November 27, 2018

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REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V18008293**

JIM MICHAEL THRASHER
Animal Services Enforcement Appeal

Activity no.: A18002529

Appellant: Jim Michael Thrasher
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SUMMARY OF RECOMMENDATIONS/DECISION:

Department's Preliminary Recommendation:	Deny appeal
Department's Final Recommendation:	Deny appeal
Examiner's Decision:	Deny appeal

EXAMINER PROCEEDINGS:

Hearing Opened:	November 7, 2018
Hearing Closed:	November 7, 2018

Participants at the public hearing and the exhibits offered and entered are listed in the attached minutes. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, the examiner hereby makes the following findings, conclusions, and decision.

FINDINGS AND CONCLUSIONS:

Overview

1. This is the seventh appeal hearing addressing allegations that Michael and Janice Thrasher's dog, "Blue Boy" (Blue), repeatedly woke up their abutting neighbors, Raymond and Ulrike Rinehart. Animal Services asserts that this round amounted to another violation of KCC 11.04.230.J's prohibition against barking "to an unreasonable degree, in such a manner as to disturb a person or neighborhood." Mr. Thrasher timely appealed. With the exception of December 2017, there was no violation. We sustain the violation as to December 2017, but put additional requirements, including mediation, that must be tried before Animal Services could issue a future violation notice.

Background

2. The first five appeal hearings involved the tribunal that previously handled such matters, the Board of Appeals. In May 2014, the Board sustained the first violation notice. In January 2015, the Board overturned two subsequent notices. In March 2016, the Board overturned one violation while sustaining another. The sixth appeal reached us in October 2016. We determined that Blue's wee hours barking qualified as unreasonable, but that because the Rineharts had not even tried simple mitigation measures like white noise or earplugs, it did not qualify as legally disturbing a person.[1]

3. By all accounts, things got better for little over a year. Mr. Rinehart testified that they were occasionally woken up, but from the end of round six through November 2017, it was infrequent enough to be "tolerable" to him. However, December 2017 was an "exceptional month," with eight incidents, two of them occurring the same morning. This is when he started complaining again to Animal Services.

4. Mr. Reinhart re-explained this round that his video recorder mounted outside his bedroom unit is synchronized to the internet clock. Sometimes the barking woke up him but not his wife, his wife but not him, and sometimes both. When he wakes up, he jots down the time he woke up. Sometimes it would take an hour to get back to sleep post-barking, sometimes more, maybe sometimes less. In the morning he would then search the computer for that portion of the previous night's recording, and he would save the file associated with that time window.

[1] https://www.kingcounty.gov/~/media/independent/hearing-examiner/documents/case-digest/appeals/animal%20enforcement/2016/V16005918_Thrasher_Report.ashx?la=en.

5. He noted that they have (since October 2016) purchased earplugs and white noise, though he did not mark on his log which night he or his wife used plugs. He noted that from October 2016 through November 2017, when the waking episodes were further between, he would often not use them. But he did reemploy them in December, when the barking resumed in earnest, and yet he was still woken up repeatedly. Yes, the earplugs reduced the sound (and drowned out the white noise), but they did not keep him asleep when the barking came, nor did his wife's earplugs keep her asleep. He could definitely hear barking over the earplugs and white noise.

6. He explored acoustic drapes, but he did not think they would work, being at the bottom rung of the effectiveness scale (with earplugs on the top rung). They do not sleep with the windows open. He has not gone with commercial, professionally installed, sound-dampening replacement windows, but would if he knew they would stop it.

7. Ms. Rinehart testified that this issue has been going on for eight years. When the barking wakes her, it sometimes takes her up to three hours to go back to sleep, especially as she looks at the clock and dreads another barking incident. Conversely, when she goes on vacation she sleeps soundly through the night. For every one of the over twenty recordings we listened to in the hearing, she had been woken up. She has seen Blue during daylight hours, but only once in the middle of the night. That night was March 26, 2018, when she was awakened and went to the window. The moon was out, and she saw Blue right outside her window.

8. Mr. Thrasher testified that he gets up about 3:00 AM and leaves around 5:00 AM for work. He lets Blue relieve himself, then they walk together to the barn. He has seen a bear on his property; once Blue chased off the bear without barking.

9. After the last hearing, he read our decision and purchased a bark collar (of the shock variety). It was tough to get it to work on Blue, given Blue's thick fur. He got a second, better collar, also of the shock variety. (The first was under $100, the second about $130.) The sales person said the collar was really designed for curbing continuous barking (versus Blue's short burst). The store did not have the citronella-spray variety, so he has not tried that. Even with the better shock collar, to make it work it needs to be so tight that it can gag Blue. It was frustrating to have to put it on Blue each morning, given that Blue hardly ever barks. He heard no complaints, so he thought things were going well.

10. Mr. Thrasher has also tried to mitigate Blue's barking by working with him to get him to run and do his business in portions of his property further away from the Rineharts. He does not leash Blue when he takes him out at night, because Blue has difficulty relieving himself while on a leash. He keeps Blue by his side, with hand signals and voice commands. Blue will bark when coyotes are close, but Mr. Thrasher has gotten him to only whimper (instead of bark) when he hears coyotes in the distance. He has not let Blue go out as frequently as he used to.[2]

[2] In the last hearing, Mr. Thrasher explained that he was letting Blue out several times in the middle of each night.

11. Mr. Thrasher has been wearing earplugs for the last 30 years at work and when he mows his lawn. One time Blue barked while Mr. Thrasher was wearing his earplugs, and he could not hear Blue whine the first time, despite having excellent hearing. The neighbors' son had a dog that was there for about a year and a half, before moving out about three months ago. This dog had a piercing and throaty bark, like Blue, but that dog barked indiscriminately.

12. The Rineharts' recording device is very disturbing to Mr. Thrasher, like big brother is watching him 365 days a year. It devalues his living experience. The first time he introduced Blue to the Rineharts, Blue growled, and Ms. Rinehart said to put a muzzle on Blue. Even before he got Blue, the Rineharts had called the police and fire department on them and sued them in small claims court. Ms. Rinehart has recorded them with a big movie camera. He does not understand why he has to be recorded on his own property.

13. Janice Thrasher was the final witness to testify. She has never seen Blue leave his property and go onto the Rinehart property. She has successfully used earplugs, sufficient that they drown out Mr. Thrasher's television and snoring and let her fall asleep. The conflict with the Rineharts has impacted her to the point that she tends not to use the Rinehart side of their property because Blue is always outside with her when she is out. She recounted seeing Mr. Rinehart videoing her with his phone a few times.

14. Ms. Thrasher explained that they used to have an annual party, but when the Rineharts moved in around 2002, the Rineharts called the police three times that first party. She has not hosted another party since. The Rineharts have called the fire department when the Thrashers burned leaves. She no longer enjoys their property and described the situation as "miserable."

Analysis

15. 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. Our task is determining whether Animal Services has met its burden of proving a violation of KCC 11.04.230.J., which defines as a nuisance "Any animal that howls, yelps, whines, barks or makes other oral noises to an unreasonable degree, in such a manner as to disturb a person or neighborhood." We give no deference to Animal Services. Exam. R. XV.F.3. We explicitly incorporate our lengthy legal analysis from October 2016 into today's decision, re-treading a ground only when we have something new to add.

16. In the 13-month period from October 2016 through November 2017, the Rinehart log shows a total of 18 incidents of being awakened by barking, ranging from a high of two months with three episodes a piece to a low of two months with zero episodes. This is an average of less than 1.5 episodes per month, a decrease from the repetition level before our October 2016 hearing. And after December 2017, the log notes show things returned to this less-than-1.5-episodes-per-month level. The Rineharts did not assert that such a level would be an unreasonable disturbance, nor would we find that if they had.

17. Our analysis instead focuses on December 2017, where the Rineharts' log notes show eight nighttime episodes, two of them occurring the same morning. Ex. E at 003.[3] Before discussing some of the recordings, we make two overarching findings.

18. First, Ms. Rinehart lost a significant amount of credibility when she testified that for "every" one of the over 20 recordings we listened to in the hearing, the barking had woken her up. That is inconsistent with Mr. Rinehart's testimony that some nights the barking woke him up, sometimes it woke his wife up, and sometimes it woke them both up. Her statement also defies logic, that two sleepers would be at the same, say, theta wave versus delta wave portion of the sleep cycle, that the same noise would wake them both up every time.

19. Second, something is not quite adding up with either party's log notes. Mr. Thrasher's record-keeping is far from complete. On several recordings, where Mr. Thrasher had no barking recorded, he can be heard actually calling out "Blue" in response to the barking. And on some of those where he did record it, he was significantly off on his timing, as opposed to the Rineharts' computer-stamped file. As for the Rineharts, although Mr. Rinehart testified that he and his wife each wrote down log notes, counsel correctly pointed out that the handwriting appears to be identical for each entry. On the other hand, what would the counter theory be? That on nights the Rineharts wrote that they were woken by barking, they were not, and instead they randomly searched through a whole night of tape trying to find a snippet with a dog barking on it?

20. Highlighting a few of the recordings, the 4:24 AM incident on the first day of December 2017 was one Mr. Thrasher agreed sounded like Blue and had on his log, although at 2:30 AM. The following morning at 3:15 AM, there are a series of similar-sounding barks, some sounding much closer in origin to the Rinehart window. Mr. Thrasher did not have this one recorded in his log notes, but we can hear Mr. Thrasher calling "Blue" on the recording. On Christmas morning about 4:35 AM, there are three barks, then a gap, then noises closer to the microphone, followed by a few louder, similar sounding barks, and ending with Mr. Thrasher again calling "Blue"; Mr. Thrasher did not have this one listed on his log.

21. Ours is not an "all barks sound alike" scenario. The contrast is exemplified in the one incident the Rineharts submitted that is *not* Blue (or certainly not only Blue). The January 2, 2018, audio starts with is a single bark. At only one bark, it is tough to glean much. Moreover, a single bark does not match the pattern—a few barks in quick succession—Blue exhibited in dozens of recordings where we know it is Blue (for example we can hear Mr. Thrasher calling his name, plus the daylight "control" video of Blue) or have previously determined to be Blue. More importantly there is a second bark on that recording that is distinctively *not* Blue, a higher pitched yelp. Blue is not a yelper.

[3] In prehearing proceedings, we explained we were considering the period between hearings, October 2016 through October 2018. We denied counsel's motion to restrict the inquiry to the one day listed in Animal Services' violation notice. We explained that while in most other animal contexts (such as trespass, running-at-large, or dog bites), our inquiry is limited to a particular day, noise cases by their very nature involve multiple days, weeks, or months.

22. This distinction can be heard again on July 29, 2018, where there is a high-pitched yelp that sounds nothing like Blue, followed by Blue's distinctive, signature bark. It was also noticeable on December 16, 2017—a few barks in the distance, followed a minute or so later by closer sounding barks from what sounds like the same dog, but contrasted by a very *different* sounding bark in the far distance.[4] Bark signatures are not like DNA signatures, but after hearing more barking audio than we ever thought possible (since taking over Animal Services appeals), they are fairly distinct.

23. Finally, we note that March 26 was the morning Ms. Reinhart testified that, after being woken up, she went to the window and saw Blue right outside her window. While Ms. Reinhardt was the least credible of the four witnesses, March 26 was a time Mr. Thrasher marked down that Blue had barked multiple times. The recording backs her version up, with some distant barking, followed later by much louder barking and scampering sounding very close to the microphone.[5] Mr. Thrasher can be heard calling back Blue and later clapping; Mr. Thrasher did have this episode listed on his log.

24. We do not discount Mr. Thrasher's testimony that there was another dog temporarily in the neighborhood before moving out, a dog which had a piercing and throaty bark, similar to Blue (although Mr. Thrasher noted that this dog barked indiscriminately, unlike Blue). It is conceivably possible that a dog with the same bark signature, whose owner also just happened to repeatedly let it out in the early morning hours, was the one responsible for waking up the Rineharts repeatedly in December, or at least responsible on nights where Mr. Thrasher is not heard specifically calling to Blue.

25. Yet ours is not a criminal case, where if a defendant can create some reasonable doubt, the government loses. We decide matters on a more-probable-than-not standard. Under that standard, we find that the dog on the December recordings that sounds so much like Blue was in fact Blue. And if, contrary to the weight of the evidence, it turns out this was just an amazing coincidence, and it was the other dog doing the barking, then this case is a one-off that will not repeat itself, given that this other dog has departed the neighborhood.

26. As we analyzed it the last round, it is not the barking itself (in terms of loudness or duration) that is problematic. It also not surprising that a dog, released to head outside, will react to some stimulus and do some barking. But it is the time of day (or in this case night) that Blue is let outside and barks that is critical. The code tells us what hours nighttime versus daytime noise entails (between 7:00 AM and 10:00 PM on weekdays and between 9:00 AM and 10:00 PM on weekends) and more constrains nighttime noises. KCC 12.86.120.A, .410.A, .510.

27. What we add on this topic this round is that the code did not manufacture a differential legal treatment for noises occurring at different times. As one pre-Civil War case aptly put it, "The peace of Sunday may be disturbed by acts which, on other days, cannot be

[4] Although the timing (6:53 AM) was after Mr. Thrasher would have left the house (with Blue inside it) on a weekday, December 16, 2017, was a Saturday.

[5] Her testimony that the moon was out that night seems to match the lunar calendar. *See* https://www.moongiant.com/calendar/March/2018/.

complained of." *Commonwealth v. Jendell*, 2 Grant 506, 509 (Pa. 1859). Replace "Sunday" with "3:00 AM" and "other days" with "at 3:00 PM," and that proposition remains true today. As that same court observed over a century later, one's right to make nighttime noise "must be limited by the right of the neighbors…to be free of disturbing noises during normal sleeping hours." *Altman v. Ryan*, 435 Pa. 401, 407, 257 A.2d 583, 605 (1969). Barring something more, barking that rouses the neighbors eight times in a single month is barking to an unreasonable degree.

28. The first "more" counsel raised was the Rineharts' lack of a reader to measure the decibels inside the room. We addressed this our October 2016 decision, writing that:

> Certainly, the Rineharts' microphone is sensitive, picking up a lot of noise, including vehicles in the distance, coyotes or other animals howling, branches breaking underfoot, water dripping, etc. But Blue's bark is significantly louder than those other sounds. And while Mr. Rinehart agreed (and we would find anyway) that the sound inside their bedroom would have to be (at least incrementally) softer than what the camera is picking up outside, the issue comes down not to volume or length-per-barking episode, but when that barking occurs.

29. We also noted there that such decibel-based arguments would have had more pull under the old noise code, which was ambiguous as to whether a noise below the maximum permissible sound level could be a "disturbance." By 2015 the Council had clarified that, "A noise need not exceed the maximum permissible sound levels of this chapter or be a public nuisance noise in order to be a public disturbance noise." Ord. 18000 at § 72 (now codified at KCC 12.86.410.B). We pointed out that this was consistent with our court rejecting the need for decibel-based enforcement, declaring that "unreasonably disturbing the peace, comfort and repose of others" is a standard "more helpful than decibel levels to the average citizen in determining whether or not his conduct is unlawful." *City of Everett v. O'Brien*, 31 Wn. App. 319, 323, 641 P.2d 714, 716 (1982) (cited with approval in *City of Seattle v. Eze*, 111 Wn.2d 22, 30, 759 P.2d 366, 370 (1988).

30. We re-address this analysis today, because we add that—having heard several barking cases in the interim—we have learned that analyzing middle-of-the-night barking is significantly *less* subjective (and less in need of some external touchstone) than analyzing daytime barking. For daytime barking, how loud does barking have to be to truly "disturb" someone—defined as "to interfere with the normal arrangement of functioning"[6]—instead of being simply audible and a minor annoyance, falling short of a nuisance? There is no bright line, and we have not found a magic daytime yardstick. Conversely, in the middle of the night, if the noise is loud enough to wake somebody, it is interference—"interrupt the sleep" even being explicitly listed as a definition of "disturb"[7]—while if the noise is not loud enough to wake somebody, then it is not.

31. The same dichotomy plays out for the question of how long the noise has to last to count as an episode. For example, during the day, a dog barking at the top of its lungs

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[6] *Disturb*, NEW OXFORD ENGLISH DICTIONARY (3d ed. 2010).
[7] *Id.*

for 30 seconds while a delivery person is on the dog's property to drop off a package at the front door would not be barking to an unreasonable degree. That dog unable to calm itself down and instead continuing its oral tirade for 30 *minutes* after the delivery person has departed would be unreasonable. But where (and how) exactly does one draw the line? Conversely, in the middle of the night, a few seconds of barking that is enough to wake somebody up qualifies, even if the dog quickly quiets down—the proverbial locking the barn door after the horse is gone—while longer duration barking that does not wake anyone up does not qualify.

32. Thus daytime barking has lots of gradations and leads to a more subjective inquiry. Conversely, the middle of the night is a more binary set: the barking either wakes a neighbor, or it does not. Rather than a daytime sliding scale, nighttime is more of a straight thumbs up/thumbs down. So yes, the recorder outside the Rinehart's' window is sensitive—it picks up, for example, the Animal Services officer talking on the Thrasher property on June 11. But a decibel reading (or lack of a decibel reading) is beside the point.

33. We find that Mr. Thrasher allowed Blue to bark to an unreasonable degree in December, but that is only the first inquiry under KCC 11.04.230.J. The second is that this barking "disturb" a person. Last round we ruled that because the Rineharts had not even tried simple mitigation measures like white noise or earplugs, it did not qualify as sufficiently disturbing a person.

34. Counsel again focused on the Rineharts lack of professionally installed, noise reducing windows. In our previous decision, we wrote that, "We do not disagree with the Rineharts' reluctance to spend thousands (or tens of thousands) of dollars replacing windows, building a wall, or remodeling and reconfiguring their bedroom." The Rineharts have picked off the two lowest-hanging fruits we mentioned, earplugs and white noise. Mr. Rinehart agreed they were not consistently wearing earplugs prior to December 2017, during the period when they were being woken very infrequently. But this is not dispositive, because the Mr. Rineharts were not complaining about the October 2016 through November 2017 period.

35. The Rineharts did not try the third mitigation measure we referenced—noise-reducing curtains. Mr. Rinehart is correct that noise-reducing curtains are likely at the low end of effectiveness (as compared to earplugs). But they are also at the low end, pricewise—perhaps a hundred or at most a few hundred dollars to install (rods and all), and the equivalent financial hit of Mr. Thrasher purchasing anti-bark collars. Even if but one night a year a Rinehart would be at that part of the sleep cycle that the curtains (layered on top of earplugs and white noise) could be the tipping point between staying asleep and being woken, that would be well worth the outlay. Yet even if noise-reducing curtains had eliminated one of the December incidents, December was still well over the top. We sustain the violation.

Future-Looking

36. Obviously, this result is disappointing to the Thrashers, who were again looking for some sort of definitive ruling that the Rineharts' claims are not cognizable. That is not going to be possible, given how much Mr. Thrasher enjoys taking Blue on his nightly ambles. (As Mr. Thrasher described himself, he is a man of ritual, and he and Blue obviously share a deep bond.) By letting Blue out after arising at 3:00 AM, Mr. Thrasher is implicitly making the call that this is worth the risk that his neighbors will be jarred awake and will call Animal Services. By continually making that choice, it means there is no guarantee there will not be administrative consequences. We can offer no sweeping advisory opinion beyond saying that the 1 ½ times per month or so that Blue woke up the Rineharts post-October 2016 was—except for December 2017—not overly problematic, while December 2017 was.

37. We understand it was frustrating for Mr. Thrasher to have to keep putting a collar on Blue, because of the mechanics of the collar (including making Blue gag), because Blue was barking so infrequently (which was true up until December 2017), and because he had not heard any complaints. (Mr. Thrasher may have been lulled into a false sense of security by hearing no complaints for well over a year.) His comment that the collar was really designed for curbing continuous barking (versus Blue's short burst), is not inconsistent with the one appeal we entertained where the collar was very successful (a scenario that involved long-duration barking episodes). Yet an easier and more traditional approach—keeping a dog inside for the wee hours of most nights, as most owners do on most nights—is not one Mr. Thrasher wants, given the high premium he places on being able to take Blue out in the middle of the night. So a collar—perhaps a citronella one—may be Mr. Thrasher's next best option, and certainly less expensive than a trainer.

38. The parties have certainly made some progress. After six administrative appeal decisions in a little over two years (May 2014 through October 2016), we have now gone two years with a one. Relative to one every couple of months, one every couple of years is an improvement.

39. Yet the Thrashers are miserable because they feel persecuted and spied upon and the Rineharts are miserable because their sleep is repeatedly disturbed. Each wants to be left alone—Mr. Thrasher free to let his beloved dog out in the wee hours each morning, both Thrashers free to walk about their property without being recorded, and the Rineharts free from being jarred awake in the middle of the night. Hearing an appeal involving a $50 fine has not resolved the misery, nor would, say, a hearing in 2019 with fifty more dollars at stake, promise closure.

40. A litigated solution will continue to be an inferior one, reactive instead of proactive. Here, something as basic as establishing a protocol where, for example, the Rineharts could have called in early December to say, "Blue woke us up three times in the last few nights. Please adjust the collar or keep him inside for a while until things return to normal," might have nipped this in the bud and saved everybody a lot of heartache and

effort. It is hard to see how it would have done *less* good than a backwards-looking analysis now of what happened a year ago.

41. A mediator could help. One could envision a whole host of potential options mediation could generate, such as some sort of schedule or targets which if met would result in the Rineharts turning off the listening devices so that the Thrashers do not feel invaded.[8] Significant (and scarce) County resources have already been poured into this dispute, yet only partially resolved the problem. Traditional dispute resolution has not worked; it is past time alternative dispute resolution is employed.

42. At our prehearing conference the Thrashers, to their credit, agreed to give mediation a try; disappointingly, the Rineharts did not. We will avoid that imbalance in the future by requiring Animal Services not to proceed with another noise complaint until the Rineharts have initiated and gone through mediation with the Thrashers and that enough time has passed, post-mediation, to determine how things are shaking out.

43. The parties are free to choose their own mediator, but the Dispute Resolution Centers (DRCs) offer, low, fixed cost (at a sliding scale, based on income) mediation.[9] Mediators cannot disclose any mediation communications or offer any evaluation, but a mediator may disclose "[w]hether the mediation occurred or has terminated, whether a settlement was reached, attendance, and efforts to schedule a mediation ordered by… [an] authority that may make a ruling on the dispute." RCW 7.07.060. So if there is no party consensus on whether the parties have thoroughly engaged in mediation, the mediator can provide that external check to Animal Services.

44. Finally, a citronella anti-bark collars appear to retail for less than $100, and noise dampening curtains appear to be of the same financial magnitude. The parties should try these sooner rather than later. And from here on out, a nighttime incident will only "count" if on that night the Rineharts have their noise-dampening curtains installed and closed, are both wearing earplugs, have the white noise turned on, and have documented on their log that this was done.

DECISION:

1. The Thrasher's appeal is DENIED.

2. Animal Services shall not file another violation notice, unless and until it can confirm that items described above have been accomplished.

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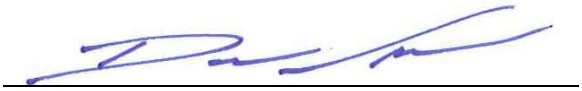
[8] Counsel argued that the Rineharts' device violates RCW 9.73.030's prohibition on recording private communication. We would be a little surprised if a recording device, no matter how sensitive, located just outside the Rineharts' own window, would qualify as a crime. Yet we have little working knowledge of Title 9 ("Crimes and Punishments"), and so ours is not an educated assessment of where the criminal parameters lie. It would be a question for the police or prosecutor.

[9] https://kcdrc.org/resolve-a-conflict/schedule-a-mediation/. We do not warrant the fitness of suitability of any DRC mediator—or any other mediator; the parties are the sole judges of that.

ORDERED November 27, 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 *December 27, 2018*. 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 7, 2018, HEARING IN THE APPEAL OF JIM MICHAEL THRASHER, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V18008293

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Mari Isaacson, Bart Anderson, Raymond Rinehart, Ulrike Rinehart, Jim Thrasher, and Janice Thrasher.

The following exhibits were offered and entered into the record:

Department-offered exhibits

Exhibit no. A	Regional Animal Services of King County investigation report no. A18002529
Exhibit no. B	Notice of violation no. V18008293, issued June 21, 2018
Exhibit no. C	Statement of complaint by Raymond Rinehart; Statement of complaint by Ulrike Rinehart
Exhibit no. D	Appeal, received July 16, 2018
Exhibit no. E	Log of barking instances, dated September 9, 2015 to September 20, 2018
Exhibit no. F	Videos

a. Video, dated February 5, 2015
b. Video of barking, dated October 25, 2016
c. Video of barking, dated November 16, 2018
d. Video of barking, dated February 14, 2017
e. Video of barking, dated June 22, 2017
f. Video of barking, dated July 14, 2017
g. Video of barking, dated July 20, 2017
h. Video of barking, dated August 28, 2017
i. Video of barking, dated October 3, 2017
j. Video of barking, dated October 10, 2017
k. Video of barking, dated November 2, 2017

	l.	Video of barking, dated November 21, 2017
	m.	Video of barking, dated December 1, 2017
	n.	Video of barking, dated December 2, 2017
	o.	Video of barking, dated December 13, 2017
	p.	Video of barking, dated December 16, 2017
	q.	Video of barking, dated December 25, 2017
	r.	Video of barking, dated January 2, 2018
	s.	Video of barking, dated February 3, 2018
	t.	Video of barking, dated March 26, 2018
	u.	Video of barking, dated April 24, 2018
	v.	Video of barking, dated May 19, 2018
	w.	Video of barking, dated May 26, 2018
	x.	Video of barking, dated May 26, 2018
	y.	Video of barking, dated May 26, 2018
	z.	Video of barking, dated June 5, 2018
	aa.	Video of barking, dated June 5, 2018
	bb.	Video of barking, dated June 6, 2018
	cc.	Video of barking, dated June 10, 2018
	dd.	Video of barking, dated June 11, 2018
	ee.	Video, dated July 17, 2018
	ff.	Video of barking, dated July 24, 2018
	gg.	Video of barking, dated September 20, 2018
Exhibit no. G	Photographs of property	
Exhibit no. H	RASKC staff report to the Hearing Examiner	

<u>Appellant-offered exhibits</u>

Exhibit no. 2-A	Log of barking instances, dated October 3, 2013 to October 10, 2018
Exhibit no. 2-B	Photograph of dog
Exhibit no. 2-C	Photographs of property
Exhibit no. 2-D	Receipt of Elite bark control collar, dated June 27, 2018

DS/ld

November 27, 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

CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V18008293**

JIM MICHAEL THRASHER
Animal Services Enforcement Appeal

I, Vonetta Mangaoang, 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, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

☒ placed via County INTEROFFICE MAIL to County staff to addresses on record.

DATED November 27, 2018.

Vonetta Mangaoang

Vonetta Mangaoang
Senior Administrator

Anderson, Bart
Hardcopy

Isaacson, Mari
Prosecuting Attorney's Office
Hardcopy

Rinehart, Ulrike-Raymond
Hardcopy

Thrasher, Jim Michael
Hardcopy