

January 30, 2023

**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. **V22013684-A22004701**

BEATRICE GREEN

Animal Services Enforcement Appeal

Activity no.: A22004701

Appellant: **Beatrice Green**

[REDACTED]
Kent, WA 98031

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 October 24, 2022, Regional Animal Services of King County (Animal Services) issued a notice and order to Beatrice Green. As that document stated, any appeal had to be received by Animal Services by November 18, 2022, or else the notice and order would become a final determination. That was consistent with KCC 20.22.080.B, which requires appeals to be received within 24 days of the date the agency determination is issued. Instead, Ms. Green mailed her appeal on November 26 and Animal Services received it on November 28, 2022.

Animal Services filed a motion to dismiss the appeal as untimely. We held a motion hearing on January 25, 2022.

In many scenarios, an examiner has a fair amount of discretion and flexibility. For example, if an appeal is timely but inadequate in content, an examiner “may” dismiss the appeal, but alternatively “may” allow a party to clarify the appeal issues. KCC 20.22.090.B. Requiring clarification, instead of dismissal, is almost always the approach we choose in such a scenario. We would do so here if *content* were the shortcoming in this appeal.

However, untimely appeal statements are decidedly different. The examiner “shall” (not “may”) dismiss an untimely appeal. KCC 20.22.090.A. As KCC 20.22.080.H. states, where:

a person fails to timely deliver the appeal statement[, the] examiner does not have jurisdiction to consider the appeal and the decision of the department ... becomes final and unreviewable.

We get that Ms. Green was trying to figure out what exactly to write down in her appeal, to get it right before she sent something in. We have tried to avoid just that scenario by writing in our *Hearing Examiner Guide: Animal Services Enforcement Appeals*, a guide Animal Services includes with its enforcement order, including the one delivered to Ms. Green on October 24, that:

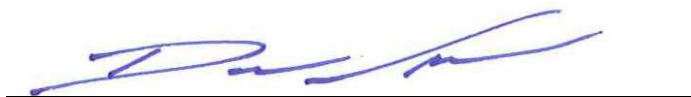
...If you are not sure about exactly what to say, make sure you still get *an* appeal, even if imperfect, delivered to [Animal Services] by the deadline.

If you get your initial appeal to [Animal Services] on time, the examiner has authority to later allow you, before the hearing, to modify or add to the issues you originally raised. But, the examiner has *no* authority to hear an appeal if your original appeal statement did not arrive at [Animal Services] on time. **Whatever you do, make sure RASKC receives your appeal by the deadline!**¹

That did not happen here. Ms. Green did not send her appeal in until after the appeal window had been shut for over a week and the violation notice became final and unreviewable.

We thus DISMISS her appeal.

DATED January 30, 2023.



David Spohr
Hearing Examiner

¹ See <https://kingcounty.gov/~media/independent/hearing-examiner/documents/2021/RASKC-1-2021.ashx?la=en> at 1-2 (bold, underscore, and color in original).

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 *March 1, 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

SUBJECT: Regional Animal Services of King County file no. **V22013684-A22004701**

BEATRICE GREEN
Animal Services Enforcement Appeal

I, Lauren Olson, 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 January 30, 2023.



Lauren Olson
Legislative Secretary

Eykel, Chelsea

Regional Animal Services of King County

Green, Beatrice

Hardcopy

Priest, Pamela

Hardcopy