

June 1, 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](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V23014177-A23001527**

**MIGUEL BAUTISTA**

Animal Services Enforcement Appeal

Activity no.: A23001527

Appellant: **Miguel Bautista**

[REDACTED]  
Enumclaw, WA 98022

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](mailto:raskcappeals@kingcounty.gov)

FINDINGS AND CONCLUSIONS:

Overview

1. Miguel Bautista appeals a Regional Animal Services of King County (Animal Services) violation notice for him neglecting his horse, Cisene. 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 uphold the violation, reduce the penalty, and explain why (if there are no more animal-related complaints in the next 12 months) the violation should come off Mr. Bautista's record.

### Background

2. Mr. Bautista's neighbor filed a complaint for an incident he witnessed between Mr. Bautista and Cisene on March 7. Ex. D4. The neighbor provided a video. Ex. D3.
3. On March 17 Animal Services issued Mr. Bautista a violation notice (V23014045), citing him for cruelty. Ex. D7. On March 20 Mr. Bautista timely appealed. Ex. D8. We set a hearing for May 12.
4. On April 27 Animal Services re-issued Mr. Bautista another violation notice (V23014177), downgrading the cruelty citation to a neglect citation. We went to hearing on May 17, providing Mr. Bautista with a Spanish interpreter.

### Hearing Testimony

#### *Testimony of Chelsea Eykel*

5. Chelsea Eykel testified that this case is unusual for neglect cases because in general the Bautistas do not neglect Cisene. In fact, their facility is well-kept and Cisene is in excellent condition. She understands that Mr. Bautista purchased Cisene for the purpose of training him to become a Mexican dancing horse and the rich history of training horses to dance within that community. Horses are typically exhibited in parades and exhibitions.
6. Sgt. Eykel had difficulty referencing materials related to Mexican dancing horse training due to inflammatory rhetoric associated with that online. Though she was able to find some videos associated with training dancing horses in the European tradition, she acknowledges that they are different breeds, like comparing baseball to softball.
7. Sgt. Eykel argues that exhibit D3 shows Mr. Bautista initially whipping Cisene not too hard, but then continuing to use the whip with full force until Cisene surges forward. Cisene hits the restraints and is unable to get away. Cisene's demeanor becomes one of fright and tries to evade being struck by the whip. The amount of force that Mr. Bautista used on Cisene was inappropriate and caused Cisene pain and fright.

#### *Testimony of Miguel Bautista*

8. Miguel Bautista accepted responsibility, acknowledging that on March 7 he was rude to Cisene. Cisene is a stubborn horse and on that day, Cisene was not wanting to work, so Mr. Bautista made the mistake of being too rude to him. Mr. Bautista does not make excuses for his behavior that day and is grateful that the video (exhibit D3) was brought to his attention, so that he can learn to train Cisene better.
9. Since that day, Mr. Bautista has been gathering advice from other horse trainers that specialize in [training horses for Mexican dancing]. Regarding the video exhibits that Animal Services submitted, Mr. Bautista points out that those horses are Andalusian breeds, which are a different breed than Cisene (Friesian) and have different training methods.

10. Mr. Bautista grew up around horses all his life and has owned multiple horses. He loves Cisene and even feeds Cisene before he feeds himself. He has two well-conditioned barns for Cisene so that Cisene does not sleep in a wet bed, and Cisene has a mat to stand on. Cisene is always in great condition. He appreciates Animal Services' concern for Cisene. He does not justify his actions that day; he made a mistake and has been learning to do better.

*Testimony of Andrea Bautista*

11. Miguel Bautista's daughter, Andrea, testified that though she is not a horse expert like her dad, that she has nothing but love and respect for her dad's patience towards Cisene. She agrees that Cisene is a young, strong, stubborn horse. She recalls having about four other horses, before obtaining Cisene, who were all easier to manage.

Legal Standards

12. On March 7, did Mr. Bautista "[b]y reason of neglect or intent to cause or allow any animal to endure pain, suffering or injury or to fail or neglect to aid or attempt alleviation of pain, suffering or injury the person has so caused to any animal," violate KCC 11.04.250.A.2?
13. 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

14. This case is unfortunate, but also relatively simple, with the video speaking for itself.
15. Mr. Bautista starts out with a half-dozen light, rhythmic slaps with the whip in his left hand, almost like a fly fisherman casting. Neither Cisene nor Mr. Bautista seem at all agitated. That is nowhere close to a violation.
16. Then, Cisene apparently does something, or more likely fails to do something, and this agitates Mr. Bautista. Mr. Bautista stops his gentle cadence, switches the whip to his dominant right hand, and hauls off and strikes Cisene hard. Cisene notices the change immediately, trying to escape the impending blow by moving forward *before* Mr. Bautista even strikes him hard the first time. Mr. Bautista reloads, cocks back, and strikes Cisene hard two more times, before returning to a lighter, backhand slap just before the video cuts off. Those three, full-force strikes, and Cisene's reaction even before and during those blows, demonstrate that Mr. Bautista caused Cisene to endure unnecessary pain and suffering, in violation KCC 11.04.250.A.2.
17. And yet this case is different. Normally our cruelty/neglect appeals stem from a pattern of owners either neglectful in providing proper care or authoritarian (maybe even vindictive) in their discipline. Mr. Bautista is neither of those. As Animal Services


recognized, Mr. Bautista takes excellent care of Cisene. And Mr. Bautista did not try to sugarcoat it or weasel out of responsibility. He took it on the chin, accepted with humility his overreaction on March 7, and has committed to learning how to get the desired training response from Cisene without hurting Cisene.

18. So, we uphold the violation, but we are wary of the ongoing stigma a neglect violation would cast over a horse trainer like Mr. Bautista. If there are no further reported incidents in the next 12 months, V23014177 will become null and void.

DECISION:

1. We uphold violation V23014177.
2. We reduce the penalty to \$150.
3. If there are no further animal-related complaints involving Mr. Bautista before June 1, 2024, violation V23014177 will become null and void.

ORDERED June 1, 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 *July 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 MAY 17, 2023, HEARING IN THE APPEAL OF MIGUEL  
BAUTISTA, REGIONAL ANIMAL SERVICES OF KING COUNTY  
FILE NO. V23014177-A23001527**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Miguel Bautista, Andrea Bautista, and Chelsea Eykel. 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	Email
Exhibit no. D3	Video
Exhibit no. D4	Online Complaint form of March 7, 2023, incident by Austin Leabo, dated March 9, 2023
Exhibit no. D5	RASKC investigation report no. A23001527
Exhibit no. D6	Photograph of Cisne, the whip and stable
Exhibit no. D7	Notice of violation no. V23014045-A23001527, issued March 17, 2023
Exhibit no. D8	Appeal, received March 20, 2023
Exhibit no. D9	Notice of violation no. V23014177-A23001527, issued April 27, 2023
Exhibit no. D10	Video of training method Piaffe in Hand (YouTube)
Exhibit no. D11	Document on history of training in the Pillars its use and misuse
Exhibit no. D12	Video of training Piaffe humanely in the Pillars using a whip for a cue (YouTube)
Exhibit no. D13	Video training method of using cues to teach “Piaffe” and “Dancing” (YouTube)
Exhibit no. D14	Map of subject area

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

Exhibit no. A1	Video
Exhibit no. A2	Video
Exhibit no. A3	Video
Exhibit no. A4	Email with YouTube link
Exhibit no. A5	Photograph

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V23014177-A23001527**

**MIGUEL BAUTISTA**

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 June 1, 2023.



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Jessica Oscoy  
Office Manager

**Bautista, Miguel/Andrea**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Leabo, Austin**

Hardcopy

**Sibila, Claudia Ms.**