

December 28, 2023

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

King County Courthouse  
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**ORDER OF DISMISSAL**

SUBJECT: Regional Animal Services of King County file no. **V23014936-A23006685**

**ROSA HERFINDAHL**

Animal Services Enforcement Appeal

Activity no.: A23006685

Appellant: **Rosa Herfindahl**

[REDACTED]  
Shoreline, WA 98133

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)

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.<sup>1</sup> Because those city codes automatically update as Title 11 evolves, there is no need for those city councils to

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<sup>1</sup> 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 follow suit, but per today's online version, Shoreline's SMC chapter 6.10 sits in a tiny boat with Woodinville and Bellevue in maintaining their own complete code, one that does not automatically 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 Shoreline has not updated its codes, there is no "potentially dangerous" or "dangerous animal" designation in Shoreline.

Animal Services' V23014936 involves an allegations that Ms. Herfindahl's dog, Chulo, bit and severely injured a victim on November 16 within Shoreline city limits and qualifies as "vicious." However, unless there has been recent Shoreline legislative action not reflected on Shoreline's website, such a designation did not exist on November 16 (and apparently still does not exist today) in Shoreline.

Thus, we **DISMISS WITHOUT PREJUDICE** alleged violation V23014936. If Animal Services believes that Chulo qualifies as "vicious" (a higher-threshold category than "potentially dangerous"), Animal Services will need to re-write the violation notice, citing the controlling Shoreline code sections, not Title 11, and re-serve that on Ms. Herfindahl. Ms. Herfindahl will then have to refile her 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 Shoreline is forced again to amend its Title 6, we understand it is giving 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.<sup>2</sup> 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 Ms. Herfindahl, 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 Shoreline gets to decide how it wishes to amend its code; we will faithfully apply whatever code it comes up with.

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<sup>2</sup> 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.

DATED December 28, 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 *January 29, 2024*. 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**

SUBJECT: Regional Animal Services of King County file no. **V23014936-A23006685**

**ROSA HERFINDAHL**

Animal Services Enforcement Appeal

I, Jessica Oscoy, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **ORDER OF 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 December 28, 2023.



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Jessica Oscoy  
Office Manager

**Eykel, Chelsea**

Regional Animal Services of King County

**Herfindahl, Rosa**

Hardcopy

**Jin, Shiming**

Hardcopy