



City of Tacoma
Hearing Examiner

November 17, 2017

Cortney Young
6110 South Park Avenue
Tacoma, WA 98408-4607
(Electronic & First Class Mail Delivery)

Jennifer Taylor, Deputy City Attorney
City of Tacoma, Legal Department
747 Market Street, Room 1120
Tacoma, WA 98402-3701
(Electronic & Interoffice Mail Delivery)

Re: *Cortney Young v. City of Tacoma, Animal Control and Compliance (ACC)*
File No. HEX 2017-023 (Dog: Tokelat)

Dear Parties,

In regard to the above referenced matter please find enclosed a copy of the Hearing Examiner's Order Denying Request for Reconsideration entered on November 17, 2017.

Sincerely,

Louisa Legg
Office Administrator

Enclosure – Order Denying

Cc: Joseph Satter-Hunt, Animal Control and Compliance Supervisor, Tacoma Police
(Electronic Mail Delivery Only)

CERTIFICATION

On this day, I forwarded a true and accurate copy of the documents to which this certificate is affixed via United States Postal Service postage prepaid or via delivery through City of Tacoma Mail Services to the parties or attorneys of record herein.

I certify under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

DATED November 17, 2017, at Tacoma, WA.

Louisa Legg

1 **OFFICE OF THE HEARING EXAMINER**

2 **CITY OF TACOMA**

3 **CORTNEY YOUNG,**

4 **Appellant,**

5 **v.**

6 **CITY OF TACOMA, a Washington**
7 **Municipal corporation through its**
8 **Animal Control and Compliance**
9 **Division of the Tacoma Police**
10 **Department,**

11 **Respondent.**

HEX2017-023
(L16-082336)

ORDER DENYING
REQUEST FOR
RECONSIDERATION

12 **THIS MATTER** came on for hearing before JEFF H. CAPELL, Hearing Examiner for
13 the City of Tacoma, on October 5, 2017. Findings of Fact, Conclusions of Law, and a
14 Decision were issued on October 31, 2017 (the "Decision"), affirming Animal Control's
15 Potentially Dangerous Dog Notice issued to Appellant Cortney Young regarding her grey
16 and white colored, male Siberian husky named "Tokelat." Ms. Young filed a request for
17 reconsideration of the decision on November 13, 2017.

18 Ms. Young disagrees with the Decision upholding Animal Control's determination
19 declaring Tokelat to be a potentially dangerous dog under Tacoma Municipal Code ("TMC")
20 Chapter 17.04. Ms. Young's request for reconsideration centers around her disagreement
21 with the conclusions drawn from the evidence presented at the hearing, and therefore is

ORDER DENYING REQUEST
FOR RECONSIDERATION

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ORIGINAL

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1 primarily a claim that errors of fact were made.¹ Ms. Young's allegations of error appear to
2 be as follows:

- 3 1. There is no evidence of Tokelat acting aggressively;
- 4 2. Inconsistency of witness testimony and the unavailability of the Roberts' video
5 should mean that the Roberts' testimony is disregarded entirely;² and
- 6 3. The cat killed may not have been a "domestic animal" as that term is used in
7 TMC 17.04.

8 Ms. Young's allegations of factual error are not supported by the record. Witness
9 testimony was uncontroverted that both Sitka, Ms. Young's other reddish brown Siberian
10 husky,³ and Tokelat participated in the attack. As already acknowledged in the decision, the
11 witness testimony regarding which dog was the primary aggressor conflicts. This conflict
12 does not void the testimony as a whole, however. At least one account, that of Holly Roberts
13 at the hearing, identified Tokelat as the primary aggressor. Ms. Young's contention that
14 Tokelat's only participation was in "[p]icking up a[n] [already] dead cat and dropping it" is
15 also not supported in the record.

16 The unavailability of the video does not preclude the Roberts from offering their
17 testimony as to what they saw in the video. Considering the Roberts' testimony was not
18 error. The Examiner finds any insinuations that the Roberts manufactured their testimony,
19 and that no video ever existed to be without support.

20 Lastly, Ms. Young's attempt to obviate the application of TMC 17.01.010.27.a to

21 ¹ TMC 1.23.140 requires that requests for reconsideration "[s]et forth [in writing] the alleged errors of procedure, fact, or law..."

² This item might also be considered an alleged error of law in that it encompasses the admission of evidence. Ms. Young did not formally object to this evidence at the hearing although she did present some argument regarding it as part of her presentation.

³ As noted in the decision, Sitka has been rehomed outside the jurisdictional limits of the City of Tacoma.

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1 Tokelat by arguing that the deceased cat in the present fact pattern may not have been a
2 “domestic animal” also has no support in the record. The Roberts positively identified the
3 cat as their domestic pet.

4 Ms. Young’s request for reconsideration is essentially an attempt to reframe the
5 evidence on the record. After considering her arguments, however, the Hearing Examiner
6 finds no basis for reconsideration of the Decision issued in this case. The request for
7 reconsideration simply reiterates Ms. Young’s arguments presented at the hearing. These
8 arguments were not supported by the actual evidence presented. No new information or
9 authority was presented to the Hearing Examiner in this request for reconsideration
10 warranting different analysis or a different result.

11 Based on the foregoing, the Hearing Examiner enters the following:

12 **ORDER**

13 Ms. Young’s request for reconsideration of the Decision in this case is DENIED.

14
15 **DATED** this 17th day of November, 2017.

16 
17 **JEFF H. CAPELL, Hearing Examiner**

18
19 **NOTICE**

20 This matter may be appealed to Superior Court under the terms of RCW Chapter 34.05,
21 Part V. The petition for review must be filed within thirty (30) days after service of the
final Order. *RCW 34.05.542.*

**ORDER DENYING REQUEST
FOR RECONSIDERATION**

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