August 23, 2018

OFFICE OF THE HEARING EXAMINER
KING COUNTY, WASHINGTON

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

SUMMARY ORDER

SUBJECT: Regional Animal Services of King County file no. **V18008426**

BRAD SKORETZ
Animal Services Enforcement Appeal

Activity no.: A18002429

Appellants: **Brad and Deborah Skoretz**
5111 Auburn Way S
Auburn, WA 98092
Telephone: (253) 797-7723
Email: deborahskoretz@msn.com

King County: Regional Animal Services of King County
represented by **Michael Lindquist**
21615 64th Avenue S
Kent, WA 98032
Telephone: (206) 263-5968
Email: raskcappeals@kingcounty.gov

On drafting up today's notice of hearing, we re-read the preliminary paperwork. On further review, there is no genuine issue of material fact for hearing. Given the specific alleged violation, Animal Services has not stated a viable claim.

In July, Animal Services served a notice and order alleging that:

> On June 29, 2018, Dr. Linda Hagerman diagnosed the Skoretz horses with Laminitis due to unrestricted pasture. Radiographs of "Poco's" front feet show long-term chronic damage from Laminitis. Mr. Skoretz declined diagnostics/barrier care on "Jack's" but Dr. Hagerman felt he was suffering from Laminitis as well. Dr. Hagerman recommended removing the horses from pasture and feeding a restricted hay diet. As of 7/21/18 both horses still have unrestricted pasture access.

In a follow-up email, the Animal Services' representative alleged more specific instances of the Skoretzes failures to follow appropriate treatment and care. Those allegations state a classic (and viable) claim of neglect under KCC 11.04.250.A.2, which makes it unlawful to:

> By 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.

That was what we mis-assumed this case was about when we briefly glanced at the paperwork for scheduling purposes. Thus we set this case for hearing, a hearing at which we intended to hear all the testimony and review all the documentary evidence, before determine whether Animal Services had proven neglect related to one or both of the horses.

However, reviewing this case this morning for purposes up writing up a substantive pre-hearing order, we discovered that Animal Services did not allege violations of subsection A.2 of KCC 11.04.250. That violation would not have required Animal Services to prove the Skoretzes *intended* to cause the animal pain, suffering or injury, only that their neglect resulted in those things happening. But what Animal Services actually alleged were violations of subsection A.1, which requires Animal Services to prove that the Skoretzes did "[w]illfully and cruelly injure or kill any animal by any means causing it fright or pain."

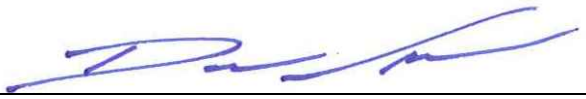
Accepting Animal Services' allegations as correct, and making all reasonable inferences in Animal Services' favor, there is no way to conclude that the Skoretzes both willfully and cruelly injured or killed their horses. Neglect, yes. Cruelty, no. The Skoretzes appeal is GRANTED.

It is possible that what Animal Services meant to cite the Skoretzes for was a violation of subsection A.2, and Animal Services simply checked the wrong box. If Animal Services believes the public interest requires it to readdress the July events, it may reissue an appropriate supplemental Notice and Order, and we can hold a hearing to entertain the dispute. Our ruling today only applies to cruelty and KCC 11.04.250.A.1.

The appeal is accordingly DISMISSED, the examiner's jurisdiction over the matter terminated, and the hearing scheduled for September 19, 2018, cancelled.

If for some reason we have misunderstood the situation, by **September 24, 2018,** either party is free to file, with the examiner, a motion for reconsideration explaining why the examiner should not be dismissing this appeal. Filing a timely motion for reconsideration postpones the deadline (described below the signature line) for lodging an appeal.

DATED August 23, 2018.



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 *September 24, 2018.* Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

DS/ed

August 23, 2018

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CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V18008426**

BRAD SKORETZ
Animal Services Enforcement Appeal

I, Elizabeth Dop, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **SUMMARY ORDER** 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.

☒ caused to be placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED August 23, 2018.

Elizabeth Dop
Legislative Secretary

Cormier, Marilynn
Hardcopy

Lindquist, Michael
Regional Animal Services of King County

Skoretz, Brad-Deborah
Hardcopy