



City of Tacoma
Hearing Examiner

June 5, 2019

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Re: *John R. Connelly v. City of Tacoma*
File No. HEX 2017-034 (Dog Xavier)

Dear Parties:

In regard to the above referenced matter, please find enclosed a copy of the Tacoma Hearing Examiner's Follow-up Order on Conditions Imposed entered on June 5, 2019.

Sincerely,

Louisa Legg
Office Administrator

Enclosure (1) – Follow-up Order

Cc: Lee Ann Mathews, Hester Law Group, Inc., P.S. (Electronic Mail Delivery)
Angie Krupa, Legal Assistant, City of Tacoma, Office of the City Attorney
(Electronic Mail Delivery)
Joseph Satter-Hunt, Tacoma Police Dept. Animal Control and Compliance Supervisor
(Electronic Mail Delivery)

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 June 5, 2019, at Tacoma, WA.

Louisa Legg

1 **OFFICE OF THE HEARING EXAMINER**

2 **CITY OF TACOMA**

3 **JOHN R. CONNELLY,**

4 **Appellant,**

5 **v.**

6 **CITY OF TACOMA**, a Washington
7 municipal corporation, through its
8 Animal Control and Compliance
Department,

9 **Respondent.**

HEX2017-034
(L16-048048)

FOLLOW-UP ORDER ON
CONDITIONS IMPOSED

10
11 **THIS MATTER** concerns a Potentially Dangerous Dog Notice issued to Appellant
12 regarding Appellant’s neutered, male Labrador Retriever/Border Collie mix, Xavier. The appeal
13 came on for hearing before JEFF H. CAPELL, the Hearing Examiner for the City of Tacoma,
14 Washington, originally on May 24, 2018. Both parties were represented by counsel. On the way
15 to the hearing, the parties had reached an agreed stipulation that disposed of most of the issues
16 that otherwise would have needed resolving through the hearing/decision-issuance process.
17 Arguments were presented on the remaining issues without testimony being taken.

18 Thereafter, the Examiner issued his Findings of Fact, Conclusions of Law, and Order on
19 June 1, 2018 (the “Order”). The Order contained the following requirements/conditions and
20 timeline:

- 21 1. Xavier’s designation as a Potentially Dangerous Dog shall remain in effect
from May 24, 2018, until midnight on May 24, 2019.

FOLLOW-UP ORDER ON
CONDITIONS IMPOSED

- 1 -

City of Tacoma
Office of the Hearing Examiner
Tacoma Municipal Building
747 Market Street, Room 720
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ORIGINAL

- 1 2. All attendant conditions and restrictions, as agreed to by the parties in the
2 Stipulation, shall be in effect for that same twelve (12) month period, except
3 that Xavier need not be muzzled when outdoors while on Appellant's
4 premises if he is under the personal supervision of a family member fifteen
5 (15) years of age or above. For purposes of this condition, "personal
6 supervision" means that a qualifying family member is present outdoors in
7 sight and hearing distance of Xavier.
- 8 3. If all the conditions and restrictions agreed to by the parties in the
9 Stipulation—as modified herein—are complied with for the twelve (12)
10 month period specified at 1. above, Xavier's designation as a Potentially
11 Dangerous Dog and all attendant restrictions/conditions shall be rescinded
12 as of May 25, 2019.

13 The time frame set forth in paragraph 3 immediately above has now expired.

14 On June 3, 2019, City of Tacoma Animal Control, Control and Compliance Supervisor
15 Joseph Satter-Hunt telephoned the Office of the Hearing Examiner, and informed staff that
16 Animal Control considers all conditions set forth in the Order to be met, and that there have been
17 no new incidents involving Xavier.

18 As a result, it is **HEREBY ORDERED** that the above conditions 1 through 3, first
19 imposed in the Order, are lifted and the designation of Xavier as a Potentially Dangerous Dog, is
20 rescinded.

21 **SO ORDERED** this 5th day of June, 2019.



JEFF H. CAPELL, Hearing Examiner

**FOLLOW-UP ORDER ON
CONDITIONS IMPOSED**

- 2 -

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