

January 4, 2023

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file nos. **V22013222 and V22013313**

**SHARON WALKER**

Animal Services Enforcement Appeal

Activity no.: A22002837

Appellant: Sharon Walker  
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FINDINGS AND CONCLUSIONS:

Overview

1. Sharon Walker challenges an order removing her dog, Tanner, from King County. After hearing witness testimony and observing demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we find that although Tanner caused the death of another dog, removal here is not warranted.

### Background

2. On June 1, Diane Iddins filed a complaint with Regional Animal Services of King County (Animal Services) for Tanner attacking her dog, Talulah, earlier that day. Ex. D3. Photographs were submitted. Exs. D5-D23. Two videos were also submitted. Exs. D24 and D25.
3. On June 3, Animal Services issued Ms. Walker a violation notice for Tanner running at large, qualifying as vicious, and needing to be confined. Ex. D2 at 001-02. Ms. Walker did not challenge the viciousness or confinement order, only requesting a penalty reduction. Ex. D27 at 008.
4. On July 6, Animal Services issued Ms. Walker an order to remove Tanner from King County. Ex. D2 at 007-10. On July 7, Adam Karp filed a timely appeal on Ms. Walker's behalf, conceding the viciousness violation but contesting the removal order. Ex. D27 at 001-02.
5. We held a pre-hearing conference on September 28. We started the hearing on December 13 and resumed and finished it on December 20.

### Hearing Testimony

#### *Testimony of Chelsea Eykel*

6. Chelsea Eykel is an Animal Services sergeant who assisted in preparing this matter. She testified that initially Ms. Walker challenged the violation notice, which was also prior to Talulah being euthanized. After Talulah was euthanized, Sgt. Eykel discussed with Ms. Walker that, due to Talulah's passing, additional measures might be taken against Tanner. Sgt. Eykel recalls that Ms. Walker told her she was aware of Tanner's issues and that she had put a padlock on the gate for Tanner's safety.
7. Sgt. Eykel explained that after reviewing the videos and considering other factors such as Talulah's passing, the sustained nature of the bites, the relative size of Talulah compared to Tanner, and research on prior removal cases based on one-time incidents, Animal Services decided to issue Mr. Walker a removal order.

#### *Testimony of Diane Iddins*

8. Diane Iddins obtained Talulah in October 2021. Talulah was the Iddins' first family dog. Talulah was smart, friendly, loved people, and had many neighborhood dog friends. Talulah completed several formal trainings, starting with puppy kindergarten. Talulah has no history of aggression, but Ms. Iddins did alert one of the trainers that Talulah barked at strangers and was worried that Talulah could react aggressively; Ms. Iddins practiced several techniques with Talulah. Talulah was not diagnosed with fear aggression, contrary to what the veterinarian wrote down in the notes.
9. Prior to June 1, Ms. Iddins encountered Tanner a few times. On one occasion, Ms. Iddins noticed the Walkers on the opposite sidewalk with Tanner on a leash; Tanner was

- barking and pulling at the leash trying to get at Ms. Iddins and Talulah. Another time, Ms. Iddins was in the cul de sac with Talulah, among other neighborhood dogs, when she saw Ms. Walker walking Tanner on a leash; when Ms. Walker saw the other dogs, she quickly turned to walk the opposite direction.
10. On June 1, Ms. Iddins began her typical morning routine, taking her thirty-five-pound Talulah out for a walk. Ms. Iddins' typical day was disrupted when she saw Tanner coming towards her and Talulah. Ms. Iddins noticed Tanner was loose, so she started walking in the opposite direction.
  11. Tanner, however, ran to them and immediately started biting Talulah's hind quarters repeatedly. Ms. Iddins did not want to be bit, so she looked around for something she could use as a weapon. Ms. Iddins pulled Talulah off to the neighbor's driveway, but Tanner would not let go, so Ms. Iddins had to continue dragging Talulah towards the neighbor's porch. At that point, Ms. Iddins could see that Talulah had been bit many times and had skin ripped open.
  12. Ms. Iddins knocked on the neighbor's door, but no one answered for a while. She saw a bike nearby and used it as a shield, but it only worked momentarily because Tanner did not back off. Still holding onto Talulah's leash, Ms. Iddins rang the doorbell. The neighbors answered the door and quickly pulled Ms. Iddins inside; Tanner still had Talulah's tail latched on outside. With great efforts from the neighbor and Ms. Iddins, they were able to free Talulah; Tanner bit off Talulah's tail.
  13. Once inside, Ms. Iddins saw that Talulah's side was ripped open, her tail was missing, and she was dripping blood on the neighbor's carpet. Ms. Iddins was also bit, though she does not know which dog bit her. Ms. Iddins called her husband to pick them up.
  14. When the Iddins arrived at the vet, a muzzle was put on Talulah; Talulah was fearful to go inside. In an emergency surgery, the vet removed all of Talulah's damaged skin, amputated the rest of her tail, and sutured her injuries. Talulah was released and given delicate home care instructions. Talulah needed to always wear her cone, and Ms. Iddins had to give her multiple medications throughout the day.
  15. It was difficult to get Talulah to consume all her pills, but Ms. Iddins estimates that Talulah took about 97% of them. Additionally, Ms. Iddins needed to place warm compresses on Talulah's injuries three times a day. Talulah continued dripping blood throughout the house; the Iddins were concerned that it was a rental home, and with a white carpet. So, they quarantined Talulah in one area of the house. The Iddins' children were upset by the situation.
  16. The events of June 1 and its aftermath traumatized Ms. Iddins. She was unable to eat or work, and she dedicated herself to nursing Talulah back to health. Mr. Iddins switched his work schedule so that he could pick up the kids from school and take them to soccer practice, as well as take on additional household chores.
  17. By June 4, Talulah's side wounds began turning black, so Ms. Iddins texted Ms. Walker that they were going to the vet again. The vet advised Ms. Iddins that they could not

remove the drains as planned and instructed Ms. Iddins to let them know if Talulah's wounds worsened. The following day, Talulah's tail was oozing puss and Talulah stopped eating; she just stood and stared at the floor.

18. On June 6, Ms. Iddins texted Ms. Walker again that they were going to the vet for a third time. The vet then advised the Iddins that all the dead skin had to be removed and recommended open wound care management. That treatment would require Ms. Iddins to return daily to the vet, for at least the next thirty days, to have Talulah's bandages changed. The hope was that by then Talulah would grow enough new skin to stretch it over the wound. That treatment would cost between five to seven thousand dollars. The cost was not so much an issue for the Iddins, as Ms. Walker had offered to pay the bills, but it did seem like too much to request of Ms. Walker.
19. After the Iddins discussed the matter, they decided to euthanize Talulah because she was already in bad condition and they did not want to put her through even more pain. Ms. Iddins had a puppy plan with a different animal hospital, which she had to cancel prematurely and pay out of pocket due to Talulah's passing.
20. Ms. Walker was apologetic about the incident and accepted full responsibility. She cleaned up the mess at the neighbor's home and offered to pay the vet bills. She even offered to bring meals to the Iddins home, but Ms. Iddins declined.

*Testimony of John Sparks*

21. John Sparks has trained thousands of dogs, including military/police dogs, and vicious dogs. In the video (exhibit D25), Mr. Sparks observed that Talulah noticed Tanner first and pulled forward on the leash in a playful-type mindset. Things quickly went downhill, as Ms. Iddins started screaming in a high-pitched manner. That type of scream is a prey type noise that ignites a defensive fight drive. Mr. Sparks also observed Tanner focusing on Talulah's fluffy tail, and the way Ms. Iddins was swinging Talulah from side to side made the tail look like a fluffy toy (understandably Ms. Iddins is untrained and did not know how to react in that situation). In Mr. Sparks experience, Tanner typically stops behavior with a loud "No."
22. Tanner biting at Talulah's tail and hindlegs is typical of a prey type scenario (not prey as in wanting to eat Talulah, but more like Tanner chasing food or playing tug-a-war). When Ms. Iddins shielded Tanner with the bike, Tanner stood momentarily like he was thinking, "Now what, are we going to play some more?" Though there is aggression, that is common in dog play. Mr. Sparks also did not notice Tanner redirecting any aggression towards Ms. Iddins.
23. Mr. Sparks described Tanner as being "untrained" at the time of the attack; even though he had been to prior training, it was not a type of training useful for Ms. Walker's situation. If Mr. Sparks saw a dog rushing towards him, he would have reached over and kicked and booted him away, and it would have been solved. In Mr. Spark's classes, he also trains the owners not to scream or cause arousal, to control and protect their dog, and to make the other dog go away; in worse case scenarios he teaches owners to grab the other dog (he has done that himself).

24. Mr. Sparks has completed about twelve private training sessions with Tanner since July. Tanner has been trained both under control and alone. Tanner completed his final exam, including completing tasks off- and on-leash with reasonable distractions and not dashing through gates or leaving without permission. Though Mr. Sparks believes this training is a base minimum, compared to other programs around the world, this is a very high standard most dogs cannot accomplish. The trainers Ms. Walker has used in the past “simply do not know what they are doing” with dogs having significant drives. Mr. Sparks does not find removal warranted, as Tanner is now well-trained, and Ms. Walker has done an exemplary job being a responsible student.

*Testimony of Sharon Walker*

25. Sharon Walker has lived in her home for nine years. Her backyard is fully fenced and has a padlock on the gate; the padlock was put in partially due to a homeless encampment nearby. She lives with her husband, 22-year-old son, 6-year-old Tanner, and a 15-year-old dog, Harley. She had another dog, Melanie, who passed away from cancer in May. None of her dogs have any history of attacks.
26. Ms. Walker trained Tanner, as they have their other dogs, to wear a muzzle, in case they needed to transport him under duress. They did not add a muzzle in response to anything Tanner did.
27. Tanner completed a couple puppy training courses. After three to four incidents of neighborhood dogs roaming off-leash and approaching Tanner, Tanner started becoming reactive. So, Ms. Walker took him to another trainer to address his reactivity. Ms. Walker recalls one incident when Tanner was barking at Talulah, but she does not recall the other incident when Ms. Iddins said Ms. Walker turned around after seeing other dogs.
28. The evening of May 31, Ms. Walker removed the padlock on the gate because a landscaper was scheduled to arrive the following morning. In the morning, Ms. Walker began her typical routine, letting Tanner out in the backyard dog run to go potty while she started her coffee. Typically, when her coffee was done, she would go to the backyard door and Tanner would be there waiting to be let in.
29. However, Tanner was not at the door. She called his name and got no response. She noticed that the gate was open. She quickly grabbed a leash, put on flip flops, and followed the barking outside. She called his name, and Tanner came to her. She put on his leash, took him home, secured him in his kennel, and then went back to the neighbor’s house.
30. She spoke to Ms. Iddins, exchanged contact information, offered to take her to the emergency room, and let Ms. Iddins know that she would take full responsibility. Ms. Walker waited until Mr. Iddins arrived. Talulah walked out to the truck. Mr. Iddins put her in the covered canopy of the pick-up truck.
31. Ms. Walker went back home to shower and change, as she was still in pajamas. She immediately called Tanner’s trainer, wanting to get help as soon as possible because she

- was concerned with his behavior. She then went back to the neighbor's house to clean up. As Ms. Walker had not heard from Ms. Iddins, she texted to assure her that the Walkers would take care of everything. Ms. Iddins let her know the location of the veterinarian Talulah was in, and Ms. Walker called the hospital to pay the deposit.
32. Ms. Walker felt horrible about what had occurred, particularly when she saw the photographs. She never imagined Tanner would be capable of hurting another animal; Tanner had many dog friends. Ms. Walker felt appalled, saddened, and traumatized. Ms. Walker even offered to take meals to Ms. Iddins because she recognized that Ms. Iddins must have been going through a lot, and Ms. Walker wanted to take off some of the burden. Ms. Walker texted Ms. Iddins again on June 2 but did not receive a text back until June 4.
  33. Since the June 1 incident, Tanner is no longer allowed in the backyard unless he is leashed and supervised; he is never unattended. They added signs to the inside of their door to prevent someone from opening the door before Tanner is locked in his crate. Ex. A3 at 002-03. When Tanner is off the property, he is always on a six-foot leash and muzzled. Ms. Walker even incorporates trainings in their walks. They have voluntarily added several restrictions. Ex. A3 at 004. When Tanner is loaded in the vehicle, he is attached to a car seat anchor with a double-sided carabiner leash so that he cannot slip out.
  34. Her trainer referred her to Sparks dog training, and Mr. Sparks has been training Tanner since then. The Walkers have no intention of taking Tanner on airplanes or grocery stores—his main purpose is to be a service to household members. The Walkers have had family friends visit them, including their son's college friend who stayed with them for six months in early 2020. They do not anticipate having any more contractors.
  35. Ms. Walker explained that she did not appeal the terms in the violation notice, only requesting a fine reduction. She was told by Animal Services that they would not reduce the fine, so she paid it. Sgt. Eykel called her, letting her know that Talulah had passed away and discussed additional measures Animal Services might take. Ms. Walker thought only a muzzle requirement would be added. She was surprised later to get the removal order.
  36. Ms. Walker suffers from type 1 diabetes, and Tanner provides diabetic alert support for her. Since Ms. Walker works from home, Tanner gives her peace of mind in dealing with this illness. It was Tanner who alerted her last week that, despite normal blood sugar test results, there was a problem, one that wound up with her being admitted to the hospital. Her son returned from college due to a severe mental health crisis, and though he is receiving treatment, some days are especially challenging and Tanner provides him emotional support. If the removal order for Tanner is upheld, the Walkers would have to sell their home and move because Tanner is an essential member of their family.

Legal Standards

37. Animal Services seeks Tanner’s removal under Animal Services KCC 11.04.290.A.1, which states that:

An animal, declared by the manager of the regional animal services section to be vicious, may be harbored, kept or maintained in King County only upon compliance with those requirements prescribed by the manager. In prescribing the requirements, the manager must take into consideration the following factors:

- a. the breed of the animal and its characteristics;
- b. the physical size of the animal;
- c. the number of animals in the owner's home;
- d. the zoning involved; size of the lot where the animal resides and the number and proximity of neighbors;
- e. the existing control factors, including, but not limited to, fencing, caging, runs and staking locations; and
- f. the nature of the behavior giving rise to the manager's determination that the animal is vicious, including:
  - (1) extent of injury or injuries;
  - (2) circumstance, such as time of day, if it was on or off the property and provocation instinct; and
  - (3) circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses,

while KCC 11.04.290.A.2 states that:

Requirements that may be prescribed include, but are not limited to, the following:

- a. Erection of additional or new fencing adequate to keep the animal within the confines of its property;
- b. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal;

- c. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the manager. When unattended the leash must be securely fastened to a secure object;
  - d. Maintenance of the animal indoors at all times, except when personally controlled on a leash adequate to control the animal by the owner or a competent person at least fifteen years old; and
  - e. Removal of the animal from the county within forty-eight hours from receipt of such a notice.
38. 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

#### *Tanner's Attack*

39. The video of Tanner's prolonged attack largely speaks for itself. When Talulah spots a roaming Tanner, she playfully raises up with her paws. She does not even bark at Tanner. Yet Tanner comes in hot, immediately assaulting Talulah as Talulah tries to get away. Tanner refuses to release Talulah from his jaws, even as Ms. Iddins attempts to get Talulah to safety. Ex. D25.
40. The carnage then moves around the corner, with Tanner refusing to let his prey go as Talulah struggles to escape his jaws. After Ms. Iddins strikes him with a bike, Tanner backs off, but only momentarily, before continuing his assault against Talulah, who was huddled in a corner with no escape route. Ex. D24.
41. Ms. Iddins again uses the bicycle to free Talulah, but Tanner only momentarily retreats, before again attempting to get around the bicycle, like a shark circling its prey, while Ms. Iddins desperately tries to protect an injured Talulah. Tanner lurks for almost a full 45 seconds before the door opens. As Ms. Iddins attempts to navigate the door, Tanner slips past her to again attack Talulah, not releasing Talulah until they are able to slam the door on Tanner, still grasping Talulah's tail.
42. The only thing more unsettling than the video was Mr. Sparks' analysis of it. He blamed Ms. Iddins for screaming and trying to pull her dog to safety, and for not knowing enough to grab or kick at Tanner or command him to stop. He tried to justify Tanner's behavior as a reaction to a fluffy tail that looked like a toy. He described Tanner circling to try to get around the bicycle to continue his assault as Tanner wanting to play some more, and opined that Tanner's violence was a form of aggression common in dog play.
43. Mr. Sparks' arrogance and tone deafness were astounding, torpedoing any credibility he otherwise might have enjoyed. Even when called out and given a chance to recast his



remarks, he could not work his way out of a paper bag. He did not help Ms. Walker's case but instead served as an anchor dragging it down.

### *Causation*

44. Animal Services initially served a violation notice declaring Tanner vicious and requiring containment either on the Walker property or leashed when taken off it. After Talulah was euthanized, Animal Services changed the containment order to a removal order, basing the change on Talulah having passed away as a result of the attack. Ex. D2 at 002.
45. Under the state's criteria, killing a domestic animal without provocation while the attacking dog is off its property is both necessary and sufficient to sustain a dangerous dog designation (where the victim is another animal). RCW 16.08.070(2). Under the County's criteria, killing a domesticated animal is neither necessary nor sufficient for sustaining a removal order; however, the "extent of injury or injuries" is explicitly a factor (KCC 11.04.290.A.1.f.1), and the fatality of an attack is always relevant to our analysis.
46. Counsel asserts that Tanner was not the proximate cause of Talulah's death, either factually or legally. We would agree with counsel's assertion that "type of harm (death) was different than that which *actually resulted* (i.e., tail injury)," if a tail injury was all Tanner inflicted. Ex. A6 at 003. The tail injury was described by the veterinarian as Tanner having "bitten off" the end of Talulah's tail, degloving the distal third and requiring only a "routine" tail amputation. Ex. D26 at 002-03. While the practice of tail cropping seems barbaric, it is a not uncommon elective surgery, a cosmetic procedure criticized on many grounds—such as removing an important communication tool—but *not* because the amputation can prove fatal. Something can always go wrong with any surgery ("minor surgery" is often jokingly defined as "surgery performed on someone else"), but if Tanner had left off with Talulah's tail and some truly unexpected complication had unexpectedly crept in post-tail amputation, counsel's causation argument would have merit.
47. But that is not at all what happened; Tanner perpetuated far more violence. Leaving the tail aside, Tanner gruesomely ripped apart Talulah's backside. Ex. D17. He delivered multiple bite wounds and tore a large 3 cm laceration on the left side of Talulah's abdomen. Ex. D26 at 002. He caused soft tissue damage on the left side of Talulah's abdomen, creating air pockets in the dorsal aspect of Talulah's back. Ex. D26 at 003.
48. Discoloration of the surrounding skin, especially blackening, and enlargement of the wound, along with systemic illnesses such as lethargy, were not an out-of-the-blue, unforeseen happenstances, but complications to monitor from the get-go. Ex. D26 at 003. And that is what happened. Talulah was lethargic and stopped eating. Her gashes started opening and the skin blackened and died off, resulting in some truly horrific deterioration. Exs. D13, D12, D11, and D10.
49. Nor was the Iddins' decision to euthanize Talulah a superseding cause. They watched Talulah suffer, her skin tear away and blacken, and her wounds fester. As veterinarians had to cut away Talulah's rotting flesh, she faced an arduous and painful possible

recovery, with uncertain results of whether skin could even grow back enough to stretch it over her now-gaping wounds with yet another surgery, and likely ongoing trauma and diminished quality of life—to say nothing of the toll it was taking on the Iddins themselves. The Iddins made a reasonable decision to humanely end Talulah’s ordeal; counsel’s assertions to the contrary were not well-received. Tanner, not the Iddins, was the “but for” and legal cause of Talulah’s death.

*Removal Here, in Context*

50. That Tanner caused Talulah’s death only sharpens our inquiry, not answers it. Even before getting to our own analysis—which is independent of Animal Services’, as by law we accord no deference—we note that Animal Services’ chosen remedy here, removal, is somewhat nonstandard. Of the top of our head, we recall three cases:
- involving more immediately-fatal violence against a pet dog or cat;
  - with an appellant steeped in denial and full of excuses and blame-shifting;
  - where Animal Services did *not* serve a removal order; and
  - where the case reached us because the appellant challenged the viciousness designation itself, there being no removal order to dispute.
51. In *Grimm*, the dog (Peanut) was doing nothing more than sitting in her owner’s lap when the appellant’s pit bull (Ivory) darted at Peanut, crushed her head, and gashed her neck. Ivory did not let go of Peanut’s head and neck until someone dumped icy water on Ivory. Peanut was dead before they could even drive her to the vet. Witnesses described repeated instances of Ivory’s past aggressive behavior, including previously nipping at Peanut. The appellant blamed the attack on Peanut’s owner, asserted that Peanut sitting calmly in her owner’s lap amounted to provocation, leaving Ivory with “no choice in the matter,” and even blamed Peanut’s owner (who had just seen her dog’s head crushed and throat ripped) for panicking and failing to promptly put pressure on Peanut’s wounds.<sup>1</sup>
52. In *Viet*, appellant’s lab (Coco) put his head through a fence, grabbed the victim’s dog (Teo), and pulled Teo through the fence. Despite Teo’s owner jumping the fence and grabbing Coco by the neck, Coco would not let Teo go and kept shaking Teo back and forth. It took more neighbors coming to finally get Coco to release Teo. The treating veterinarian explained that Teo had an open chest wound needing surgery costing \$20,000, and that even with surgery there was a low chance of survival. Teo’s owners euthanized Teo later that same day. At hearing, Coco’s owner denied she was responsible.<sup>2</sup>

<sup>1</sup> [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2020/2020%20October/V20010976\\_Grimm.ashx?laTanneren](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2020/2020%20October/V20010976_Grimm.ashx?laTanneren)

<sup>2</sup> [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2022/2022%20Nov/V2213312\\_Veit.ashx?laTanneren](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2022/2022%20Nov/V2213312_Veit.ashx?laTanneren)

53. In *Triplet*, after several incidents involving appellant's pit bulls escaping, roaming the neighborhood and scaring people, one appellant pit bull attacked a neighbor's dog and was cited for viciousness and ordered contained. On a later date, two other appellant pit bulls (Diamond and Shay) escaped again, this time trespassing and killing a neighbor's cat, whose mangled corpse lay dead in the yard. This drew only a viciousness violation and confinement order (which appellant unsuccessfully appealed), not a removal order. Only after Diamond and Shay *later* violated the confinement order (put in place when they killed the cat) did Animal Services order removal under a different code section. The appellant subsequently disregarded the removal order as well, and Animal Services eventually had to seize Diamond and Shay.<sup>3</sup>
54. That is not to question Animal Services' decision not to issue removal orders in those disputes; we might, or might not, have overturned one or more of them. It is merely to point out that any those three would have made far better candidates for an A.1 removal than today's case. Those three cases involved:
- ultra-violence, where the dog seemingly intended to kill its victim and the attack resulted in either immediate death or at least same-day euthanasia for the dog or cat; in contrast, Tanner confined his attack to Talulah's hindquarters, and Talulah emerged from the vet the day of the attack hopeful of recovery; and
  - owners in deep denial, challenging their dog's viciousness designation, and seeming to blame everyone but themselves,<sup>4</sup> making it less likely they would keep their dogs contained (and in *Triplet* case, with a documented history of not keeping their dogs contained); that sharply contrasts with Ms. Walker's behavior before and after the attack, analyzed below, including not even appealing Tanner's viciousness designation. Ex. D27 at 008.

#### *Past Events and Knowledge*

55. That is not the end of our inquiry, because we do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. The issue is not whether Animal Services got it wrong when it elected not to serve removal orders in those three cases or it elected to serve one here in July. Instead, in our *de novo* hearing we determine whether, on the full record as it closed on December 20, Animal Services has met its burden of showing that removal—and not some type of containment—is appropriate here KCC 20.22.210.B.
56. We typically write in removal cases that the code does not give third chances but it does give second chances. Animal Services essentially argues that June 1 was not a one-off—Tanner had a history of aggression the Walkers were aware of, yet they did not take sufficient precautions such that June 1 was allowed to happen. If true, that would change the calculus.

<sup>3</sup> [https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2021/Apr%202021/V21011760\\_Triplet.ashx?laTanneren](https://kingcounty.gov/~media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2021/Apr%202021/V21011760_Triplet.ashx?laTanneren)

<sup>4</sup> While Mr. Sparks made excuses and tried blame-shifting, that should him not be attributed to Ms. Walker.

57. The two times Ms. Iddins saw Ms. Walker out with Tanner, and Tanner pulled on the leash, are not so relevant. Ms. Walker agreed Tanner had an issue with leash reactivity after being approached multiple times by unleashed dogs; the day after the attack she admitted that Tanner was dog reactive. Ex. D4 at 004, n.3. And Tanner has had extensive training since. Moreover, Ms. Walker was able to control Tanner, and June 1 did not involve Tanner doing something while on, or pulling loose from, a leash. Those two interactions add little to our analysis.
58. Potentially more relevant, on two levels, is Animal Services' assertion that the Walkers knew, prior to June 1, the threat Tanner posed and yet failed to contain him.
- If the Walkers knew Tanner had aggressive tendencies and yet did not sufficiently contain him, it makes it less likely that they would contain him in the future and more likely another violent outburst could occur. By itself, that would have somewhat limited probative value, as there is a difference between reasonably knowing someone under your care has some aggressive tendencies versus reasonably knowing they pose a risk of catastrophic violence. But it would matter.
  - More importantly, if Ms. Walker was lying about past events, it would significantly undercut her credibility and thus throw doubt on the rest of her testimony and significantly increase what we would otherwise deem the ongoing risks of allowing Tanner to remain in the County.
59. So, we are faced with two competing versions:
- Per Sgt. Eykel's understanding of her discussions with Ms. Walker, the Walkers knew Tanner had problems, they padlocked their gate specifically to minimize the risk Tanner posed, they understood the risks enough to muzzle train Tanner, and yet they did not take adequate precautions to prevent June 1 from happening. Ex. D4 at 004, n.7.
  - Per Ms. Walker's testimony, they muzzle train all their dogs from a young age, in case they later need to respond to an emergency; they did not muzzle train Tanner because of any Tanner-specific behavior or concerns. They padlocked their fences even before they obtained Tanner, and even before they moved into their current house, both to keep out intruders and because at a past residence someone tried to steal their other dogs; they did not attach padlocks because of any Tanner-specific behavior or concerns.
60. Both of those versions are plausible, and we have no crystal ball. But there was nothing less-than-credible about any aspect of Ms. Walker's approach. She agreed Tanner had become leash-reactive. She accepted immediate responsibility, offering any help, including financial, she could to the Iddins. She even cleaned the house where the attack occurred. She did not dispute Tanner's viciousness designation. She started Tanner on an arduous training regimen, and put extra precautions in place. We find it more likely than not that the muzzle training and fence padlocking had nothing to do with any pre-existing Tanner behavior. June 1 was thus truly a "first-time" event.

*Summation*

61. So where does that leave us? We have Tanner's fatal June 1 attack weighing in favor of removal. But there is no good evidence that June 1 was part of a pattern of either aggression or even simply of Tanner getting loose. And we cannot recall, in any of our thousand-plus animal appeals, an owner *more* responsible than Ms. Walker.
62. Before the incident, the Walkers had their gates generally padlocked. Yes, they took off the padlock to facilitate a specific task, but at the time there were no heightened concerns with Tanner that made that a questionable choice. Ms. Walker went to retrieve Tanner within minutes of him escaping. She immediately took responsibility and offered whatever help she could. She has diligently shepherded Tanner through the most intense training regime we have ever seen documented. Beyond simply meeting the compliance terms Animal Services ordered, the Walkers put a slew of extra precautions in place—only allowing Tanner in the fenced and padlocked backyard when attended and on a leash, and (when taking Tanner off the property) reducing the normally-allowed eight-foot leash to six-feet and adding a muzzle, plus securing Tanner in the car.
63. Between the Walkers pre-June 1 containment measures and their enhanced and extensive post-June 1 measures, we find it far less likely that Tanner will get loose than, say the dogs belonging to Grimm, Viet, and Triplet (discussed above), who were not ordered removed after their respective fatal attacks. And while we uphold or overturn a viciousness designation irrespective of the *owner's* level diligence and focus there on whether the *animal* meets that code criteria, our removal inquiry explicitly includes an analysis of the owner as well. Additionally, Tanner's extensive post-attack training—and we do not recall *any* training being mentioned in *Grimm*, *Viet*, or *Triplet*—lessens the likelihood that Tanner would reoffend if he somehow managed to get loose despite the Walkers' diligence.<sup>5</sup>
64. We in no way minimize the traumatic impact Tanner's horrific attack, subsequent Talulah suffering, and the permanent loss of their beloved dog has had on the Iddins. If it was a question of whether Talulah or Tanner had to go, then obviously it should be Tanner. But removing Tanner will not bring Talulah back.
65. Unless we are ready to impose a strict liability regime where any dog who, without provocation, fatally wounds a dog or cat is sent off regardless of the dog's or owner's history or what steps the dog and owner have taken since the attack, today's case does not warrant removal. Animal Services is not arguing for such regime, and it has not met its burden of proving that removal is appropriate today under the normal balancing test we apply. We will, however, incorporate the additional restrictions the Walkers have added into Tanner's compliance requirements.

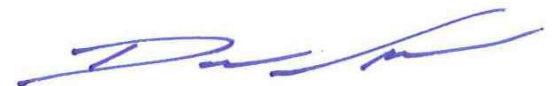
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<sup>5</sup> Mr. Sparks asserted that he has seen a 100% difference in Tanner since he started to train Tanner, that Tanner has responded well to other dogs, and that Tanner's behavior has changed such that even if he got loose again he would not respond the same way. That is suspect, given his overall hearing performance—is that a reasonably objective assessment or simply cocksure arrogance? Our decision today does not rely on anything Mr. Sparks testified to.

## DECISION:

1. We reverse Tanner’s removal order.
2. We modify Animal Services’ June 3, 2022, compliance order as follows:
  - A. Tanner is only allowed in the backyard under constant supervision and secured on a leash of no more than 15 feet. Lock all passages with a padlock to prevent accidental release.
  - B. When taking Tanner off the property, restrain Tanner using a leash of no more than six feet long, with a collar or harness. A competent and capable person must handle Tanner at all times when attended outside. Muzzle Tanner unless at the veterinarian or as part of a formal training session. Secure Tanner in the car with a double-sided locking carabiner leash attached to the car seat anchor.
  - C. If not already completed, microchip Tanner and provide the microchip number to the King County Animal Licensing Office (206) 296–2712 by *January 18, 2023*.
  - D. Keep Tanner current on his rabies vaccination.
3. Sharon Walker challenges an order removing her dog, Tanner, from King County. After hearing witness testimony and observing demeanor, studying the exhibits admitted into evidence, and considering the parties’ arguments and the relevant law, we find that although Tanner caused the death of another dog, removal here is not warranted.

ORDERED January 4, 2023.



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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 *February 3, 2023*. 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 DECEMBER 13 AND 20, 2022, HEARING IN THE APPEAL  
OF SHARON WALKER, REGIONAL ANIMAL SERVICES OF KING COUNTY  
FILE NOS. V22013313 AND V22013222-A22002837**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Diane Iddins, Mari Isaacson, Adam Karp, John Sparks, and Sharon Walker. 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	Notice of violation no. V22013222 and Notice and order for removal no. V22013313, issued June 3, 2022
Exhibit no. D3	Online Complaint form of June 1, 2022, incident by Diane Iddins, dated June 1, 2022
Exhibit no. D4	RASKC investigation report no. A22-002837
Exhibit no. D5-D23	Photographs
Exhibit no. D24	Video
Exhibit no. D25	Video
Exhibit no. D26	Veterinary Record,
Exhibit no. D27	Appeal, received July 7, 2022
Exhibit no. D28	Declaration of Diane Iddins, dated December 9, 2022
Exhibit no. D29	Declaration of Robert Iddins, dated December 8, 2022
Exhibit no. D30	Rebuttal Brief, submitted December 6, 2022

The following exhibits were offered and entered into the record by Animal Services:

Exhibit no. A1	Statement from John Sparks from Sparks Obedience Performance, dated November 28, 2022
Exhibit no. A2	Veterinary Record
Exhibit no. A3	Photographs
Exhibit no. A4	Certificate of Completion, dated October 27, 2022
Exhibit no. A5	Text messages
Exhibit no. A6	Brief on Causation, submitted November 29, 2022
Exhibit no. A7	Brief on Removal, submitted December 6, 2022
Exhibit no. A8	Additional page to exhibit A2, submitted December 14, 2022

January 4, 2023

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

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file nos. **V22013222 and V22013313**

**SHARON WALKER**

Animal Services Enforcement Appeal

I, Jessica Oscoy, 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 January 4, 2023.



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Jessica Oscoy  
Office Manager



**Eykel, Chelsea**

Regional Animal Services of King County

**Iddins, Diane**

Hardcopy

**Isaacson, Mari**

Prosecuting Attorney's Office

**Karp, Adam**

Animal Law Offices of Adam Karp

Hardcopy

**Pearson, Christian**

Hardcopy

**Sparks, John**

Hardcopy

**Walker, Sharon**

Hardcopy