

February 6, 2026

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V25017482-A24004088**

**SERGEY KUNITSA**

Animal Services Enforcement Appeal

Activity no.: A24-004088

Appellant: Sergey Kunitsa  
*represented by* **Nataliya Matejka**  
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Overview

1. 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 Mr. Kunitsa's appeal.

### Procedural Background

2. On August 14, 2024, Lance Wolsey filed an online complaint with Regional Animal Services of King County (Animal Services). On August 7, 2025, Animal Services issued Notice of Violation V25017482-A24004088 to Sergey Kunitsa for animal cruelty and causing/allowing pain, suffering, injury to a horse, Katie. Ex. D2. Sergey Kunitsa filed a timely appeal on August 11, 2025. Ex. D16.
3. We held a prehearing conference on October 29, 2025, and we went to hearing on January 23, 2026. Participating in the hearing were: Morgan Graves representing Animal Services, complainant Lance Wolsey, their witnesses Michael Newlander, Judy Thocher, appellant Sergey Kunitsa, and their witness Nelya Rogov. Agreement by the parties to the date set for the proceeding constitutes a waiver of the deadlines for processing this appeal.

### Appeal Issues

Per the Notice of Hearing, the issues identified for consideration on appeal are as follows:

4. Based on the scope of the appeal statement submitted through Mr. Kunitsa's retained counsel, Ms. Matejka, the issue(s) on appeal are as follows:
  - A. Whether the August 14 violation of Causing/Allowing Pain, Suffering, Injury of Animal per KCC 11.04.250(A)(2) and the associated \$500 penalty are supported by a preponderance of the evidence and appropriate under the facts of this case.

### Factual Findings

Weighing all the evidence and testimony, the hearing examiner finds the following facts by a preponderance of the evidence:

5. Mr. Kunitsa was issued two violations on August 14, 2024, animal cruelty and causing or allowing pain, suffering, or injury to an animal. It was clarified at our hearing that the animal cruelty charge was sent to the prosecutor's office for evaluation on whether criminal charges will be pursued.
6. Despite Mr. Kunitsa's assertion that Katie's condition was a result of "terminal medical decline" and that he "took all necessary steps" to "provide for the horse's well-being", he did not submit any exhibits or documentation to back this up. Ex. D16-004-006. There were no veterinary records or witnesses produced to back up this claim. Through his hired counsel, Ms. Matejka, he submitted feed store receipts and several photographs at 10:02 a.m. on January 23, two minutes after our hearing began. Mr. Kunitsa's exhibits will not be admitted into our record and will not be considered as they were untimely. Further, it should be noted these exhibits still did not back up his claim of providing care for Katie. The parties testified as follows.

7. **Dr. Laura Watson** testified that she has been a veterinarian since 2017 and only works with horses as she has done since her internship in Montana. Further, she has completed at least five necropsies per year which is approximately 40 necropsies over the course of her practice as an equine veterinarian. Dr. Watson performed Katie's necropsy. Ex. D9-11. Katie (and a dog found in a similar state on Mr. Kunitsa's property) was brought to Dr. Watson's facility for evaluation. Ex. D13-029-032, 035-037,039, D8

Most necropsies are pretty standard unless there are specific concerns or requests. The bone marrow fat percentage is a standard test that she performs as well as taking samples from each organ system. Additional samples are not submitted for evaluation unless requested. Ex. D7. For Katie, additional radiographs were taken and a limb was sent to Washington State University (WSU) for further findings. Ex. D6, D12.

Dr. Watson took photographs of Katie's body before she started the necropsy. She was thin and had pressure sores which is not normal in a healthy horse. D13. She opined that due to Katie's history and pressure sores being on one side of her body there could be other conditions; however, since the sores were round and on boney points, the sores are likely from pressure which caused damage.

Horse owners should call a veterinarian if a horse is down excessively. Horses that are down for long periods of time can suffer organ damage and pass away. Dr. Watson worries when a horse has been down for three to four hours. Concerns with a downed horse would be dehydration, getting up and down, and different systems becoming damaged.

Generally, Dr. Watson does not typically perform necropsies due to old age and has not made a finding that a horse has passed away from old age. She is usually trying to get to the bottom of why the horse passed away and what illnesses were present. Whether Katie was receiving medication was not requested for her to evaluate.

In Dr. Watson's opinion, Katie was malnourished because the bone marrow fat percentage test and the body condition score were below the normal range. Katie's malnourishment was so significant that she was drawing on her bone marrow fat stores. Dr. Watson explained the stages of malnourishment as an animal first drawing from external fat stores, then internal fat stores (which surround organs such as kidneys, heart, and liver) and once depleted, bone marrow fat is drawn from. Bone marrow fat is a source of fat drawn from for an animal to stay alive. Katie's stage of malnourishment indicated chronicity because it takes a while for the body to deplete external and internal fat stores. If food is withdrawn malnourishment occurs much faster.

The standard practice for euthanasia of a horse is for an IV catheter to be placed and an overdose of pentobarbital is administered.

8. **Lance Wolsey** testified that he has been an Amazon driver for approximately one year and has had roughly the same route with slight variances during the time in which he was employed in this position. He had done his route (where he encountered Katie) a week earlier and had a delivery to Mr. Kunitsa's home. He could not see Katie from the road.

He is not a veterinarian; however, is familiar with horses as he had a horse growing up. The first time he saw Katie, he thought that she was in bad shape but also thought that she was just resting. A week later he came by with another delivery for the Kunitsa house and saw that Katie was in exactly the same spot as she was a week prior. He became concerned since she was in exactly the same position and had not moved in a week. Initially, he thought she was dead and called out to her. She raised her head.

Mr. Wolsey carries apples with him as there are other horses on his route. He jumped the fence and offered an apple to Katie which she ate from his hand.

Normally, Mr. Wolsey would leave the package at the door; however, he knocked on the door of Mr. Kunitsa's home so he could inquire about Katie. A woman answered the door and told him that the horse was old and would die soon. After hearing this, he returned to his van, contacted Animal Services, and reported the incident. He told Animal Services that the horse was there for at least a week. Animal Services advised that it would send an officer to investigate.

Mr. Wolsey's next delivery was to an older gentleman who he told about what he had observed with Katie. He also told the next delivery addressee about the horse as he was distraught at the condition he witnessed Katie in. That person said he would head out on his electric bike to see about the horse. The next morning, he had packages for the same delivery addresses and asked what happened with Katie. They told him others were there and had offered the horse a five-gallon bucket of water and some food.

Katie had pressure sores on her body which was an "understatement." The sores were so severe that it looked like an "ice cream scoop" had been taken out of each sore that was above each boney area. Mr. Wolsey is scarred by seeing Katie in this condition.

Mr. Wolsey did not see Katie after August 14 and did not see any food or water near her when he did see her.

9. **Mike Newlander** testified that he came to know about Katie when he got a delivery and was told by Mr. Wolsey about her. After talking to Mr. Wolsey, he went over to see about Katie. He lives about half a mile from Mr. Kunitsa's property.

Mr. Newlander has owned horses over the years, participated in horse rescue, and has experience owning and boarding geriatric horses. He has seen multiple horses in "bad shape." He has had horses up to 20-years-old over the years and up to four geriatric horses at a time. He also boarded two additional geriatric horses in addition to the four he already had.

On August 14, he was the first to arrive at the Kunitsa home after being notified by Mr. Wolsey. He saw Katie, her condition, and the surrounding area. He hopped the fence and was petting Katie. One of the other neighbors came over with water and gave the horse five to six gallons of water. Katie drank constantly.

Mr. Newlander contacted Animal Services who advised him that it was ten to 15-minutes away. In the time between his call to Animal Services and when the officer arrived, the homeowner's son came and told him to leave. Mr. Newlander was trying to be respectful of property rights but also wanted to ensure the Katie was okay. He stepped off of the property but stayed on the gravel road where he could still see Katie. Other neighbors were still on the Kunitsa property giving her water.

When Animal Services arrived, Mr. Newlander gave a run-down of what he had witnessed as to Katie. The officer went to the house and when he returned, told him that there was a dog in a crate or a cage. It was a hot day and the dog was in the sun and had no water either.

Mr. Newlander witnessed Katie laying in her own filth with open sores on her hips. She was very skinny.

Mr. Newlander previously purchased horses, rehabbed, and rehomed them. He opined that had he purchased a horse in Katie's condition; he would have immediately had it euthanized due to being in such bad shape. Katie was in extremely poor condition with open sores on her hips and shoulders, no apparent access to water, and was not able to move about to access grass or food. Even if there is a pond on the property (which there was some testimony that there was), the horse could not make it to the pond. Katie was laying in manure.

10. **Judy Thocher** testified that on August 14 she heard about Katie when Mr. Wolsey had told the neighbor that he had seen the horse laying there for several days. She and her husband immediately went down to where Katie was. When she got there, she saw Katie emaciated and distressed. It was August and very hot out, in the 90's. Her husband looked for a water source but could not find anything.

Ms. Thocher is a dressage horse trainer and has had many horses under her care. She has two geriatric horses who are 28 and 20 years old. She has had one since he was three-years-old and the other for ten years. She has also rescued horses who are geriatric and mistreated over the years and can tell the difference between a geriatric horse and a neglected horse.

Katie was emaciated. There was no fat on her and every bone was protruding. Katie was laying down and could not get up so it was clear that she was distressed. Since they could not find water for Katie, she went home and got a bucket. She administered water to Katie in two-gallon increments which Katie "sucked down." Katie tried to get up to get more water. Ms. Thocher helped Katie get up and Katie hobbled the whole way to get more water.

Ms. Thocher witnessed pressure sores all over Katie's body which makes it obvious that she had been down for some time.

After Katie got up, she let her have the rest of the water and went home to get more. There was no green grass; everything was dead due to the heat. Katie tried to eat some dead grass. There is not a lot of nutrients in dead grass.

A man showed up and demanded them to get off of the property. She let him know that they were giving Katie water which the man said that there is water all the time for her. The woman at the house took them to a trough that was dry. Ex. D13-033-034

Katie was lying in a bowl-like area of terrain at the bottom of hill with no food nearby. Even if there had been water, Katie could not get to water given the hill she would have had to climb to get there and her poor condition. The land where Katie was located was dry grass and brush. There was some waste under her back end where she was laying.

After the man asked them to leave, an Animal Services officer arrived and diffused the situation.

Ms. Thocher feeds her horses, grass, alfalfa hay, and a geriatric supplement. She feeds them three to four times per day and has constant access to water.

11. **Nelya Rogov** testified that she is Mr. Kunitsa's daughter. Her family got Katie in 2008 from a classmate who needed to rehome Katie for a better life. The classmate did not know Katie's age and did not have any medical records or paperwork.

Katie was a beautiful horse and was healthy. She had 15-acres of grass and pastures. She was an enjoyable horse for her family. Her health started to decline within the last few years. Her father would give Katie vitamins and he called a veterinarian at some point. They would brush her and give her hay.

Ms. Rogov got married in 2017 and moved out of house. The last time she saw Katie was during the second week of August. She was not at her father's property on August 14.

12. **Sergey Kunitsa** testified that he has owned Katie since early 2008 and has had her for roughly 16-years. He got Katie from his daughter's friend who was looking to rehome Katie. He has 15-acres of land which Katie was free to roam except for a small fenced area near his house. He was told that Katie was between twelve and 14 years old when he got her, which made her 24-26 years old.

He fed Katie every day. Katie was last fed the morning of the incident and was standing near the barrel of food. He gave her senior horse food that he feeds her twice per day. Since February 2024, Mr. Kunitsa took Katie to the vet since she was getting weak. The veterinarian advised him to change her food to senior horse food and to provide medicine. The vet further recommended medication for arthritis and pain if she did not improve in a week.

On August 14, Mr. Kunitsa left around 6:20 a.m. He was with Katie at 6:00 a.m. prior to leaving. She was near the barrel with water. As soon as she started eating, he left.

Animal Services' report indicates that the water barrel was empty. It is possible Katie drank the water. His son usually fills the barrel up with water in the afternoon. Mr. Kunitsa was not aware that Katie was at the bottom of the hill that day. Mr. Kunitsa testified that he saw Katie at the bottom of the hill most days because the grass was very good in that area and the area was shady. Katie would go up the hill and drink water. He and his son would help Katie get up when she was down for more than two hours. She had shelter on his property and was free to walk around the property. She was not tied down and there was no rope on her.

Mr. Kunitsa was aware that Katie had a medical condition in February when he took her to the veterinarian. The veterinarian came to his home to see her but not for this condition. He did not keep any records of the veterinary visits. The veterinarian advised him that Katie is likely suffering from arthritis with a possibility of her having some other condition as well. He tried to get a veterinarian to come out to see her again; however, it is hard to find a veterinarian for old horses. He did not push for any veterinarian to come.

Katie was in good condition until June; however, in mid-June she started going down very fast which was stressful for Mr. Kunitsa and his family. He tried to give her pain medicine every day. He had not discussed or looked into euthanasia before because he did not want to do that. He could not find a veterinarian to put her to sleep.

Mr. Kunitsa felt that he had a lot of pressure from the Animal Services officer and did not know what to do. He sent the Animal Services officer a message that Katie was going to be euthanized. He was not aware of Animal Services contacting a veterinarian or seeking a search warrant. The officer told him that he needed to call a veterinarian to have Katie euthanized. He could not find a veterinarian who would perform the euthanasia that quickly. He contacted Quality Animal Removal (QAR) to shoot and remove Katie. He did not receive any documentation from QAR. He was under pressure and stress and was not aware that he could have the horse euthanized. He thought that she could just die and he can remove her from the property.

Mr. Kunitsa received the violation almost a year later. No one from Animal Services contacted him in a year. He loved Katie and did not intentionally neglect or cause her to suffer. He provided her with food, water, shelter, medical attention, and space to move and get adequate rest. He did everything he thought that he could within his means. He was giving her pain medicine and aspirin.

A vet came to check on her teeth five to six years ago and she was in good health. He does not recall what veterinarian attended to her at that time and only used that veterinarian once. Since February he spoke to a veterinarian every two- to three months. After mid-June, he noticed that Katie was losing weight and the food and medicine he was giving her was not helping. Katie was laying down more especially after giving her medicine. In the last two weeks, she had to be lifted by Mr. Kunitsa and his boys. He noticed that there was some blood on her shoulder and wounds two-weeks before the August 18 incident. She had been laying down more at the end of June/beginning of July but would stand and come to the water and food area.

The medication that Mr. Kunitsa has consistently referred to was over-the-counter medication. He did not have a conversation with veterinarian regarding prescription medications for Katie and does not remember the name of the last veterinarian he contacted.

The dog that was mentioned in Animal Services report and case presentation was “not his dog.” The dog came to his property two years ago. Mr. Kunitsa posted in the neighborhood for six months, in hopes of locating the dog’s owner. He gave the dog food, water, shelter and allowed her to stay.

To Mr. Kunitsa’s knowledge, the dog did not have any medical conditions; however, he never took the dog to the vet. On August 14, the dog was thinner than normal, but he does not know why since she had plenty of food and water. He did not let her roam the property and tied her down because she was aggressive to the horse.

Mr. Kunitsa made the decision to put down the dog with Katie due to the pressure from the Animal Services officer. He does not have any animals on his property other than two chicks.

#### Conclusions of Law

13. The hearing examiner has jurisdiction pursuant to KCC 20.22.040.
14. Animal Services bears the burden of proving by a preponderance of evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210.B. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.
15. **Credibility:** When determining the credibility of each witness, we carefully scrutinize each witness’s testimony for embellishment, either purposefully or simply that some other factor like time passage or nervousness at a hearing, reduces accuracy. While Animal Services’ witnesses, Mr. Wolsey, Mr. Newlander, and Ms. Thocher provided nearly identical accounts of what they witnessed, Mr. Kunitsa provided a confusing and

convoluted rendition of events. There were multiple concerns regarding his testimony; however, the most troubling points are listed below.

- A. Mr. Kunitsa constantly referenced veterinary care and consulting with veterinarians regarding Katie's condition. Yet, when questioned further, he acknowledged that no veterinarian actually examined Katie regarding her decline in 2024 which led to her extremely poor state on August 14.
  - B. Mr. Kunitsa testified that he could not remember any of the veterinarians he spoke to every "two to three months" regarding Katie's condition. Mr. Kunitsa had a hard time recalling even the location of one of the veterinarians that he allegedly contacted. While that could be possible, we find that even after the passage of a year, it is highly unlikely that one would *completely* forget the name, location, and any other identifying information of at least one veterinarian or clinic that was consulted.
  - C. Throughout his testimony, Mr. Kunitsa referenced "medicine" or "medication" that he was providing for Katie twice daily. However, he eventually admitted that he did not have any prescriptions from any veterinarians. We acknowledge that Katie might have been provided over-the-counter aspirin and vitamins which is hardly "medicine" in the context that Mr. Kunitsa was referencing. We find that Mr. Kunitsa's constant reference to veterinarians and "medication" was nothing more than an attempt to mislead us and make whatever efforts he did take seem more than what they were.
  - D. It is entirely possible that Mr. Kunitsa was not attempting to deceive us at our hearing, that his version of events was objectively accurate, and that for unrelated reasons, he could not communicate in a persuasive manner. However, we base our decisions on a more-probable-than-not standard and for the above-mentioned reasons, we find his testimony significantly less accurate than Animal Services' witness testimonies.
16. Before we get to our conclusions regarding Mr. Kunitsa's violations regarding Katie, it should be noted that there was a dog mentioned in Animal Services report and exhibits that was in a similar state as Katie was in. However, Mr. Kunitsa was not issued any citations for the condition of the dog. We do not consider the dog or its condition when making our decision as to the violation regarding Katie; however, the condition of the dog shows a pattern of behavior and severe, gross neglect to animals in Mr. Kunitsa's care. The fact that the dog was emaciated and not provided for, indicates a serious problem with Mr. Kunitsa and his standard of care. We find it unlikely that two animals in his care, in roughly the same physical state of demise would be a result of anything other than Mr. Kunitsa's failure to provide adequate care. If one animal were emaciated and the other was healthy with good body tone, fed, and watered properly, then we would likely not find a pattern of substandard care from Mr. Kunitsa; however, that is not the case here.

17. **Causing/allowing pain, suffering, injury of an animal:** It is a violation for a person “[c]ause or allow any animal to endure pain, suffering, or injury...” KCC 11.04.250(A)(2).
18. In the descending order of culpability—willfully, knowingly, recklessly, or negligently—Mr. Kunitsa is at the highest end of the culpability spectrum. Further, Neglect is not the same thing as “negligence.” While “negligence” focuses on the mental state and the reasons someone fails to perform a duty, “neglect” is an objective inquiry of whether a person has done that which was his or her duty to do. *Neglect*, Black’s Law Dictionary (16th ed. 2014). Mr. Kunitsa seemed to try to assert that he was more negligent in that he tried to take care of Katie but was not able to due to not being able to find a veterinary or that he did do what was needed but it simply was not enough because the horse was sick with arthritis or some alleged underlying condition.
19. This is not a case of a person becoming distracted and forgetting to refill an animal’s water barrel once or twice. As he acknowledged, Mr. Kunitsa was well aware of Katie’s condition, that she had become weak sometime in June 2024, and that veterinary care was needed as he continually mentioned veterinary care and medicine at our hearing. Mr. Kunitsa opined at our hearing that Katie’s poor condition was due to arthritis and he thought she may also have underlying cancer. Yet, as he also acknowledged, he did not have a veterinarian evaluate her for arthritis let alone the cancer that he thought she might have. He did not provide water for her or food as evidenced by completely dry water barrels. Ex. D13-033-034.
20. Further, Mr. Kunitsa attempted to negate his neglect by saying that he had given Katie “medicine” which he revealed to be vitamins and aspirin. Even if he did give her vitamins and aspirin, it was clear from her diminished state that it was not working and that some other action was necessary. If Mr. Kunitsa thought that she had cancer, he should have been aware that vitamins and aspirin would not cure cancer.
21. Katie was in such a prolonged state of malnourishment that her bone marrow fat stores were drawn from. Ex. D5-001-002. As Dr Watson testified, external and internal fat stores are depleted before bone marrow fat stores are drawn from. Where a normal horse’s bone marrow fat store should have been around 81.7%, Katie’s was 33.5%. *Id.*
22. Mr. Kunitsa, through his attorney, suggested that the Michigan State University diagnostic report does not definitively diagnose malnourishment of Katie because it states “[m]obilization of fat stores *may* be associated with malnourishment.” *Id.*
23. While we understand the assertion, we do not agree. We find it more-likely-than-not, based on the collective witness testimony, photographs of an emaciated Katie with multiple large deep sores on her body, and Mr. Kunitsa’s failure to provide food, water, and veterinary care for her that Animal Services has met their burden by a preponderance of the evidence. Mr. Kunitsa willfully and knowingly allowed Katie to endure pain, suffering, and injury.

## DECISION:

1. We DENY Mr. Kunitsa's appeal.

ORDERED February 6, 2026.




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Leila Arefi  
Hearing Examiner pro tem

### 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 in accordance with Ch. 7.16 RCW. It is the responsibility of the party seeking to appeal the examiner's decision to determine and meet the legal requirements for filing an appeal.

### MINUTES OF THE JANUARY 23, 2026, HEARING IN THE APPEAL OF SERGEY KUNITSA, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V25017482-A24004088

Leila Arefi was the Hearing Examiner in this matter. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

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

Exhibit no. D1	Regional Animal Services of King County staff report
Exhibit no. D2	Notice of violation no. V25017482-A24004088, issued August 7, 2025
Exhibit no. D3	RASKC investigation report no. A24004088
Exhibit no. D4	Lance Wolsey Statement
Exhibit no. D5-D12	Vet Records
Exhibit no. D13	Photographs
Exhibit no. D14-D15	Videos
Exhibit no. D16	Appeal, received August 11, 2025

The following exhibits were offered by the appellant:

<del>Exhibit no. A1</del>	<del>Receipts</del>
<del>Exhibit no. A2</del>	<del>Photographs</del>

February 6, 2026

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V25017482-A24004088**

**SERGEY KUNITSA**

Animal Services Enforcement Appeal

I, Lauren Olson, 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 February 6, 2026.



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Lauren Olson  
Legislative Secretary

**Campbell, Pasco**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Graves, Morgan**

Prosecuting Attorney's Office

**Isaacson, Mari**

Prosecuting Attorney's Office

**Matejka, Nataliya**

Matejka Law, LLC

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**Newlander, Michael**

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**Sergey Kunitsa, Nelya Rogov**

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**Thocher, Judy/Ralph**

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**Wolsey, Lance**

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