

1 **OFFICE OF THE HEARING EXAMINER**

2 **CITY OF TACOMA**

3 **TINA TAYLOR,**

HEX2025-010

4 **Appellant,**

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER**

5 **v.**

6 **CITY OF TACOMA,
ANIMAL CONTROL AND
COMPLIANCE,**

7 **Respondent.**

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10 **THIS MATTER** came on for hearing on March 6, 2025,¹ before JEFF H. CAPELL, the
11 Hearing Examiner for the City of Tacoma, Washington. Appellant Tina Taylor (“Appellant” or
12 “Taylor”) appeared at the hearing *pro se*. Deputy City Attorney Jennifer J. Taylor represented
13 the City of Tacoma (the “City”), Animal Control and Compliance (“Animal Control” or
14 “ACC”) at the hearing. Witnesses were sworn and testified. Exhibits were submitted and
15 admitted, and arguments were presented and considered.

16 The following witnesses testified at the hearing (in order of appearance):²

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- Loretta Stanley;
 - Doreen Walsh;
 - Glen Stanley;
 - Robin Bowerman, ACC;
 - Joseph Satter-Hunt, ACC;
 - MaryBel Flores-Roberts; and
 - Tina Taylor, Appellant.
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¹ The hearing was conducted on March 6, 2025, over Zoom at no cost to any participant with video, internet, and telephonic access all available.

² Individuals who participated in the hearing may, at times, be referred to by first or last name only hereafter for ease of distinguishing reference. No disrespect is intended.

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER**

1 From the evidence in the hearing record, the Hearing Examiner makes the following:

2 **FINDINGS OF FACT**

3 1. Appellant Tina Taylor currently resides within the Tacoma city limits at, 2008
4 East 59th Street, Tacoma, WA 98404 (the “Taylor Residence”). Taylor is the owner of a
5 licensed, unaltered male Pit Bull named Doogie, described as “red” in color (“Doogie” or
6 the “Dog”). *Ex. R-1.*

7 2. Animal Control issued a Dangerous Dog Notice for Doogie dated January 14,
8 2025 (the “DDN”), which is the subject of this appeal. *Bowerman Testimony, Satter-Hunt*
9 *Testimony; Ex. R-1.*

10 3. ACC’s decision to issue the DDN to Taylor for Doogie is based on an incident
11 that occurred on January 7, 2025, at around 3:42 pm (these events are sometimes referred to
12 herein collectively as the “Incident”). *L. Stanley Testimony, G. Stanley Testimony, Walsh*
13 *Testimony, Bowerman Testimony, Satter-Hunt Testimony; Exs. R-1~R-4.*

14 4. On January 7, 2025, at approximately 3:42 pm, Loretta Stanley had been
15 walking her dog Harley in the vicinity of her residence at 2060 East 56th Street in Tacoma,
16 Washington. Harley was described as a small, 16-pound, Pomeranian Chihuahua mix,
17 nearly 13 years in age. During the walk, Harley was leashed. *L. Stanley Testimony; Ex. R-3.*

18 5. Shortly before 3:42 pm, Doogie had exited the Taylor Residence, observed but
19 unattended by his owners. He was not leashed and had no collar on at the time. Flores-
20 Roberts saw Doogie leave. She testified that after he left, Doogie was playing nearby with
21 his other dog friends. *Flores-Roberts Testimony.*

1 6. At some point, Doogie broke off his playing, moved toward Loretta and Harley
2 and attacked Harley. Harley may have barked before Doogie attacked him. During the
3 attack, Flores-Roberts came to the scene together with her friend, Jermyah Banks, but she
4 was unable to stop Doogie’s attack on Harley.³ The Stanleys and Walsh were also unable to
5 quell the attack which went on for around the space of one minute and forty seconds based
6 on the admitted video evidence. *L. Stanley Testimony, G. Stanley Testimony, Walsh*
7 *Testimony, Flores-Roberts Testimony; Exs. R-2~R-5, and Exs. R-7~R-9.*

8 7. From the video evidence and corroborated by the testimony of the Stanleys and
9 Walsh, it appears that Doogie shook Harley while holding him in a bite at least once. Harley
10 suffered serious injuries from the attack and the pictures of those injuries speak for
11 themselves. *L. Stanley Testimony, G. Stanley Testimony, Walsh Testimony; Ex. R-11, Ex. R-*
12 *12, Ex. R-13.*

13 8. Loretta and Walsh suffered bite injuries to their hands⁴ and Glen suffered
14 abrasions to his knee, hand and arm in their attempts to get Doogie to stop the attack. *L.*
15 *Stanley Testimony, G. Stanley Testimony, Walsh Testimony; Ex. R-13, Ex. R-14.*

16 9. After the attack, Harley was seen by a Veterinarian at Button Veterinary
17 Hospital in Tacoma. The Veterinarian report describes Harley’s injuries as “critical” and
18 “multiple,” and opined that even though surgery was an option, “[h]e still, at 13 yrs of age,

20 ³ Flores-Roberts testified that she was the only one attempting to get Doogie and Harley separated. The Stanleys
21 and Walsh testified otherwise. They testified that they exhausted themselves trying to get Doogie off of Harley. The
videos (*Exs. R-7~R-9*) seem to corroborate the Stanleys and Walsh. Regardless, this contradictory testimony has no
bearing on the elements of “Dangerous dog” under TMC 17.01.010.15. Efforts to end an attack have no legal
impact necessarily on whether a dog meets the definition just cited.

⁴ Flores-Roberts refuted that Doogie bit any people during the attack. The photos indicate otherwise, but as City
Counsel pointed out during the hearing, any bites to Loretta or Walsh were not the basis for ACC’s issuing the
DDN, nor does the Examiner expressly rely on those bites here. Flores-Roberts told Officer Bowerman on the day
of the Incident, and then testified at the hearing that Harley bit her during the Incident. As addressed below, even if
Harley bit Flores-Roberts during the Incident, that does not negate Doogie’s conduct.

1 may not survive these injuries.” The Stanley’s elected to have Harley euthanized. *L. Stanley*
2 *Testimony; Ex. R-10.*

3 10. ACC Bowerman was dispatched to the neighborhood at some point shortly
4 after the attack and arrived at the Taylor Residence around 4:21 pm. After speaking with
5 involved individuals, Doogie was taken into custody at the Taylor Residence. He has been
6 in impound at the Tacoma Pierce County Humane Society (“TPCHS”) since. *Bowerman*
7 *Testimony; Ex. R-2, Ex. R-18.*

8 11. After concluding its investigation, ACC issued the DDN to Appellant Taylor
9 for Doogie. *Bowerman Testimony, Satter-Hunt Testimony; Ex. R-1, Ex. R-2.*

10 12. Any Conclusion of Law below which may be more properly deemed or
11 considered a Finding of Fact, is hereby adopted as such.

12 Based upon the foregoing Findings of Fact, the Hearing Examiner makes the following:

13 **CONCLUSIONS OF LAW**

14 1. The Hearing Examiner has jurisdiction in this matter pursuant to Tacoma
15 Municipal Code (“TMC”) 1.23.050.B.8 and 17.04.031.

16 2. Pursuant to TMC 17.04.031.B, in appeal proceedings before the Hearing
17 Examiner challenging a Dangerous Dog declaration, Animal Control bears the burden of
18 proving, by a preponderance of the evidence, that the animal(s) in question meet(s) the
19 definition of a Dangerous Dog. This definition is as follows:

20 “Dangerous dog” means any dog that, according to the records of the
21 appropriate authority:

- a. unprovoked, inflicts severe injury on or kills a human being on public or private property; or
- b. unprovoked, inflicts injuries requiring a domestic animal to be euthanized or kills a domestic animal while the dog is off the owner’s property; or
- c. while under quarantine for rabies bites a person or domestic animal; or
- d. was previously declared to be a potentially dangerous dog, the owner having received notice of such declaration, and the dog is again found to have engaged in potentially dangerous behavior; or
- e. is owned or harbored primarily or in part for the purpose of dog fighting or is a dog trained for dog fighting; or
- f. unprovoked, attacks a “dog guide” or “service animal” as defined in Chapter 70.84 RCW and inflicts injuries that render the dog guide or service animal to be permanently unable to perform its guide or service duties. *TMC 17.01.010.15.*

3. The above criteria are disjunctive. As a result, the City must only prove that one of the listed criteria was met for a designation to be upheld on appeal. In the DDN, Animal Control checked subsection b. as the basis for issuance of the DDN to Taylor for Doogie.

4. “Preponderance of the evidence” means that the trier of fact is convinced that it is more probable than not that the fact(s) at issue is/are true.⁵ The preponderance of the evidence standard is at the low end of the spectrum for burden-of-proof evidentiary standards in the U.S. legal system.⁶ Here, the material facts that are the basis of the DDN are not in dispute.

5. When a dog is declared dangerous, and that declaration is upheld after hearing, the Hearing Examiner shall enter an order so stating and shall direct that the dog be “humanely

⁵ *Spivey v. City of Bellevue*, 187 Wn.2d 716, 733, 389 P.3d 504, 512 (2017); *State v. Paul*, 64 Wn. App. 801, 807, 828 P.2d 594 (1992).

⁶ *In re Custody of C.C.M.*, 149 Wn. App. 184, 202-203, 202 P.3d 971, 980 (2009); *Mansour v. King County*, 131 Wn. App. 255, 266, 128 P.3d 1241, 1246-1247 (2006).

**FINDINGS OF FACT,
CONCLUSIONS OF LAW,
DECISION AND ORDER**

1 euthanized.” The Hearing Examiner will consider directing that a dog be sent to a secure
2 animal shelter or removed from the City and maintained at all times in compliance with RCW
3 16.08 only upon request of the owner. *TMC 17.04.031.D.*

4 6. The evidence in the record does show that Doogie is dangerous based on the
5 elements and evidence. Uncontroverted testimony showed that Doogie was off his owner’s
6 property, that he inflicted multiple critical injuries on Harley and that Harley was euthanized.
7 There is no evidence of provocation. Whether Harley barked is immaterial to the attack. Dogs
8 bark. Barking does not constitute provocation such that Doogie’s attack can be excused. Bites
9 inflicted during the incident were not considered elemental in ACC’s determination to issue the
10 DDN, and even if Harley bit Flores-Roberts during the Incident, that bite does not negate or
11 excuse Doogie’s attack.

12 7. Any Finding of Fact, which may be more properly deemed or considered a
13 Conclusion of Law, is hereby adopted as such.

14 Based upon the foregoing Findings of Fact and Conclusions of Law, the Hearing
15 Examiner issues the following:

16 **DECISION AND ORDER**

17 Based on the above Findings and Conclusions, the present appeal is DENIED and the
18 City of Tacoma’s Dangerous Dog Notice issued to Doogie is UPHeld. Once the appeal
19 period has run, if it does without an appeal being filed, or unless Taylor petitions for Doogie
20 to be sent to a secure animal shelter or removed from the City,⁷ Doogie will be “humanely
21 euthanized” in conformance with TMC 17.04.031.C.

⁷ If Taylor wishes to make such a petition, she must do so within the appeal period for this matter.

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The Examiner does authorize visits with Doogie at the TPCHS, if TPCHS allows such, including the Taylor family’s presence at Doogie’s euthanization if that is the end result here.

If Taylor petitions for Doogie to be sent to a secure animal shelter or removed from the City, she shall be responsible for all boarding fees between the issuance of this Decision and Order and the time it is determined that Doogie will or will not be released to a secure animal shelter or location out of the City. *TMC 17.04.031.D.2.*

DATED this 11th day of March, 2025.



JEFF H. CAPELL, Hearing Examiner

1 **NOTICE**

2 **RECONSIDERATION/APPEAL OF EXAMINER'S DECISION**

3 **RECONSIDERATION TO THE OFFICE OF THE HEARING EXAMINER:**

4 Any aggrieved person or entity having standing under the ordinance governing the matter, or
5 as otherwise provided by law, may file a motion with the Office of the Hearing Examiner
6 requesting reconsideration of a decision or recommendation entered by the Examiner. A
7 motion for reconsideration must be in writing and must set forth the alleged errors of
8 procedure, fact, or law and must be filed in the Office of the Hearing Examiner within 14
9 calendar days of the issuance of the Examiner's decision/recommendation, not counting the
10 day of issuance of the decision/recommendation. If the last day for filing the motion for
11 reconsideration falls on a weekend day or a holiday, the last day for filing shall be the next
12 working day. The requirements set forth herein regarding the time limits for filing of motions
13 for reconsideration and contents of such motions are jurisdictional. Accordingly, motions for
14 reconsideration that are not timely filed with the Office of the Hearing Examiner or do not set
15 forth the alleged errors shall be dismissed by the Examiner. It shall be within the sole
16 discretion of the Examiner to determine whether an opportunity shall be given to other parties
17 for response to a motion for reconsideration. The Examiner, after a review of the matter, shall
18 take such further action as he/she deems appropriate, which may include the issuance of a
19 revised decision/recommendation. (*Tacoma Municipal Code 1.23.140.*)

20 **NOTICE**

21 This matter may be appealed to Superior Court under applicable laws. If appealable, the
petition for review likely will have to be filed within thirty (30) days after service of the
final Order from the Office of the Hearing Examiner.