

January 10, 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](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**ORDER OF DISMISSAL**

SUBJECT: Regional Animal Services of King County file no. **V22013742-A22005587**

**ELLISE MATTHEWS**

Animal Services Enforcement Appeal

Activity no.: A22005587

Appellant: **Ellise Matthews**

[REDACTED]  
Auburn, WA 98092

Telephone: [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](mailto:raskcappeals@kingcounty.gov)

In October, Animal Services served a violation notice asserting that Ms. Matthews had violated KCC 11.04.250.A.1, cruelty to animals. We issued a December 27 notice setting a January 23 hearing and quoting the appropriate legal standard. However, yesterday Sgt. Eykel emailed that:

From: DES RASKCAppeals <[RASKCAppeals@kingcounty.gov](mailto:RASKCAppeals@kingcounty.gov)>

Sent: Monday, January 9, 2023 11:53 AM

To: Hearing Examiner, King County Council

<[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)>

Subject: Case A22-005587 V22-013742

Good morning,

In preparing my staff report for the Matthews case I realized the Officer issued the violation under K.C.C. 11.04.250 A-1 when it should have been issued under A-2. The video does not meet the criteria for A-1. Regional Animal Services is dismissing this case without prejudice and will re-issue the violation under the correct King County Code. We will be going back to Ms. Matthews property to re-issue the violation and will also attempt to get a valid e-mail for her at that time.

The difference is that subsection A.1 of 11.04.250 is about *cruelty*, whether a person “Willfully and cruelly injure[d] or kill any animal by any means causing it fright or pain.” However, subsection A.2, whether a person “By reason of *neglect* or intent to cause[d] or allow[ed] any animal to endure pain, suffering or injury or to fail[ed] or neglect[ed] to aid or attempt alleviation of pain, suffering or injury the person ha[d] so caused to any animal.” Cruelty is obviously more serious than neglect.

We interpret Sgt. Eykel’s email as saying that, after reviewing the video (which we have not yet seen), she determined that the field officer essentially over-cited Ms. Matthews. Animal Services has withdrawn its notice and order asserting a cruelty violation. It plans, in the near future, to issue a notice and order asserting a neglect violation. That would have its own appeal process.

Thus, there is currently no active violation notice for Ms. Matthews to challenge. So, we DISMISS, without prejudice, her appeal of V22013742 and CANCEL our January 23, 2023, hearing. If Animal Services reissues the violation, it will have a V23xxxxxx number, and if Ms. Matthews wishes to again challenge Animal Services’ decision, she should again follow directions to timely file an appeal. We will then set another hearing to address the merits.

As we explained in our December 27 hearing notice, we received a message that our email could not be delivered to [matthewsfrankie95@yahoo.com](mailto:matthewsfrankie95@yahoo.com), that we we called and left a voicemail requesting an updated email address, and that we were requesting that Ms. Matthews email or call us with an updated email. It would help if Ms. Matthews could do that now.

If for some reason we have misunderstood the situation, by **February 9, 2023**, either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED January 10, 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 9, 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. **V22013742-A22005587**

**ELLISE MATTHEWS**

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 10, 2023.



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Lauren Olson  
Legislative Secretary

**Eykel, Chelsea**

Regional Animal Services of King County

**Matthews, Ellise**

Hardcopy

**Matthews, John**

Hardcopy