

January 17, 2023

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
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www.kingcounty.gov/independent/hearing-examiner

ORDER ON MOTION

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

SHARON WALKER

Animal Services Enforcement Appeal

Activity no.: A22002837

Appellant: Sharon Walker
represented by **Adam Karp**
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King County: Regional Animal Services of King County
represented by **Mari Isaacson**
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In our January 4 decision, we overturned Tanner's removal order (V22013313) and modified his compliance order (V2201322). Along with microchipping, vaccination and restrictions when Tanner is home, we included an item about how Tanner is to be walked or driven off the property. Ms. Walker timely requested clarification on whether that jurisdictional reach of the order extended beyond unincorporated King County and the cities within King County (like Covington) that contract with Animal Services and from which the Examiner hears appeals.


It is a good question, and not one we have a certain answer on. It seems highly doubtful that if, for example, Tanner got loose in a place Animal Services (or the Examiner) has no jurisdiction over—be that a non-contract city within King County, a different Washington county, or even a outside Washington—that Animal Services could enforce anything; it would seem to be up to the jurisdiction where the incident took place; but we do not write that with 100% certainty. And, as Animal Services notes, another jurisdiction’s laws may recognizes vicious determinations and associated requirements imposed by outside authorities; but that would be for a different agency, and conceivably a different tribunal, to decide, so we are only guessing.

Additionally, writing an order that distinguishes precise jurisdictional lines is necessary in the context of upholding a removal order, where it very definitely matters if the new owner is, say, in a postal code that says “Auburn” but is actually unincorporated King County (and thus not a suitable new home for the dog), versus a block over in Auburn proper (which is beyond Animal Services’ reach and thus a suitable new residence). But removal orders are rare.

If we were going to stipulate that compliance terms associated with a vicious dog are only limited to unincorporated King County and the contracting cities, then it would only be fair to do that for *every* compliance order we uphold. And that would only create confusion among lay appellants in non-removal cases where we would be injecting, for the first time in our decision, the concept of jurisdictional reach. It would also set up a logistical headache, even for Ms. Walker. “Well, gosh, I think we are currently driving/walking through a noncontract city, so we do not have to restrain Tanner in the car or muzzle him when we take him out of the car. But if we’ve guessed wrong about whose jurisdiction we are currently in, that could result in a removal order.”

For the above reasons will not be adding caveats about the reach of a compliance order in this or other decisions not involving a sustained removal order.

DATED January 17, 2023.



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 16, 2023*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

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CERTIFICATE OF SERVICE

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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 **ORDER ON MOTION** 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 17, 2023.



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