CITY OF MERCER ISLAND
9611 SE 36TH STREET • MERCER ISLAND • WA 98040 • (206)275-7600

DANGEROUS DOG DECLARATION

Owner of the dog: **Darius Zoroufy** Address: **3601 93rd Ave SE, Mercer Island WA 98040**

Date of this Notice: **9/4/24** Case Number: **A24-004387** Violation:
Violation Date: **8/31/24**
The whereabouts of the dog if not in custody of the owner: **NA**

YOUR DOG, A tan 7 year old neutered male Catahoula-type dog, NAMED Socky, IS HEREBY DECLARED TO BE A DANGEROUS DOG FOR THE FOLLOWING REASON(S);

Dog bite victim was passing leashed dog on a trail in Mercer Island. As she passed, the dog lunged and bit down on her arm causing a severe injury requiring medical care.

DANGEROUS DOG MEANS:

(a) Has inflicted severe injury on a human being without provocation on public or private property,
(b) has killed a domestic animal without provocation while off the owner's property, or
(c) has been previously found to be potentially dangerous, the owner having received notice of such and the dog again aggressively bites, attacks, or endangers the safety of humans or domestic animals.

As the owner of such a dog you are required to comply with the provisions for keeping a **dangerous dog** and must complete the below listed requirements and notify the City of Mercer Island and the Regional Animal Services of King County (RASKC) by 9/29/24.

A. In addition to other licensing fees as provided within this chapter, the owner of a dangerous dog shall pay to the city a dangerous dog registration fee in the amount of $250.00. Further, the owner of a dangerous dog shall comply with RASKC's dangerous dog registration procedures, including providing the city and RASKC with a photograph of the dangerous dog each year. Such photograph(s) shall show the dog's coloring and body shape.

It is unlawful for an owner of a **dangerous dog** to permit the dog to be outside the proper enclosure unless the dog is muzzled and restrained by a substantial chain or leash and under the physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.

You, as the owner of or person having legal interest in the dog, may appeal the animal control authority's determination. Appeals of dangerous dog determinations shall be heard by the City of Mercer Island hearing examiner and conducted in accordance with MICC 7.04.235. The service of this Dangerous Dog Declaration is a final determination unless an appeal is made in writing to the City of Mercer Island Municipal Court and RASCK within the five (5) day period after the service of this notice.

The hearing examiner's decision shall be the city's final decision, and no reconsideration or appeal is available through either the hearing examiner or the city.

Failure to appeal this notice will constitute a waiver to all rights for an administrative hearing and appeal of the "Dangerous Dog" determination.

Violation of any of the above provisions will result in the immediate confiscation of the dog by RASKC, and the dog owner will be subject to a gross misdemeanor, punishable by one (1) year in jail and/or a five thousand dollar ($5,000) fine (RCW 16.08.100(1)).

If a **dangerous dog** with a previous conviction under this statue attacks or bites a person or another domestic animal, the dog's owner is guilty of a class C felony. The dog will be immediately confiscated by the Animal Control Authority, placed into quarantine and thereafter destroyed (RCW 16.08.(3)).

A. Wheatley
Animal Control Officer

Return of Service:
I hereby certify that I served _____ with a copy of this notice. _____ By: Person _____ Mailed _____

If hand served:
I received a copy of this Notice. _____

If mailed:
I certify that I mailed by placing in a U.S. Postal Service mailbox a true and accurate copy of this document to the person named herein at the address shown, which is the last known address of record, postage prepaid on _____.

SUBSCRIBED AND SWORN to before me this _____ day of _____, 20_____.

_____
Notary Public in and for the State of Washington, residing at _____.

Appeals of potentially dangerous dog declarations or dangerous dog declarations MIC 7.04.235

A. Filing. A notice of appeal, substantially in the form prescribed, shall be filed with the city clerk within 20 days of receiving a potentially dangerous dog declaration or final dangerous dog determination (notices that are mailed will be presumed to have been delivered three days after placing the notice in the mail for delivery). No fee is required to file a notice of appeal under this section 7.04.235. If the owner does not file a timely written request for hearing, the restrictions imposed in connection with the potentially dangerous dog declaration or final dangerous dog determination shall remain in effect for the life of the animal, unless sooner lifted by action of the animal control authority or a court of competent jurisdiction.

B. Form. An appeal pursuant to this section shall be written and shall conform substantially to the following requirements:
   1. A caption reading: "Appeal of ___," giving the names of all appellants participating in the appeal;
   2. A brief statement setting forth the legal interest of each of the appellants;3
   3. A brief statement of the specific action appealed, together with any material facts claimed to support the contentions of the appellant(s);
   4. A brief statement of the relief sought, and the reasons why the potentially dangerous dog declaration or final dangerous dog determination should be reversed, modified, or otherwise set aside;
   5. Signatures of all parties named as appellants, and their official mailing addresses; and
   6. Certification (by signature of the appellant(s)) that to the best of the appellant(s)' knowledge, information, and belief, the appeal is well grounded in fact.

C. Scheduling of hearing. Upon receipt of a timely filed notice of appeal, a hearing shall be scheduled not more than 60 days from the date of the filing of the notice of appeal. The hearing examiner shall send written notice of the date of the hearing to the appellant(s) and the animal control authority at least 20 days prior to the scheduled hearing date. It shall be the responsibility of the parties to notify witnesses of the hearing date. The failure of the appellant(s) to appear at the hearing shall result in a denial of the appeal and upholding of the potentially dangerous dog declaration or final dangerous dog determination.

D. Enforcement stayed during pendency of appeal. Unless otherwise determined by the hearing examiner, enforcement of the potentially dangerous dog declaration or final dangerous dog determination shall be stayed during the pendency of the appeal.

E. Duties of the hearing examiner. The hearing examiner may uphold, dismiss, or modify the potentially dangerous dog declaration or final dangerous dog determination. A written order shall be prepared and signed by the hearing examiner.

F. Presentation of evidence. At the appeal hearing, the hearing examiner shall take evidence relevant to the appeal. Testimony may be provided in the form of signed written statements pursuant to RCW 9A.72.085. Further, the hearing examiner shall have the authority to issue subpoenas and subpoenas duces tecum.

G. Burden of proof and standard of review. At the appeal hearing before the hearing examiner, the animal control authority shall have the burden of proving that the dog is a potentially dangerous dog or dangerous dog by a preponderance of the evidence.

H. Hearing. The owner of the dog may present evidence in defense of the dog, including but not limited to: documentation and/or witnesses (both lay and expert) to present testimony in defense of the dog. The parties may conduct cross examination of witnesses. The hearing examiner shall weigh the evidence presented by both the animal control authority and the owner (if applicable), and shall issue a written decision that sustains, modifies, or reverses the animal control authority's determination or declaration. If the potentially dangerous dog declaration or final dangerous dog determination is reversed or modified and an appeal is not timely filed by the animal control authority, any previously imposed restrictions on the dog shall be annulled

I. Decision final. The hearing examiner's decision shall be the city's final decision, and no reconsideration or appeal is available through either the hearing examiner or the city.