

July 20, 2023

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

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Seattle, Washington 98104
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REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V23014032-A23001510**

JAKOB JUNGELS

Animal Services Enforcement Appeal

Activity no.: A23001510

Appellant: Jakob Jungels
represented by **Adam Karp**
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FINDINGS AND CONCLUSIONS:

Overview

1. Jakob Jungels appeals a Regional Animal Services of King County (Animal Services) notice and order for his dog, Sara, trespassing and qualifying as vicious. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into

evidence, and considering the parties' arguments and the relevant law, we grant Mr. Jungels' appeal.

Background

2. Veronika Hamara filed a complaint for a March 7 incident involving a black labrador. Ex. D3.
3. Animal Services issued Mr. Jungels a notice and order. Ex. D2.¹ Mr. Jungels, through counsel, timely appealed. Ex. D22.
4. We held a pre-hearing conference on May 23. We went to hearing on July 10 and closed the record on July 11.

Hearing Testimony

Testimony of Veronika Hamara

5. Veronika Hamara has been living in her home for 47 years. She has had Luna for eight years. Luna is a small, eight-pound, indoor dog. Ms. Hamara lets Luna outside for a few minutes in the mornings.
6. On March 7, Ms. Hamara let Luna outside and from inside her home she heard a terrible, scary noise. Ms. Hamara saw Luna laying down on the doorstep, bleeding, and a big, active, black dog running away. She noticed the black dog's collar was a flashy yellow and red or purple color. She picked up Luna and walked to the Jungels home.
7. A female lady in her thirties opened the door and then went to grab Mr. Jungels. Ms. Hamara confronted Mr. Jungels that his dog hurt Luna. She asked Mr. Jungels to take them to the emergency room. Mr. Jungels denied that his dog hurt Luna and declined to take them to the emergency room. Ms. Hamara then went to her other neighbor's home; that neighbor drove them to the emergency room.
8. Ms. Hamara walks daily to check her mail, and through the Jungels' chain-link fence she has seen the black dog many times. So, she recognized the dog as Mr. Jungels' dog. She has seen this same dog on her property twice; the first time was March 7 (the day of the incident), and the second time was while Luna was still in the hospital after the attack. She has not seen coyotes on her property.
9. When Ms. Hamara was prompted by Ms. Isaacson to identify the black dog in exhibit D17, she did not recognize the dog in the photograph because that one was not wearing a flashy collar. The collar she recalls the dog wearing on March 7 was thicker and yellow with an almost red color, and shiny. When Ms. Hamara has seen the dog in Mr. Jungels' property, she only notices his collar and that he barks and then turns back; she does not "look at his dog." However, when prompted to identify the black dog by Mr. Karp, Ms.

¹ The notice also included a licensing violation for Sara and his other dog, Bo, but because Mr. Jungels quickly licensed the, Animal Services rescinded the licensing violation.

Hamara identified the dog in exhibit D17 as the dog that attacked Luna, but reiterated that the dog was wearing a different collar on March 7.

10. Ms. Hamara's neighbor who drove her and Luna to the hospital assisted her in filing the complaint form. Ms. Hamara did not review the complaint form before it was submitted.
11. Ms. Hamara has her eyes checked every six months. She wears reading glasses and can see afar much better.

Testimony of Fred Juhos

12. Fred Juhos is a neighbor of Ms. Hamara and the Jungels. Mr. Juhos is aware that the Jungels have two dogs. The Jungels' fence was installed about a year ago. Mr. Juhos has never seen either of the Jungels' dogs loose, though he saw a beige pitbull loose over six months ago. The pitbull was roaming around with its leash dragging, so Mr. Juhos tied him up and contacted Ms. Hamara because he believed it belonged to her son. That pitbull has been loose on Mr. Juhos' property twice.
13. The neighboring area is heavily forested, and many coyotes come on the property both day and night.
14. Ms. Hamara does not recognize Mr. Juhos when he is driving down the neighboring road until he rolls his window down and is about three to five feet away from her and makes eye contact (even though he has had the same car for years). Even on his bike, she only recognizes him when he is five to ten feet away. It is possible it is not her not seeing him, but him not being close enough to interact.

Testimony of Jakob Jungels

15. Jakob Jungels owns two indoor dogs, Sara and Bo. He has lived in his home for five years. His property was not enclosed when he first moved in; however, he has fenced his backyard, mostly with chain link fencing. About a year ago, Mr. Jungels reinforced the Southern fence with wire caging to ensure Sara and Bo do not run into the street to chase bunnies or play with the coyotes. He has not needed to repair or reinforce his fencing since then.
16. On March 7 Mr. Jungels stayed at home with his ten-year-old daughter, who was sick. The only time Sara and Bo were let outside that morning was at 6 a.m., when Ms. Jungels left for work. At 10 a.m., Mr. Jungels took a nap with Sara and Bo in the room and with the bedroom door shut. His daughter was in the living room sleeping on the couch.
17. When Ms. Hamara knocked on their door, his daughter opened the door and Ms. Hamara confronted her about her dog. His daughter was shocked and woke him up. Sara and Bo were still in the bedroom with him and followed behind him into the hallway. Ms. Hamara then confronted him about her dog's injuries and also accused his dogs of being loose on multiple occasions.

18. Mr. Jungels had not been aware of any incidents with his dogs; he is vigilant due to the coyotes. Ms. Hamara asked for help taking Luna to the hospital, but it was more of a demand. Mr. Jungels declined. Normally he would have offered to drive them, but she was confrontational, and he knew that it was not possible that his dogs had been loose. He did not want to be tied to any legal complications. He found it strange that Ms. Hamara came to his home, because he knew that her son lived with her and that she has a tenant that drives her around.
19. The photographs in exhibits A34 and A35 were taken the Sunday after the incident [March 12], when the Animal Services officer came to their home. The same collar was worn a couple of months prior. Mr. Jungels does not have a dog collar like Ms. Hamara describes.
20. A couple days later, Mr. Jungels went to Ms. Hamara's home to see how Luna was doing and to ask questions to figure out what happened. Ms. Hamara was adamant that a large, male, dog caused the injuries to Luna was on her property all the time. Mr. Jungels checked his fence and did not see any part that needed fixing.
21. Since March 7, the Jungels have been hyper vigilant, particularly due to Ms. Hamara's accusations.

Legal Standards

22. On March 7, did Sara, trespass onto Ms. Hamara's property, attack her dog, and qualify as vicious?
23. 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

24. After reviewing exhibits, the case seemed fairly clear-cut, a pattern we have seen multiple times in our 1000+ animal cases. A complainant, who has had the opportunity to see her neighbor's dogs multiple times, reports having seen that dog on her property on a certain day. The neighbor swears the dog was with him during the time in question, yet low and behold irrefutable proof (such as timestamp video) emerges that the dog in fact got out. So, we do not unduly weigh such protestations from someone eager to avoid liability or a mark on (or removal of) their animal. And here the serious attack on Luna, on Luna's own doorstep, easily qualifies the perpetrator as "vicious."
25. Compounding this, the "maybe a coyote did it" defense sounded the familiar, desperate diversionary attempt we see in the scenario where a witness actually sees the attacker. While there are dog breeds mistakeable for a coyote (a Tamaskan, a Kugsha, a Czech or Saarloos wolfdog), a black dog—either Jungels dog or the dog pictured roaming the neighborhood—looks *nothing* like a coyote. Exs. A36, A5. And Ms. Hamara was crystal

clear that animal that attacked Luna was a black dog wearing a specific and memorable collar, which further nixes the coyote angle.

26. But there is a reason we hold live hearings instead of deciding cases on exhibits. Problems emerged with Ms. Hamara’s seemingly clear-cut story.
27. Four of these were not deal-breakers, but raised some yellow flags.
- With coyotes so ubiquitous (and documented) on that street—and indeed in most suburban neighborhoods and increasingly even in urban neighborhoods—it was strange that Ms. Hamara was adamant that she had *never* seen coyotes on her property. That is a bit of a headscratcher as to her awareness of her surroundings.
 - Ms. Hamara first testified that the attacking dog ran straight home, but later clarified that the last time she saw the attacking dog before turning back to Luna, the dog was still *in* the Hamara courtyard, inside her interior gate. That is not the same thing as seeing the dog running back to the Jungels property.
 - We are not very good at discerning people’s ages. But it is bizarre that Ms. Hamara recalled an adult woman *in her 30s* coming to the door, when the video shows Mr. Jungels’ 10-year-old daughter coming to the door. Ex. A2. Ms. Hamara was off by a factor of over three, causing us to further question the accuracy of her perceptions.
 - Ms. Hamara said the same dog was on her property the Saturday after the attack [March 11]. We see fact patterns of animal owners with a history of being unable or unwilling to control their dog, who continue to fail to contain their dog even *after* an accusation or violation notice is levied; those dogs typically wind up ordered removed from King County. But we have never, in our 100+ animal cases, seen a fact pattern where no one, *including the complainant* (and here, a next-door neighbor complainant), had ever seen the dog loose before the incident, and a couple days after the incident the dog again gets out? Mr. Jungels’ statement that they were hyper vigilant to keep their eyes on their dogs in the days following the accusation seems much more consistent with our experience in animal cases.
28. A far more serious credibility problem for Ms. Hamara emerged. On March 8, she told the responding officer that the attacking dog was off its property and running around on a regular basis. Ex. D5 at 003 n.1. That conflicted with her testimony at the hearing which was that March 7 was the *first* time she had ever seen a Jungels dog off its property and on hers. It is certainly possible the officer misunderstood; at times it was hard to track Ms. Hamara’s answers, and she needed some help with English. *See* Ex. D5 at 003, n.1. Ms. Isaacson argued that this was the explanation, and that the officer must have misheard Ms. Hamara and written it down wrong on March 8. There are two problems with that explanation.
29. First, if the “regular basis” language had made it into the officer’s notes for the March 13 (and not March 8) conversation with Ms. Hamara, it would not be such a glaring inconsistency. After all, Ms. Hamara stated that on Saturday [March 11] she saw the

attacking dog again on her property. It is not so difficult to see how Ms. Hamara might have, on March 13, complained about the dog being on her property multiple times (i.e., March 7 and March 11), and the officer interpreted that as trespass on a “regular basis.” But it is unfathomable how, in a March 8 conversation, the officer would have heard something indicating the dog was off its property more than once, when Ms. Hamara’s hearing testimony—which she reiterated several times—was that, as of March 8, the dog had only been loose once (i.e., March 7), while every other time she saw the Jungels’ dogs they were inside the Jungels’ fenced property.

30. The second and bigger problem with that argument is that we are not limited to the officer’s notes of the March 8 conversation with Ms. Hamara. Instead, we have Ms. Hamara’s *own words* on March 7, moments after the incident. As captured by the door camera, she tells Mr. Jungels on March 7 that his “*dog is coming every day, not just today.*” Ex. A8. That flatly contradicts her hearing testimony that March 7 was the first time she ever saw Mr. Jungels’ dog on her property. This seriously undermines her case: she claimed to have seen the attacking dog “coming every day, not just [March 7],” yet she was adamant that the Jungels’ dog had not been on her property prior to March 7.
31. The other major stumbling block relates to the collar. We thought, in preparing for the hearing, that the potential collar discrepancy would be that she told the officer the attacking dog had a bright yellow or red collar, and counsel would argue a discrepancy between that description and Sara’s actual collar; counsel made a reference to that in his closing argument, and it was not at all persuasive. Ms. Hamara’s description of the collar to the officer was consistent with her hearing testimony that there was some yellow and then red or purple on the collar. Her descriptions were in the ballpark of Sara’s actual, M&M-themed collar, with some red, yellow, blue, and other accents. Ex. D5 at 003 n.1; Exs. D17–D19. Even Ms. Hamara’s description of the collar as “flashy” was not inconsistent with photos of Sara’s collar. In short, nothing about the way Ms. Hamara described the collar to the officer or in her hearing testimony—when compared to Sara’s actual collar—was overly concerning.
32. Instead, the problem—and it was a pivotal moment in the case—was that she looked at several pictures of Sara’s collar and flatly stated that Sara’s collar was not the collar the dog that attacked Luna on March 7 was wearing. Both counsel and we asked several variations of that same question to ensure there was no misunderstanding. Ms. Hamara was crystal clear each time: the collar pictured on Sara was not the collar the attacking dog had on. Yet Mr. Jungels explained that that collar is the only one Sara had on for several months. And he backed this up with pictures showing Sara wearing it on March 3 and then again on March 13, bookends around the March 7 attack. Ex. A36; Exs. D17–D19.
33. Thus, we have serious concerns with Ms. Hamara’s identification of Sara as the attacker.
34. Conversely, there was nothing inconsistent, incredible, or wavering with Mr. Jungels’ statements. The dogs were out with his wife about 6 a.m. At about 10 a.m., he lay down to take a nap with the dogs in his bedroom, with the bedroom door closed. When his daughter woke him up (around 10:57 a.m., per the door footage timestamp) to tell him

Ms. Hamara was at the door, the dogs were still with him in bedroom with him. Yes, it is possible that either Mr. Jungels is not telling the truth or that, for example, while he slept, Sara left the bedroom, the daughter let Sara out the front door (unfenced), and Sara escaped the property and attacked Luna. As noted above, we have entertained countless cases where an appellant's protestations of the dog being with them at the time of the violation turns out to be inaccurate. But those cases have involved fact patterns ones where a dog is loose *yet again*, not one where even the complainant/next door neighbor agrees the incident was the first time the dog had ever been loose. And we found Mr. Jungels credible.

35. In sum, we are contrasting one credible witness (Mr. Jungels) against another witness (Ms. Hamara) with multiple credibility gaps who positively—and repeatedly—testified that Sara's actual collar was not the collar the dog that attacked Luna was wearing.
36. Animal Services has not shown that, more likely than not, Sara was the animal that attacked Luna on March 7.

DECISION:

We GRANT Mr. Jungels' appeal.

ORDERED July 20, 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 *August 21, 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 JULY 10, 2023, HEARING IN THE APPEAL OF JAKOB
JUNGELS, REGIONAL ANIMAL SERVICES OF KING COUNTY
FILE NO. V23014032-A23001510**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Veronika Hamara, Mari Isaacson, Fred Juhos, Jakob Jungels, and Adam Karp. 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. V23014032-A23001510, issued March 13, 2023
Exhibit no. D3	Ms. Hamara’s statement
Exhibit no. D4	Ms. Struck’s statement
Exhibit no. D5	RASKC investigation report
Exhibit no. D6	Photograph
Exhibit no. D7	Photograph
Exhibit no. D8	Photograph
Exhibit no. D9	Photograph
Exhibit no. D10	Photograph
Exhibit no. D11	Photograph
Exhibit no. D12	Photograph
Exhibit no. D13	Photograph
Exhibit no. D14	Photograph
Exhibit no. D15	Photograph
Exhibit no. D16	Photograph
Exhibit no. D17	Photograph
Exhibit no. D18	Photograph
Exhibit no. D19	Photograph
Exhibit no. D20	Veterinarian records
Exhibit no. D21	Pet license receipt
Exhibit no. D22	Appeal, received March 28, 2023

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

Exhibit no. A1	Myfrontpoint.com Timestamp Screenshot (3.7.23)
Exhibit no. A2	Hamara/Jungels Frontpoint video 1 (11:56am)
Exhibit no. A3	Hamara/Jungels Frontpoint video 2 (11:58am)
Exhibit no. A4	Hamara/Jungels Frontpoint video 3 (11:59am)
Exhibit no. A5	Aerial view with markup (“10 Acres”)
Exhibit no. A6	Aerial view with markup (colored circles)
Exhibit no. A7	Aerial view with markup (“Shared fence line....”)
Exhibit no. A8	Fencing photograph 1
Exhibit no. A9	Fencing photograph 2
Exhibit no. A10	Fencing photograph 3

Exhibit no. A11	Fencing photograph 4
Exhibit no. A12	Fencing photograph 5
Exhibit no. A13	Fencing photograph 6
Exhibit no. A14	Fencing photograph 7
Exhibit no. A15	Fencing photograph 8
Exhibit no. A16	Fencing photograph 9
Exhibit no. A17	Fencing photograph 10
Exhibit no. A18	Fencing photograph 11
Exhibit no. A19	Fencing photograph 12
Exhibit no. A20	Fencing photograph 13
Exhibit no. A21	Fencing photograph 14
Exhibit no. A22	Fencing photograph 15
Exhibit no. A23	Fencing photograph 16
Exhibit no. A24	Fencing photograph 17
Exhibit no. A25	Fencing photograph 18
Exhibit no. A26	Fencing photograph 19
Exhibit no. A27	Fencing photograph 20
Exhibit no. A28	Fencing photograph 21
Exhibit no. A29	Fencing photograph 22
Exhibit no. A30	Fencing photograph 23
Exhibit no. A31	Fencing photograph 24
Exhibit no. A32	Video of fencing 1
Exhibit no. A33	Video trying to coax Sara out of fencing (without success)
Exhibit no. A34	Photograph of Sara 1 in presence of officer
Exhibit no. A35	Photograph of Sara 2 in presence of officer
Exhibit no. A36	Photograph of Bo and Sara 3.3.23
Exhibit no. A37	Photograph of Bo and Amelia 2.21.23
Exhibit no. A38	Photograph of coyote on 6.25.23
Exhibit no. A39	Photograph of coyote on 4.15.23
Exhibit no. A40	Photograph of coyote on 3.14.23
Exhibit no. A41	Video of coyotes on 3.24.23
Exhibit no. A42	Video of coyotes on 4.14.23
Exhibit no. A43	Video of coyotes on 5.17.23
Exhibit no. A44	Video of coyotes on 6.25.23
Exhibit no. A45	Facebook screenshot from Woodinville neighbors post of Fred Jay
Exhibit no. A46	Google Earth map with ruler
Exhibit no. A47	Photograph, impeachment, submitted July 10, 2023
Exhibit no. A48	Photograph with star, porch/side door, submitted July 10, 2023

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V23014032-A23001510**

JAKOB JUNGELS

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 July 20, 2023.



Jessica Oscoy
Office Manager

Hamara, Veronika

Hardcopy

Isaacson, Mari

Prosecuting Attorney's Office

Juhos, Fred

Hardcopy

Jungels, Jakob

Hardcopy

Karp, Adam

Animal Law Offices of Adam Karp

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Mortimer, Leah

Prosecuting Attorney's Office