

November 28, 2023

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

King County Courthouse
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REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. V23014620-A23004817

DYLAN ALDRIDGE
Animal Services Enforcement Appeal

Activity no.: A23004817

Appellants: **Dylan Aldridge and Isis Caney**
[REDACTED]
Sammamish, WA 98074
Telephone: [REDACTED]
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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. Dylan Aldridge and Isis Caney appeal a Regional Animal Services of King County (Animal Services) notice and order citing Mr. Aldridge for neglect. 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 deny the appeal.

Background

2. Mikaela Kijanka's dog, Scoops, died on August 24, 2022, while a client of Mr. Aldridge and Ms. Caney. Ms. Kijanka filed a complaint against them on August 3, 2023,. Ex. D3.
3. Animal Services issued Mr. Aldridge a violation order on August 26,. Ex. D7. Mr. Aldridge appealed two days later. Ex. D8. We held a hearing on November 2.

Hearing Testimony

Mikaela Kijanka Testimony

4. Ms. Kijanka was out of town for four or five days and left Scoops in Mr. Aldridge's care. On the morning of August 24, 2022, Ms. Kijanka received a call from Mr. Aldridge, notifying her that Scoops was not breathing and that he believed she had passed away.
5. Ms. Kijanka instructed Mr. Aldridge to take Scoops to her veterinarian at Ally Pet Medical Center, about ten minutes away from Mr. Aldridge's house, to see if they could save her. Ms. Kijanka texted Mr. Aldridge the location, and he agreed to take Scoops there. Ms. Kijanka called Scoops' veterinarian, Dr. Colleen Roberts, and informed her of the situation. Dr. Roberts later called Ms. Kijanka, concerned that Scoops had not yet arrived.
6. Ms. Kijanka did not file a complaint for almost a year. She did so only after she learned of an allegedly suspicious disappearance of a dog in Mr. Aldridge and Ms. Caney's care.¹ At no time did Mr. Aldridge or Ms. Caney ever mentioned that Scoops had had diarrhea or was lethargic prior to dying.

Dr. Colleen Roberts Testimony

7. Dr. Roberts testified that at 11:46 a.m. on August 24, 2022, Ms. Kijanka informed her of Scoops' situation and that Mr. Aldridge should be arriving with Scoops within five minutes. Dr. Roberts prepared her staff for an emergency in-take. After ten minutes, Dr. Roberts became concerned that they had not arrived. About thirty minutes after the initial phone call, Dr. Roberts called Ms. Kijanka inquiring on Scoops' whereabouts. Ms. Kijanka gave her Mr. Aldridge's phone number. Dr. Roberts called Mr. Aldridge but received no answer. About 45 minutes after the initial phone call, Mr. Aldridge and Ms. Caney pulled into the parking lot with Scoops in the backseat of a truck.
8. Immediately, staff brought Scoops with a gurney. Dr. Roberts noticed Scoops did not have a heartbeat, was hot to the touch, and was in full rigor mortis. Ex. D2 at 002. Scoops was so hot that she topped off multiple thermometers, which stop reading at 108 degrees. A normal fever for a dog is between 99–102.5 degrees, and prolonged effects of hyperthermia occur at 105 degrees. Dr. Roberts testified that it is possible to see a heat

¹ We do not treat the comments about that later event as any evidence about the truth of the matter asserted (i.e., that on some later, unspecified date Mr. Aldridge and Ms. Caney did something suspicious); that person's comment is mere hearsay. However, the *impression* that person's comment made on Ms. Kijanka is relevant to why she decided to file a complaint.

stroke in temperatures under 70 degrees in confined areas. No honey was found on Scoops' face.

9. Upon further examination, Dr. Roberts observed that Scoops had burst eye vessels (petechia, which can indicate trauma), along with vascular abnormalities (which can be caused by a variety of reasons, including heat exhaustion, heat stroke, and body-wide infection caused by sepsis). The purpling discoloration indicates a lack of oxygenation, reflecting a time of death which was originally thought to be earlier (since rigor mortis is typically slower-acting where there is no pre-death trauma). Ex. D4 at 001, 005.
10. Scoops had feces from her elbow down to her feet and a little bit on her chest and even in her facial hair. Ex. D4 at 002, 005. The distribution of the fecal matter was pertinent, because when an animal expires either laying down or standing, the feces tends to be matted in the tail or the back of the hind legs. Conversely, feces on the front legs indicates that a dog was confined and panting and pacing in an attempt to escape confinement. The feces in Scoop's front paws was matted, ground in between her digits, and bone dry, which is inconsistent with Mr. Aldridge's statement that Scoops was laying down on the carpet. Ex. D4 at 007.
11. There was feces on Scoops' muzzle, which would be impossible for a dog with a normal expiration. In addition to feces matted in her beard, her hair was matted in her teeth, both the result of significant friction for a prolonged period. Ex. D4 at 003, 004, 005, 006. That would not be the case with a dog who was fine and uncontained but then died within thirty minutes.
12. There were matts of hair, with dry feces ground deep in between all four paws. Scoops has fairly straight hair, so that was a result of a persistent friction—which is typically seen from dogs' paws rubbing, as if trying to open a window or door. Scoops was leaking diarrhea from her rectum. Typically, a dog who dies a normal death expels a normal bowel movement. Conversely, dogs that experience heat stroke or trauma prior to death experience diarrhea. Scoops' was not an acute death.
13. Mr. Aldridge informed Dr. Roberts that Scoops was perfectly normal when he went upstairs for thirty minutes to shower and that, when he came back down, Scoops had passed away. If a healthy dog like Scoops had laid down and died, Dr. Roberts would expect rigor mortis to set in about two to four hours after a normal demise; however, with hyperthermia, prolonged sickness, or stress, rigor mortis occurs faster. Also, with a normal demise, the body temperature would be expected to decrease quickly. With a normal demise, Scoops' body temperature would have been in the low 90s an hour afterwards. Yet Scoops temperature was still over 108.
14. Mr. Aldridge opined to her that Scoops could have had a seizure, perhaps from complications from the bite wound. Dr. Roberts testified that it is unlikely a dog with zero history of seizures would have had fatal seizures just at the time Mr. Aldridge was in the shower, especially since Mr. Aldridge said Scoops looked like she was sleeping when he came downstairs.

15. As to the bite, Scoops had been bitten in March 2022 and had a superficial skin infection months closer to her August demise. Dr. Roberts concluded that those were not a factor in Scoops' death. If that infection had spread, they would have seen evidence in the interim and infection at the time of death, yet Scoops' skin was perfectly healed. Bites or infection could cause a fever, but not at the magnitude Scoops was recording (108+ degrees, even an hour after death). No virus or bacteria would have caused 108+ degrees; a UTI might give a reading of 103, with sepsis at 104–105. And none of that would have been possible within the thirty minutes Mr. Aldridge was in the shower. There is nothing in literature that, for a dog with Scoops' history, her demise would have been caused by something other than a heat stroke in a confined area. As to the lower ambient temperature, she opined that Scoops was confined in a vehicle or truck.
16. Mr. Aldridge and Ms. Caney asked her twice about having Scoops necropsied. However, the local expert would only have been available three days later, and the other option was to transport Scoops across the state for thousands of dollars. Ms. Kijanka did not want a necropsy, and the owner decides what happens to their pet's body. Dr. Roberts thought it was very clear what had happened to Scoops, and that a necropsy would not be key. Mr. Aldridge or Ms. Caney stayed around for about 40 minutes, asked lots of questions including about teeth brushing, and even purchased an item, but at no time did either mention that Scoops had been lethargic or had experienced diarrhea.
17. Dr. Roberts has examined Scoops for her lifetime, and she was always well-groomed and extremely well-kept. Scoops was seen for a puncture wound in March 2022, but that wound was cleaned, her hair grew back, and her skin completely resolved. Scoops was also seen for a superficial skin infection in June 2022. Dr. Roberts examined Scoops between that June date and August 24, and Scoops was healthy and did not present any symptoms of infection. It was not possible for Scoops' demise to have been caused by that June infection. In addition, if infection had been the cause, the symptoms would have been much different and there would have been evidence of infection at the time of Scoops' death. Yet her skin was perfectly healed.
18. Mr. Aldridge stated in his appeal that Scoops could have died from malignant hyperthermia. Malignant hyperthermia is a reaction to anesthetic gases (inhaling anesthetic gases) in dogs and cats, causing an elevation in body temperature. Dr. Roberts sees this in other animals such as pigs and pig raising operations, due to stress and confinement. She does not see that in dogs.
19. There are only two things that would cause acute death with a body temperature of this magnitude-heat stroke (far more common) or continuous seizures (meaning the body is in seizure for over 40 minutes, but there would have been symptoms prior). It would be unlikely that a healthy dog (with no history of seizures) like Scoop would have had such seizures just during the thirty minutes Mr. Aldridge went to go shower. Additionally, if that were the case, dogs that undergo continuous seizures will have feces at their back end but not on their face or front paws.

Ofc. Wilcox Testimony

20. Ofc. Wilcox testified that Mr. Aldridge and Ms. Caney's home is on a hill, with long stairs leading up to it. The first time she visited, she could smell urine and feces from at least 20 feet away. There was no grassy yard in sight.
21. On the day Ofc. Wilcox returned to deliver the notice, she does not recall the smell. She did recall the debris in the patio had been swept, and the living room was a cool temperature.²

Dylan Aldridge Testimony

22. Mr. Aldridge testified that Scoops had diarrhea the previous night (August 23). When he let her out around 9:00–9:30 a.m., she was lethargic after getting up—not shaking or wobbly, just slow. Mr. Aldridge cleaned up the diarrhea and kept the sliding door open. He got some poop on him and went upstairs to shower. Thirty minutes later when he came down, he saw Scoops in the middle of the living room. Scoops was not breathing. He tried seeing if there were any air blockages.
23. It took Mr. Aldridge awhile to get Scoops up the stairs and inside the truck, due to a prior back injury from a 2020 car accident. He drove her to his wife, Ms. Caney, since Ms. Caney had experience working with veterinary professionals.
24. While Ms. Caney was attending Scoops, Mr. Aldridge contacted Ms. Kijanka. While Mr. Aldridge waited for instructions from Ms. Kijanka, Ms. Caney instructed Mr. Aldridge to give Scoops CPR. Ms. Caney then drove them to Alpine Pet Clinic, since she thought that was an emergency clinic, but Alpine was closed. After he received Ms. Kijanka's text, they drove to Ally Pet Medical Center.
25. They asked several times for a necropsy, so they could protect their other dogs. A small dog was in the same room as Scoops that day and that dog was fine and did not suffer the same fate as Scoops. Mr. Aldridge failed to mention lethargy and diarrhea to Dr. Roberts because he was in shock and had difficulty explaining everything that transpired; Scoops passing really hit him hard.
26. Mr. Aldridge opines that Scoops had a seizure and that the feces on her was probably from the patio area. He did not contain Scoops in a crate that day or any other day. And he pointed to the weather report (see below) showing the cool temperatures that morning.

Isis Caney Testimony

27. Ms. Caney testified that she was dog sitting at a nearby house. Mr. Aldridge had told her the previous night about Scoops' diarrhea. Mr. Aldridge mentioned to her that Scoops

² Some of Ofc. Wilcox's testimony and pictures appeared to go beyond the "plain view" of what she observed coming down the walkway to knock on the door and talk with Mr. Aldridge or Ms. Caney. We thus excluded certain portions of her testimony and photographs.

- was laying in the corner, away from other dogs. Typically, only if a dog has diarrhea for over 24 hours or really bad diarrhea do they separate it from the other dogs they are hosting.
28. They typically turn on the AC in the morning and keep the door open if it is a nice day. With all the trees on their property, exhibit D9, the lower floor is 10 degrees cooler than the surrounding area.
 29. That morning, when Mr. Aldridge informed her of Scoops' situation, she advised him to put honey on Scoops' gums to bring up her blood pressure, to check for blockages, and to do CPR.
 30. Ms. Caney was the one who decided to drive first to Alpine, believing they were open and performed emergency care. At Ally, when Dr. Robert said it was heat stroke, Ms. Caney offered to pay for a necropsy. Heat stroke did not make sense to her, and she wanted necropsy so they could rule out a bacterial/fungus/contagious condition that might impact their other dogs.
 31. Ms. Caney began researching possible causes for Scoops' death soon thereafter. Ms. Caney has been taking care of dogs for over twenty years. She believes something other than heat stroke may have caused Scoops' demise.

Legal Standards

32. In August 2022, the legal standard was that it was unlawful for “any person to [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.” KCC 11.04.250.A.2.³
33. 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; .210.⁴

Analysis

Aldridge Testimony

34. Mr. Aldridge was the only person in the vicinity of Scoops when Scoops died. And he swore he did not confine Scoops. There was nothing about Mr. Aldridge's presentation that came across as deceptive. But we are not arrogant enough to believe that we can—based on facial expression, body language, demeanor, inflection, word choice, etc.—

³ In July 2023, the standard was amended to “cause or allow any animal to endure pain, suffering or injury.” *Id.* But the wording at the time of the incident controls.

⁴ See also *Mansour v. King County*, 131 Wn. App. 255, 266, 128 P.3d 1241, 1247 (2006) (preponderance of the evidence is the correct standard for serious animal cases).

assess whether a witness is telling the truth; that would fly in the face of numerous empirical studies showing how fallible judges (and others) are determining deception. So, Mr. Aldridge’s testimony weighs in his favor, but we review it in light of all the other evidence, as we do with any testimony.

Medical Evidence

35. The theory that an unrestrained Scoops simply slumped over and died while Mr. Aldridge was in the shower does not fit the facts. Even an hour or so after death, Scoops’ temperature topped off the thermometers that read up to 108 degrees, far beyond what one would expect from a normal demise or from an infection or sepsis. There is nothing credible to support the seizure hypothesis—that for the first and only time in her life, Scoops chose the precise time when Mr. Aldridge was in the shower to start seizing, and seizing for a long enough duration to skyrocket her temperature and kill her. Scoops burst eye vessels indicate pre-death trauma. And rigor mortis was more advanced than one would see in an animal with no pre-death trauma.
36. While Mr. Aldridge’s explanation of how an unrestrained Scoops lay down and died might fit if Scoops simply had fecal matter down her hindquarters, Scoops had feces matted in her front paws, between her toes (some of which was dry), and in her muzzle. Her hair was also matted in her teeth. That is more consistent with a constrained Scoops struggling to escape an enclosure than an unconstrained Scoops laying down and dying.
37. The only real factor weighing against hyperthermia as the cause of death was that it was cool that morning, and the lot was tree covered. Dr. Roberts’ hypothesis that Scoops had been in a vehicle was speculative, but she noted that they can see heat stroke in temperatures under 70 degrees if the animal is in a confined space.
38. In sum, on our record the medical evidence strongly cuts against the version of events Mr. Aldridge described and the possible causes of death he and Ms. Caney opined about.

Aldridge/Caney Statements

39. We also look at what Mr. Aldridge and Ms. Caney said, and did not say, in the immediate aftermath of Scoops’ death.
40. Ms. Caney asked twice for a necropsy and offered to pay for it; Dr. Roberts declined to order that. That raises a potential “spoliation of evidence” issue, the doctrine that where a party with control of the evidence fails to preserve that evidence, without satisfactory explanation, the finder of fact may draw an inference that such evidence (if preserved) would have been unfavorable to that party. *Tavai v. Walmart Stores, Inc.*, 176 Wn. App. 122, 134–35, 307 P.3d 811, 817 (2013). The doctrine is not directly applicable here for several reasons:
 - Dr. Roberts provided a satisfactory explanation for not ordering a necropsy.
 - Even if Dr. Roberts was incorrect, and necropsy was available and could have produced valuable information, neither Ms. Kijanka nor Dr. Roberts had a duty to

- Mr. Aldridge or Ms. Caney to run a necropsy on Scoops. *Seattle Tunnel Partners v. Great Lakes Reinsurance (UK) PLC*, 527 P.3d 134, 148 (Wn. App. 2023) (party accused of spoliating the evidence must have had a duty to preserve that evidence). Neither Ms. Kijanka or Dr. Roberts are a party here (i.e., this is not, say, a tort action by Ms. Kijanka against Mr. Aldridge or Ms. Caney); they are witnesses Animal Services has called in its enforcement action.
- Animal Services is a party, but Animal Services only received notice of the dispute a year *after* Scoops' was cremated. So, assuming Animal Services has a general duty to preserve evidence in anticipation of an enforcement action, there was no evidence to preserve by the time Animal Services got involved. Thus, there is no inference to make against Animal Services.
41. However, we do make a reverse inference, not *against* Dr. Roberts or Ms. Kijanka or Animal Services but rather *in favor* of Mr. Aldridge or at least of Ms. Caney. One basis for the spoliation doctrine is that the natural inference from a party not preserving evidence is that the party feared that evidence would expose unfavorable facts. *See Partners*, 527 P.3d at 142. Whether or not a necropsy *actually* would have shown anything relevant here, we infer that Ms. Caney pleading for a necropsy showed that Ms. Caney (and again, she was not present until after Scoops expired) did *not* fear the results would be unfavorable. That is not a major finding, but it does cut in at least Ms. Caney's favor.
 42. However, other statements, and lack of statements, cut more strongly against Mr. Aldridge and Ms. Caney than Ms. Caney asking for a necropsy.
 43. Mr. Aldridge told Dr. Roberts that Scoops was perfectly normal when he left for thirty minutes to shower upstairs; that contradicted his statements a year later that Scoops had been lethargic and suffered from diarrhea. Mr. Aldridge might have been in shock the day of Scoops' death, but not so in shock not to opine to Dr. Roberts that day that Scoops had died from a seizure or had complications from her bite wound or something other than heat stroke. Yet he failed to point to what would have been the most pertinent information he had on that score.
 44. Ms. Caney not mentioning Scoops' alleged diarrhea or lethargy would have been understandable if, say, she had dropped Scoops off and then been too upset to interact. But she too stayed around for about 40 minutes, asked lots of questions, and pushed back on Dr. Roberts' assessment that it was hyperthermia. Yet Ms. Caney also never mentioned that Scoops had had diarrhea or lethargy prior to expiring, despite actively pursuing an alternative (to hyperthermia) explanation with Dr. Roberts.
 45. Mr. Aldridge and Ms. Caney not mentioning the alleged diarrhea/lethargy to Ms. Kijanka is also odd, though unlike the conversation with Dr. Roberts we do not know the context of those Kijanka conversations; we do not draw major negative inference from that. But failing to mention it to Dr. Roberts during the prolonged discussion of the potential causes of Scoops' demise makes it sound more like something ginned up after the fact than an actual recollection from that day.

Summary

46. So where does that leave us? If this were criminal matter, Animal Services would not have proven its case beyond a reasonable doubt. But we decide cases on a more-likely-than-not standard. And based on our record as it closed at the conclusion of our November 2 hearing, we find it more-likely-than-not that Scoops died after Mr. Aldridge left her in a confined space she struggled to get out of. There is no issue of intent here, and Mr. Aldridge and Ms. Caney seem to love the dogs in their care. But on August 24, 2022, by reason of neglect Mr. Aldridge allowed Scoops to endure pain and suffering. We uphold the KCC 11.04.250.A.2 violation.

DECISION:

We DENY Mr. Aldridge's appeal.

ORDERED November 28, 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 *December 28, 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 NOVEMBER 2, 2023, HEARING IN THE APPEAL OF DYLAN
ALDRIDGE, REGIONAL ANIMAL SERVICES OF KING COUNTY
FILE NO. V23014620-A23004817**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Dylan Aldridge, Isis Caney, Mikaela Kijanka, and Dr. Colleen Roberts. 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. A23004817
Exhibit no. D3	Online Complaint form of August 24, 2022, incident by Mikaela Kijanka, dated August 3, 2023
Exhibit no. D4	Photograph of Scoops at Ally Pet Medical Center
Exhibit no. D5	Vet record from Ally Pet Medical Center
Exhibit no. D6	Pages 001-03 admitted, the rest excluded.
Exhibit no. D7	Notice of violation no. V23014620-A23004817, issued August 26, 2023
Exhibit no. D8	Appeal, received August 28, 2023
Exhibit no. D9	Map of subject area

November 28, 2023

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V23014620-A23004817**

DYLAN ALDRIDGE

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 November 28, 2023.



Jessica Oscoy
Office Manager

Eykel, Chelsea

Regional Animal Services of King County

Isis Caney, Dylan Aldridge

Hardcopy

Kijanka, Mikaela

Hardcopy

Roberts, Colleen DVM

Hardcopy