

September 22, 2023

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

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file nos. **V23014419** and **V23014420**

**DANIEL LENZ**

Animal Services Enforcement Appeal

Activity no.: A23003612

Appellant: **Daniel Lenz**

[REDACTED]  
Seatac, WA 98188

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County  
*represented by* **Chelsea Eykel**  
Regional Animal Services of King County  
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FINDINGS AND CONCLUSIONS:

Overview

1. Daniel Lenz appeals a Regional Animal Services of King County (Animal Services) order for his dog Leti needing to be removed from King County. 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 Leti's removal order.

### Background

2. Stephen Martin filed a complaint for an incident involving Leti on June 1, 2023. Ex. D3. Mr. Martin provided documents involving Leti on that date as well as on July 31, 2022. Exs. D4-D6.
3. Animal Services issued Mr. Lenz a violation notice, including an order removing Leti from King County. Exs. D7-D9. Mr. Lenz timely appealed; he does not contest the running at large, trespassing, or viciousness violations. Ex. D11. We held a hearing on September 12.

### Hearing Testimony

#### *Steph King Testimony*

4. Ms. King is Mr. Martin's wife. She testified that on July 31, 2022, around 6:30 a.m. she let her cats sit by the window and propped open her door a little to let fresh air inside, which is a typical routine. Ms. King was sitting on the couch. The next thing she saw was one cat [Harley] running directly towards her, with a big white dog [Leti] snapping its jaws directly behind Harley, coming straight towards Ms. King. Ms. King picked up Harley as Leti bit Harley's bottom. Ms. King threw Harley behind her; Harley landed on the cat tree. Ms. King started screaming for Mr. Martin. The other cat [Halle] ran to the bedroom to hide under the bed and Leti chased after it.
5. Mr. Martin tried to corral Leti and knocked over some planters. He was able to contain Leti near the back yard door. Ms. King quickly opened the door, and Mr. Martin pushed Leti outside. Ms. King then contained her animals before collaring Leti, putting it on a leash, and walking it back to Mr. Lenz's home.
6. On June 1, 2023, Ms. King was working in her home office when she heard Mr. Martin screaming. He was covered with blood, and Leti still had [Halle] in its mouth. Ms. King took off her slipper and started beating Leti on the head with it. Mr. Lenz was driving back home, and as soon as he got out of his car, he was able to pull open Leti's jaws to release Halle. Halle crawled under the bed, bleeding. Ms. King wrapped her up in a blanket.
7. Ms. King acknowledges that Mr. Lenz has been remorseful; however, these incidents have impacted her life.

#### *Stephen Martin Testimony*

8. On July 31, 2022, Mr. Martin was in the back office when he heard Steph screaming. He saw Leti running into the bedroom, so Mr. Martin tried tackling her, knocking things over in the process. He was able to wrestle Leti into the deck. Ms. King knocked at Mr.

Lenz’s door, but there was no answer. They wanted to get rid of Leti, so Ms. King marched Leti back to Mr. Lenz’s home; this time Mr. Lenz answered the door.

9. On June 1, 2023, [Halle] was sitting in the doorway, with the door propped open about six to eight inches. Mr. Martin heard groaning and growling noises and saw Leti with Halle in her mouth. Mr. Martin jumped on Leti, but he did not release Halle, so Mr. Martin started pounding and beating on Leti.
10. Ms. King was crying and screaming; she went to Mr. Lenz’s home but he did not answer. She returned and started beating on Leti. Mr. Lenz then pulled up in his truck and opened Leti’s jaws. Halle fell out of Leti’s mouth, collapsing in a pool of blood. Halle was rushed to the hospital where the vet explained the extensive list of injuries and the challenging recovery. Mr. Martin requested that Halle be put down, and the vet agreed due to the extent of the injuries and her age.
11. Because this was the second incident involving Leti, Mr. Martin was more angry than sad this round. He informed Mr. Lenz that he would be calling Animal Services . Mr. Lenz mentioned that on several occasions that he would put down Leti, so Mr. Martin was shocked when he discovered that Mr. Martin has now decided to build a containment fence on his property. Mr. Martin’s well-being was impacted in many ways. His other cat also suffers from Halle’s loss.

#### *Daniel Lenz Testimony*

12. On July 31, 2022, Mr. Lenz is unsure how Leti got out; he tried his best to close everything. After the June 1, 2023, incident, Mr. Lenz felt that the only option was to put down Leti. He informed Mr. Martin that Leti had also killed his house cat. However, his roommate loves dogs and was against that idea.
13. After buying his home, Mr. Lenz has struggled financially. He is remorseful about the incidents and since June 1, 2023, he had a group of friends help him build a fence. He put baby gates in front of the doors in case a door does completely close. Mr. Lenz loves Leti and acknowledges she is not the “best dog in the world.” He got her anxiety medication and has been looking for a behaviorist in Portland. Mr. Lenz has no family in the area, besides his cousin that lives in Silverdale and does not have many options to rehome Leti. He has had negative experiences with other persons around his dog and does not feel comfortable leaving his dog with other people.

#### Legal Standards

14. On June 1, was Leti trespassing, defined as a “domesticated animal that enters upon a person’s property without the permission of that person”? KCC 11.04.230.K.
15. Does Leti qualify as vicious, defined as “Having performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation,” with the violation framed as, “Any animal that has exhibited vicious propensities and constitutes a danger to the safety of persons

or property off the animal’s premises or lawfully on the animal’s premises”? KCC 11.04.020.BB; KCC 11.04.230.H.

16. Is Leti’s removal from the County appropriate under KCC 11.04.290.A.1, which states that:

An animal, declared by the manager of the regional animal services section to be vicious, may be harbored, kept or maintained in King County only upon compliance with those requirements prescribed by the manager. In prescribing the requirements, the manager must take into consideration the following factors:

- a. the breed of the animal and its characteristics;
- b. the physical size of the animal;
- c. the number of animals in the owner's home;
- d. the zoning involved; size of the lot where the animal resides and the number and proximity of neighbors;
- e. the existing control factors, including, but not limited to, fencing, caging, runs and staking locations; and
- f. the nature of the behavior giving rise to the manager's determination that the animal is vicious, including:
  - (1) extent of injury or injuries;
  - (2) circumstance, such as time of day, if it was on or off the property and provocation instinct; and
  - (3) circumstances surrounding the result and complaint, such as neighborhood disputes, identification, credibility of complainants and witnesses,

while KCC 11.04.290.A.2 states that:

Requirements that may be prescribed include, but are not limited to, the following:

- a. Erection of additional or new fencing adequate to keep the animal within the confines of its property;
- b. Construction of a run within which the animal is to be kept. Dimensions of the run shall be consistent with the size of the animal;

- c. Keeping the animal on a leash adequate to control the animal, the length and location to be determined by the manager. When unattended the leash must be securely fastened to a secure object;
- d. Maintenance of the animal indoors at all times, except when personally controlled on a leash adequate to control the animal by the owner or a competent person at least fifteen years old; and
- e. Removal of the animal from the county within forty-eight hours from receipt of such a notice.

17. 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

18. On July 31, 2023, Leti did not just trespass onto the Martin/King property, but launched a brazen attack *inside* the Martin/King home, chasing and snapping its jaws at Harley. After Ms. King picked up and tossed Harley to safety, Leti went after Halle, even trying to get under the bed where Halle had retreated to. It took Mr. Martin wrestling Leti for quite some time to finally get Leti out the door. Ms. King then was able to control Leti and bring him home. Mr. Lenz expressed gratitude for bringing “my crazy” back; he explained that Leti had earlier killed his own house cat, and he let Mr. Martin know that, “I’m going to have to put [Leti] down.” Ex. D4 at 005.
19. If, after the June 2022 attack Mr. Lenz had removed Leti like he said he would or at least gotten Leti professional training and installed a fence and other containment system, that would likely have been the end of our story. Ms. Martin and Ms. King took him at his word and elected not to press a complainant. Unfortunately, Mr. Lenz neither constructed a containment system nor got Leti professional training to avoid a repeat attack. On June 1, 2023, Leti returned to the Martin/King house, without their permission. KCC 11.04.230.K. This time the result was fatal.
20. Leti grabbed Halle on her own doorstep. Rather than a bite and release, Leti inflicted sustained violence, shaking Halle in its mouth even as Mr. Martin pounded and kicked to try to get Leti to release Halle. It took Mr. Lenz returning to the scene to pry Leti’s jaws off the cat. By then it was too late, as Leti had inflicted catastrophic injuries. Mr. Martin made the painful decision to put his beloved cat down.
21. Leti qualifies as vicious, having performed the act endangering the safety of Mr. Martin’s cat, namely attacking the cat without provocation. KCC 11.04.020.BB. Even looking at July 31 in isolation, we would find that Leti constitutes a danger—a significant danger—to pets off his premises. On top of Leti’s 2022 attack on the Martin/King cats, not to mention potentially killing Mr. Lenz’s own cat, Animal Services showed that Leti qualifies as vicious. KCC 11.04.230.H.

22. After Leti fatally mauled Mr. Martin’s cat, Mr. Lenz again assured Mr. Martin that he would “make arrangements to have [Leti] put down.” Ex. D4 at 006. Again Mr. Lenz did not follow through on his word. He has belatedly put in a fence and other enclosure mechanisms. That containment may help Mr. Martin and Ms. King and their remaining pets begin to feel safe again from Mr. Lenz’s other dog (Leo, who has no history of violence) or a replacement dog. But it is far too little, too late for Leti.
23. We are the most exacting of Animal Services on removal orders, given the interests at stake.<sup>1</sup> We have overturned far more removal actions than we have sustained. But Animal Services meets its high burden of proving that removal is warranted here. It is not only the result of, but the extent of, Leti’s actions that makes removal a less challenging call here. Occasionally a dog can do significant damage in a split-second, say a bite that nicks an artery. But Leti’s violence was simply relentless. In July 2022, Leti kept going after one, then the other cat, even as one retreated under the bed; Mr. Martin had to keep wrestling with Leti to finally get her out the door. In July 2023, Leti continued shaking the life out of Halle even as Mr. Martin kicked and hit Leti to get her to release her jaws. It took Mr. Lenz to pry Let’s jaws off Halle to get the mauling to stop. We sustain Leti’s removal order.
24. We have consistently interpreted the requirement to remove an animal from King County as a requirement only to remove the animal from unincorporated King County and from those contract cites where Animal Services has jurisdiction and the same legal standard applies. While other municipalities might have their own restrictions related to vicious dogs, they are outside Animal Services’ jurisdiction, and thus rehoming Leti there qualifies as compliance as far as we are concerned.
25. While the code requires the animal to be out of the jurisdiction within 48 hours, *two days* seems too short to find even a temporary new home for Leti. We will give Mr. Lenz *two weeks* to find at least provisional lodgings for Leti outside Animal Services’ jurisdiction or surrender Leti to Animal Services or to a shelter outside Animal Services’ jurisdiction.
26. The \$1000 penalty associated with the removal order only comes due if the removal order itself (here, our modification today of the removal order) is violated. So it is important to get Leti out by October 6 and then keep him out. If Leti is found in King County or one of the contract cites after October 6, she may be seized, and Mr. Lenz would have no further say in Leti’s disposition.

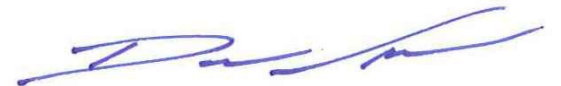
## DECISION:

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<sup>1</sup> *Mathews v. Eldridge*, 424 U.S. 319, 335 (1976) (nature of private interest impacted is a factor in determining how much process is due); *Repin v. State*, 198 Wn. App. 243, 284, 392 P.3d 1174 (2017) (Fearing, C.J., concurring) (analyzing court decisions recognizing “the bond between animal and human and the intrinsic and an estimable value a companion animal”); *Mansour v. King County*, 131 Wn. App. 255, 265, 128 P.3d 1241, 1246 (2006) (in the context of an order removing a dog from King County, “the more important the decision, the higher the burden of proof”); Exam. R. XII.B.4 (higher standards in proceeding involving divestiture of legally cognizable rights).

1. In V23014419, we uphold Leti’s trespass violation, viciousness designation, and \$550 penalty.
2. In V23014420, we uphold Leti’s removal order. By **October 6, 2023**, Mr. Lenz shall microchip Leti (if not microchipped already) and then either:
  - A. Find a potential new owner outside of unincorporated King County and outside the cities that contract with Animal Services,<sup>2</sup> disclose to that person that Leti was ordered removed as a threat to public safety, have that person agree to take Leti on, actually get Leti out, and provide Animal Services both proof that this new owner lives outside unincorporated King County and those contract cities and the new owner’s contact information; or
  - B. Surrender Leti to Animal Services.
3. If Mr. Lenz successfully meets A. or B. and thereafter does not allow Leti to return to King County or to one of those contract cities, the \$1000 penalty attached to the removal order is waived. If not, the \$1000 penalty is reinstated and Animal Services may impound Leti as an unredeemable animal.

ORDERED September 22, 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 *October 23, 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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<sup>2</sup> In addition to unincorporated King County, the contract cites where the same legal standard applies are currently:

A. Beaux Arts Village	B. Bellevue	C. Black Diamond
D. Carnation	E. Clyde Hill	F. Covington
G. Duvall	H. Enumclaw	I. Issaquah
J. Kenmore	K. Kent	L. Lake Forest Park
M. Maple Valley	N. Mercer Island	O. Newcastle
P. North Bend	Q. Redmond	R. Sammamish
S. SeaTac	T. Shoreline	U. Snoqualmie
V. Tukwila	W. Woodinville	X. Yarrow Point

**MINUTES OF THE SEPTEMBER 12, 2023, HEARING IN THE APPEAL OF  
DANIEL LENZ, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NOS.  
V23014419 AND V23014420**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Daniel Lenz, Steph King, and Stephen Martin. 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
Exhibit no. D2	RASKC investigation report no. A23003612
Exhibit no. D3	Online Complaint form of June 1, 2023, incident by Stephen Martin, dated June 2, 2023
Exhibit no. D4	Statements
Exhibit no. D5	Photographs of injuries
Exhibit no. D6	Vet report
Exhibit no. D7	Notice of violation no. V23014419-A23003612, issued June 29, 2023
Exhibit no. D8	Proof of service
Exhibit no. D9	Notice and order for removal no. V23014420-A23003612, issued June 29, 2023
Exhibit no. D10	Proof of service
Exhibit no. D11	Appeal
Exhibit no. D12	Map of subject area

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

Exhibit no. A1.	Amended appeal
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September 22, 2023

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file nos. **V23014419 and V23014420**

**DANIEL LENZ**

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, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED September 22, 2023.



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Jessica Oscoy  
Office Manager

**Brock, Roy**  
Hardcopy

**Eykel, Chelsea**  
Regional Animal Services of King County

**Lenz, Daniel**  
Hardcopy

**Steph King, Stephen Martin**  
Hardcopy