

October 19, 2023

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

King County Courthouse
516 Third Avenue Room 1200
Seattle, Washington 98104
Telephone (206) 477-0860
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www.kingcounty.gov/independent/hearing-examiner

SUMMARY DISMISSAL

SUBJECT: Regional Animal Services of King County file nos. **V23014628 and V23014629**

CARLOS SALAIZ AND LYDIA IRISH

Animal Services Enforcement Appeal

Activity no.: A23005236

Appellants: **Carlos Salaiz and Lydia Irish**

[REDACTED]
Bothell, WA 98011

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

Most cities that contract with King County for animal-related services adopt by reference King County's animal care and control code (Title 11) "as presently constituted or hereinafter amended," after making any locally-desired tweaks to the controlling standard.¹ Because those city codes automatically update as Title 11 evolves, there is no need for those city councils to

¹ For example, under Title 11, "at large" means a dog off its premises and not under control, with "under control" including either by leash or voice or signal control in keeping the dog from approaching a bystander. Several cities that adopt Title 11 clarify that a dog off its premises in that city must be leashed or in a vehicle.

expend effort each time Title 11 changes. Nor is there confusion and administrative red tape in those cities when Title 11 updates. Today's dispute, unfortunately, does not arise in such a city.

Instead, a few cities still maintain their own, stand-alone, comprehensive animal code, containing no mechanism to automatically update that city's standards to incorporate Title 11 improvements. Those cities are mandated by their interlocal agreement with the County to synch their codes, but this requires additional city council action every time Title 11 updates. Tukwilla used to be on that short list, but recently changed to adopt Title 11 by reference; we understand that Shoreline plans to soon follow suit. But as of today, Bellevue, Shoreline, and Woodinville still have their own codes that do not move in tandem with Title 11.

On July 15, 2023, a comprehensive overhaul to Title 11 became effective. The biggest change was shifting from a single-tooled "vicious" animal designation to a two-pronged, "potentially dangerous" and "dangerous animal" system. However, because Woodinville has not updated its codes, there is no "potentially dangerous" or "dangerous animal" designation in Woodinville.

Animal Services' V23014628 and V23014629 involves an allegation that Mr. Salaiz's dogs, Sasha and Nala, bit another dog on August 17 within Woodinville city limits and qualify as a *potentially dangerous* animal. The problem is that such a designation did not exist on August 17 (and still does not exist) in Woodinville.

Thus, we **DISMISS WITHOUT PREJUDICE** alleged violations V23014628 and V23014629. If Animal Services believes that Sasha and/or Nala qualify as vicious, it will need to re-write the violation notices, citing the controlling Woodinville code sections, not Title 11, and re-serve that on Mr. Salaiz. Mr. Salaiz will then have to refile his appeal statement. And then we will schedule a hearing on the merits. It will take more time and effort to get to a just outcome.

As Woodinville is forced again to amend its Title 6, we would greatly appreciate if it gave serious consideration to adopting by reference the County's Title 11, as it exists now or is later amended, along with whatever substantive differences are best suited for the city.² That would be more efficient for Animal Services (who can write a common violation form, without confusion over the controlling legal standard), for animal owners (who, like Mr. Salaiz, may need to file duplicative appeals), for complainants (who, given the delays created by scenarios like today, have to wait for resolution), and for the cities themselves (who have to devote valuable legislative resources each time Title 11 updates). But ultimately Woodinville gets to decide how it wishes to amend its code; we will faithfully apply whatever code it comes up with.

DATED October 19, 2023.



David Spohr
Hearing Examiner

² For example, under Title 11 only a dog can be "at large," while Bellevue expands this to a "dog or other domesticated animal running at large within the city." Compare BCC 8.04.300.B with KCC 11.04.230.O. Such nuances present no undue burden to a smoothly functioning animal control system.

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 *November 20, 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

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CARLOS SALAIZ AND LYDIA IRISH

Animal Services Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **SUMMARY 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, 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 October 19, 2023.



Lauren Olson
Legislative Secretary

Apfel, Emily
Hardcopy

Eykel, Chelsea
Regional Animal Services of King County

Lydia Irish, Carlos Salaiz
Hardcopy