing rapport, trying to set the child at ease and demystify the process, ascertaining whether the child understands the difference between true and false, and talking about how to handle questions. Here, we could not even ascertain the girl’s name. Even with a Spanish interpreter, she was simply unable to begin a conversation. It was worth a try, but it did not produce anything of value.
24. Animal Services attempted to have Mr. Alvarez testify about Prime trespassing on his property again on June 3. Where we pause a proceeding because an *appellant* requests a pause, we allow the department to augment its witnesses at the resumed hearing. Here, however, we paused the July 26 hearing on our own, in our attempt to solicit the girl’s recollection. There is no question that Prime escaped again on June 3—Ms. Fedas discussed it in her testimony—but we did not allow Animal Services to add a witness. We then proceeded to closing arguments.
25. Animal Services closed by stating that a two-year-old playing in her backyard is not provocation for facial injuries requiring medical treatment. A bite is not required for a dog to be qualified as vicious. Ms. Alvarez heard her daughter scream and saw Prime on top of her daughter. Ms. Fedas previously testified that Prime climbed up and broke the

fence to escape the yard. Animal Services still has concerns about the Fedas fencing. Animal Services requested we uphold the viciousness violation and confinement order.

26. Lilly Fedas closed by explaining that the fence that Prime broke was on the neighbor's side, not on theirs. The second time, both Prime and Mocha were out. The posts for the gates are drilled into concrete and the locks are secure. Prime is not vicious. Prime saw an opportunity to escape and took it. She has done everything that she can to make sure this does not happen again. She is very sorry for what happened.

Legal Standards

27. Animal Services asserts that on May 11, Prime and Mocha were trespassing, defined as a “domesticated animal that enters upon a person’s property without the permission of that person,” KCC 11.04.230.K. Ms. Fedas does not dispute this item.
28. More seriously, Animal Services asserts that Mocha qualifies as vicious, defined as “Having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation.” KCC 11.04.020.BB. The violation itself is framed as, “Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal’s premises or lawfully on the animal’s premises.” KCC 11.04.230.H. Ms. Fedas definitely disputes this.
29. 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

What Did Ms. Alvarez Actually See?

30. Ms. Fedas and Ms. Evans’ contention that Ms. Alvarez changed her story from only seeing Prime run away to actually seeing Prime over her daughter is serious and important. We have overturned the last two vicious designation appeals that reached us in large part because the complainant’s initial description of the incident was inconsistent, in critical ways, with their later hearing testimony.
31. We do not see that particular discrepancy here. It is possible Ms. Alvarez had a substantive conversation with the police officer about what she saw, and then either forgot she talked to the officer or is lying about that. But we found her credible, and her version is consistent—she was there momentarily when the police and ambulance arrived, but she left before giving a statement then and it was her husband who talked to the police. And while there are no notes from the police officer, Ms. Fedas recollected that the Animal Services officer also told her what the mother of the child had told him. Yet his notes are clear that, before speaking with Ms. Fedas, he “made contact with the

victim’s father, Jose. The child had already been taken to the hospital for wounds to her face.” Ex. D2 at 003, n.3. And the request Ms. Evans recalled the police officer making—that they needed the pictures because Ms. Alvarez only saw the dogs running away from the home—makes little sense: if Ms. Alvarez’s first glimpse of the dogs was only of them both running off, how would pictures of the two dogs help her identify *which* dog had injured her daughter?

32. We find the most likely series of events is that Ms. Alvarez recounted events to her husband. Her husband, who needed a Spanish interpreter at hearing, heard something and recounted to a police officer and an Animal Services officer (presumably in English, given that neither officer was fluent in Spanish) what he recollected of that conversation with his wife.¹ The officers heard something and, after driving to the Fedas home, recounted what they recollected of that conversation with Mr. Alvarez to Ms. Evans and Ms. Fedas. Ms. Evans and Ms. Fedas heard something, and recounted their recollection of that conversation.² That is several levels of the old “telephone” game and a fairly attenuated chain, under very stressful circumstances.
33. Instead, the Animal Services officer’s notes show that after speaking with Ms. Evans and Ms. Fedas, he returned later that day to the Alvarez property and made contact with Ms. Alvarez. His notes from that conversation are consistent with what Ms. Alvarez testified to at hearing three-plus months later, namely that Ms. Alvarez

had just let the children outside and she looked and saw the more brown colored dog standing over her daughter who had fallen to the ground and was on her back. She chased the dog away and noticed her [c]hild had a laceration on her face and called the police. The other dog was in the area but was not standing near her daughter. I showed her the pictures of the dogs provided by the owner and she identified that dog as the dog named “Prime.”

Ex. D2 at 003, n.4.

34. In Ms. Alvarez’s complaint form written later that day, she wrote:

My daughter was outside playing in our backyard when we saw the dogs coming on the side of our yard in one of the dogs whent straight to my daughter and attacked her, when I went to get her the dog was in top of her but ran away when I screamed at him. My daughter had two mayor cuts and scratches on her face, and she was bleeding, and was rushed to hospital.

¹ The Animal Services officer’s notes from his conversation with Mr. Alvarez were fairly limited. The officer recorded that Mr. Alvarez said, “He was not home when the incident occurred but he explained his two children were in the backyard playing in one of the children was either bitten or scratched.” Ex. D2 at 003, n.3. There is nothing in there about either seeing Prime standing over her daughter or, conversely, only seeing Prime in retreat.

² We note that Ms. Fedas’ initial description of that May 11 conversation in her June 4 appeal statement (exhibit D8) was consistent with her testimony—that Ms. Alvarez only saw the dogs running off.

Ex. D3 at 001 (original spelling and punctuation).

35. Her written account of seeing Prime over the girl—and not simply getting a glimpse of the dogs running off only after they had disengaged—is consistent with the statement the Animal Services officer had recorded her as giving earlier that day and with her hearing testimony several months later.
36. There is, however, a *different* inconsistency. In her oral statement to the Animal Services officer (as recorded in his notes) and in her hearing testimony, she explained that after letting her daughter out, her next view of the backyard was Prime on top of her daughter. Conversely, in her above block-quoted written complaint, she wrote that she saw what happened leading up to that, namely the dogs coming from the side and going straight to her daughter.
37. At hearing, when we probed Ms. Alvarez on what precisely she saw, she clarified that she did not actually see Prime before Prime was over her daughter and she assumed he “probably” pushed her. Ms. Alvarez treating her *assumptions* about what happened before she saw Prime as an actual observation (in her complaint form) lessened her reliability somewhat. But that is not the same level of credibility killer as if she had initially explained that she only saw the dogs running away but later claimed she actually saw Prime engaged with her daughter. In sum, we found Ms. Alvarez generally credible.
38. We find that the most likely series of events was that the girl was in her yard, relatively close to her backdoor. Ms. Alvarez did not have eyes on her daughter for a relatively short period, though likely longer than only five to six seconds. Ms. Alvarez did not see how the incident started, with her first view of Prime being over her daughter, whose back was already on the ground.
39. Ms. Alvarez’s explanation that Prime was over her daughter, with her daughter on her back, is entirely consistent with the girl’s wounds. We return in a minute to whether the wound on the left top of her forehead is a bite or scratch, but assuming for purposes of this paragraph that there was no bite, her wounds are entirely consistent with Prime in front of her daughter, lifting up his front paw(s), and pushing her backwards.

Bite v. Scratch and the Import of that

40. The evidence is less clear whether Prime wounded the girl only by clawing her face and pushing her down, or also biting her forehead in the process. We have reviewed the four photos numerous times, and either option seems both plausible and yet with its own shortcoming. Ex. D4. Prime could have nipped the top left of her forehead, while he clawed across her opposite eye; however, there are no surrounding marks that look like they are from a mouth closing. Or, Prime could have gouged a divot in the top left of her forehead with a nail (no teeth), then scraped down and across her forehead to her other eye and the top of that cheek; however, if Prime hit her with enough force to take out a chunk of skin with only a nail, one would expect more of a continuous slash mark across her forehead.

41. In the end, that is not a necessary distinction. As the KCC 11.04.020.BB definition above clarifies, while biting is an easy way to show a vicious act, the standard is performing an act endangering the safety of a person. Assuming no teeth were involved, Prime struck a two-year-old in the face with enough force to remove a divot, then scratched along her eye, narrowly missing damaging that eye and leaving her with lasting fear, a significantly endangering act. The question then is whether that act was “without provocation.” KCC 11.04.020.BB.

“Without Provocation”

42. Although provocation is typically an affirmative defense, *Patterson v. New York*, 432 U.S. 197, 202-03 (1977), because “without provocation” is part of the definition itself (KCC 11.04.020), where the issue is raised in an appeal statement, Animal Services bears the burden of showing, by a preponderance of the evidence that Prime acted without legal provocation.
43. As our High Court instructs us, when analyzing “terms of art” we look to “well-established meanings” of words in their specific context. *State, Dept. of Ecology v. Theodoratus*, 135 Wn.2d 586, 589, 957 P.2d 1241 (1998). “Provocation” is a staple of animal jurisprudence, and courts that have analyzed the term in depth have noted that although dictionary definitions of “provocation” can be quite broad, the term applies more narrowly in the dog bite context. Otherwise, animal control ordinances “could be interpreted to mean that provocation exists whenever any external stimulus has precipitated the attack or injury by an animal, *i.e.*, whenever the animal’s actions are not completely spontaneous.” *Robinson v. Meadows*, 203 Ill. App. 3d 706, 710, 561 N.E.2d 111 (1990).³ It would make it open season on someone passing by on a public sidewalk, a delivery person dropping off a package, or an earnest Girl Scout trying to sell cookies. Thus, an action that merely stimulates or excites a dog, without more, cannot qualify as “provocation.” *Engquist v. Loyas*, 787 N.W.2d 220, 225 (Minn. App. 2010), *aff’d in relevant part*, 803 N.W.2d 400 (Minn. 2011).
44. Instead, a court’s “provocation” inquiry in the animal context “focuses ‘on how an average dog, neither unusually aggressive nor unusually docile, would react to an alleged act of provocation.’” *Bradacs v. Jacobone*, 244 Mich. App. 263, 273, 625 N.W.2d 108 (2001) (*citing Kirkham v. Will*, 311 Ill. App. 3d 787, 792, 724 N.E.2d 1062 (2000)). And a key touchstone of courts’ analyses is that “provocation” requires the dog’s reaction be relatively proportional to the victim’s act. *Stroop v. Day*, 271 Mont. 314, 319, 896 P.2d 439 (1995); *Bradacs* at 273–75; *Kirkham* at 792.

³ As *Robinson*, 203 Ill. App. 3d at 710–11, explained it:

A dog may attack an innocent child riding his bicycle down a public street because the movement of the bicycle has excited it or the sounds of traffic have startled it. Similarly, a dog may bite a bald-headed man walking down the hallway of his apartment building because, for whatever reason, the dog has developed a fear of men without hair. In each case, “provocation” could be said to exist if that term were given its broad and literal interpretation.

45. A few other principles are applicable here:
- “Provocation” does not require an observation of how an incident started; circumstantial evidence can be as valuable as direct evidence. *Morawek v. City of Bonney Lake*, 184 Wn. App. 487, 494, 337 P.3d 1097 (2014).
 - The location of the altercation is not definitive on the provocation question, and mere presence on the property of another does not amount to provocation. *Morawek v. City of Bonney Lake*, 184 Wn. App. 487, 494, 337 P.3d 1097 (2014); *Stroop v. Day*, 271 Mont. 314, 319, 896 P.2d 439 (1995). But location still matters; the average non-aggressive dog is more likely to reasonably treat a person or animal intruding onto their home turf as more of a threat than a person or animal encountered off the dog’s turf.
 - Status as a young child does not relieve a child of all responsibility for a provoking act; even a two-and-a-half year old can legally provoke a dog. *Nelson v. Lewis*, 36 Ill. App. 3d 130, 130, 133, 344 N.E.2d 268, 272 (1976).
46. While a two-and-a-half year old is capable of provoking a response, our facts are very different from *Nelson*. There, the testimony showed that the dog was minding its own business, chewing on a bone, in its own backyard, when a visiting child playing “crack-the-whip” was thrown off the whip and stepped on the dog’s tail, causing the dog to react by scratching the child’s eye. Conversely, here the child was in her own yard, near her own back door, when in a short amount of time a trespassing Prime injured her face. It is theoretically possible that a 35-pound two-year-old randomly decided to go up to an 80-pound, intruding dog, and then did something forceful. (Reaching one’s hand out intending to pet a dog typically would not constitute “provocation.” *State v. Ruisi*, 9 Neb. App. 435, 443, 616 N.W.2d 19, 26 (2000).) However, we find that highly unlikely, given the totality of our circumstances.
47. Instead, we find the most likely series of events is that the girl was in her own yard, close to her own backdoor. In the relatively short time between the girl exiting the door and Ms. Alvarez seeing Prime on top of her, we find it far less likely that the girl approached a dog more than twice her size—or that if she did, she did something aggressive—and far more likely that Prime trespassed into the yard, came up to the girl, reared up, struck a two-year-old in the face with enough force to remove a divot, then scratched along her eye and knocked her down. And that was an unprovoked act endangering a small child. Prime meets the definition of “vicious.” KCC 11.04.020.BB.

Constitutes a Danger

48. The violation itself is phrased as “Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal’s premises or lawfully on the animal’s premises.” KCC 11.04.230.H. So having performed a vicious act meeting the KCC 11.04.020.BB definition is only the first requirement for upholding a viciousness designation. In addition to the backwards-looking having “exhibited vicious propensities” (i.e., having performed an act endangering safety) there is also a forward-

or at least current-looking requirement that the dog “constitutes a danger to the safety of persons or property.” KCC 11.04.230.H (underline added).

49. In some appeals we have found circumstances such that we have overturned a viciousness designation despite an overtly vicious act. But this is not one of those cases. Prime busted through a wood panel in his fence, went into a little girl’s yard, reared up and struck her in the face with enough force to remove a divot, then scratched along her eye and knocked her down. And a few weeks later Prime was inspired enough to break an upper board on the fence to escape and return yet again to the girl’s property. Prime may generally be a sweet dog, but nothing in the code criteria asks whether the dog acted maliciously, only whether it poses a danger. And Animal Services has met its burden of showing that Prime constitutes a danger to the safety of persons off Prime’s premises.

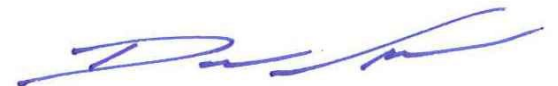
Remedy

50. We make one modification to Animal Services’ confinement order. Ex. D8 at 002. The second bullet item requires Prime to be restrained using a leash with a collar or harness when he is off his property. That would preclude his ever running again in a sanctioned off-leash dog park. That seems excessive, given that Prime’s behavior here, while totally unacceptable in a little girl’s backyard, seems par for the course at a dog park.
51. The other item of consequence is the first bullet point, which requires Ms. Fedas to secure Prime in a fenced area suitable for his size when Prime is unattended and outside the home, and to lock all passages with a padlock to prevent accidental release. Animal Services still has concerns about the Fedas fencing, even after the second set of repairs they made, post-June 3 escape. The heavy-gauge wire mesh fence, as a supplement to wooden panels, along with an invisible fence and collars, may be sufficient. The gate seems more iffy; even if the posts are sunk, the railings themselves are thin—we have had a case where a dog bent through such bars to escape and attack—and a determined dog may be able to push the coil locks open enough to squeeze out. Plus, Ms. Fedas noted that her dogs keep finding new ways to get out.
52. Ultimately, though, we leave the fence issue with two thoughts. First, the fencing bullet point relates to Prime being *unattended* and outside. If Ms. Fedas is outside with him and actively observing him when he is outside, that changes the calculus. Second, the proof is in the pudding. If Prime gets out again, and even if he does nothing aggressive while out, the violation he would be cited for would not be, say a \$50 running-at-large violation, but a \$500 vicious-animal-at-large violation. And depending on the circumstances, Animal Services could serve an order to remove Prime from the County. A removal order is appealable, but Ms. Fedas does not want to find herself in that box.
53. Finally, there is the monetary penalty—\$100 for the two dogs’ trespassing, plus \$500 for Prime’s viciousness violation. Nothing in our record indicate that Ms. Fedas should have known, pre-May 11, that Prime was capable of injuring a little girl. And while Ms. Fedas’s first round of efforts post-May 11 were not successful (as Prime escaped again on June 3), their fence improvements, along with an invisible fence and collars, shows considerable effort. Ex. D8. We will reduce the \$500 viciousness violation to \$150.

DECISION:

1. We DENY the appeal as to the violation and viciousness violation.
2. We REDUCE the otherwise-applicable penalty to \$250.
3. We MODIFY Animal Services' May 12, 2022 compliance order as follows (A. through D. being substantively unchanged, and E. being new):
 - A. Secure Prime in a fenced area suitable for his size when unattended and outside the home. Lock all passages with a padlock to prevent accidental release.
 - B. Restrain Prime using a leash no more than eight feet long, with a collar or harness, when taking Prime off your property. A competent and capable person must handle Prime at all times when attended outside.
 - C. If not already completed, microchip Prime and provide the microchip number to the King County Animal Licensing Office (206) 296-2712 by **September 9, 2022**.
 - D. Keep Prime current on his rabies vaccination.
 - E. Prime is allowed to run in sanctioned off-leash dog parks, provided Ms. Fedas is present, and provided Prime is leashed at all times when not in the car or in the fenced, off-leash area.

ORDERED August 24, 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 *September 23, 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 JULY 26 AND AUGUST 3, 2022, HEARING IN THE APPEAL
OF LILLY FEDAS, REGIONAL ANIMAL SERVICES OF KING COUNTY
FILE NO. V222013165-A22002498**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Yoanny Alvarez, Lilly Fedas, Heather Evans, and Jose Alvarez. 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	RASKC investigation report no. A22002498
Exhibit no. D3	Complaint form of incident by Alvarez Yoanny, dated May 11, 2022
Exhibit no. D4	Photograph of injuries to the Flores child
Exhibit no. D5	Photograph of Fedas/Evans dogs
Exhibit no. D6	Notice of violation no. V222013165-A22002498, issued May 12, 2022
Exhibit no. D7	Bite Quarantine Notice
Exhibit no. D8	Appeal, received June 6, 2022
Exhibit no. D9	Online Complaint form of June 3, 2022, incident by Yoanny Alvarez, dated June 3, 2022
Exhibit no. D10	Photograph of broken fence
Exhibit no. D11	RASKC investigation report no. A22002892
Exhibit no. D12	Notice of violation no. V22013226-A22002892, issued June 4, 2022
Exhibit no. D13	Map of subject area

DS/lo

August 24, 2022

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

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V222013165-A22002498**

LILLY FEDAS

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 August 24, 2022.



Lauren Olson
Legislative Secretary

Alvarez; Dalia, Yoanny/Jose
Hardcopy

Chad/Heather Evans, Lilly Fedas
Hardcopy

Eykel, Chelsea
Regional Animal Services of King County