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BEFORE THE HEARING EXAMINER
CITY OF TACOMA

CHRISTOPHER C. JONES, Appellant,

No. HEX2022-013

v.

TACOMA POLICE DEPARTMENT, ANIMAL
CONTROL & COMPLIANCE, Respondent.

FINDINGS, CONCLUSIONS
AND ORDER OF DISMISSAL

This matter came on for a hearing on October 20, 2022 before the City of Tacoma Hearing Examiner Jeff H. Capell, at approximately 1:30 p.m. The hearing was set at the request of Appellant Christopher Jones (“Appellant” or “Jones”) in response to a Potentially Dangerous Dog Notice issued by Respondent Animal Control and Compliance (“ACC”) on or about August 9, 2022. The matter was set for a live hearing via Zoom videoconference and had been scheduled on September 14, 2022. Notice was provided to the parties and the Zoom videoconference link was provided to the parties on September 14, 2022. After a round of email communications on September 21, 2022, in which the Office of the Hearing Examiner (the “OHEX”) posed some questions to the parties—and Jones in particular—regarding hearing preferences, no further communication was received from the Appellant.¹

¹ The OHEX tried several times after September 21, 2022, to contact Jones to no avail.

1 Nonetheless, the hearing was timely called to order by the Hearing Examiner, as
2 scheduled. Respondent Animal Control and Compliance was present and appeared
3 through Deputy City Attorney Jennifer Taylor. ACC Officer O'Donnell was present, as
4 well as a City witness, Mr. Aramis DeFort. The Appellant failed to appear at the noticed
5 start time of 1:30 pm. The Examiner kept the hearing open to allow time for the
6 Appellant to appear. At approximately 1:52 p.m., the matter was recalled on the record
7 when Appellant had still failed to appear.
8

9 The Respondent's Exhibits 1-6 were admitted into the record upon motion of the
10 Respondent pursuant to Rule 1.12(b)² and are incorporated by referenced herein:

11	Ex. R-1	Potentially Dangerous Dog Notice
12	Ex. R-2(a)	ACC Activity Summaries re: 7/5/22
13	Ex. R-2(b)	ACC Activity Summaries re: previous contacts with Beamer
14	Ex. R-3	License receipt for Beamer
	Ex. R-4	Declaration of Aramis DeFort
	Ex. R-5	Excerpted Veterinary Records for Rocco
	Ex. R-6	Excerpt of After Visit Summary for Mr. DeFort

15 After discussion about the owner failing to appear, the Respondent moved for an
16 order of dismissal due to Appellant's failure to appear. The Examiner indicated that he
17 would review whatever the City might file and issue a ruling thereon.

18 Based on the foregoing, the Hearing Examiner makes the following findings,
19 conclusions, and order.

20 FINDINGS

21 1. Appellant Christopher Jones is the owner of the dog Beamer who is the
22 subject of the Potentially Dangerous Dog Notice ("PDDN"). *Ex. R-1*. Beamer is
23

24
25 ² City of Tacoma Hearing Examiner "Rules of Procedure for Hearings."
26

1 described as a male tri-color American Bulldog mix. *Ex. R-1*. Mr. Jones' residence is
2 listed as 907 Alder Street, Tacoma, WA 98406. *Id.*

3 2. ACC issued the PDDN on or about August 9, 2022. Restrictions were
4 imposed therein on Beamer in accordance with the Tacoma Municipal Code ("TMC"),
5 Chapter 17. *Ex. R-1*.

6 3. ACC issued the PDDN as a result of an incident reported to have occurred
7 on July 5, 2022, near 907 N. Alder Street, wherein Beamer was alleged to have
8 emerged from the yard of the residence, charged, and attacked Mr. Aramis DeFort and
9 his dog Rocco. Mr. DeFort was walking his leashed dog in the alley. *Ex. R-2(a), Ex. R-*
10 *4*. Rocco sustained a bite to his leg from Beamer and Mr. DeFort received a sprained
11 wrist when he fell during the incident. *Exs. R-2(a), R-4, R-5, R-6*.

12 4. The owner of the dog, identified by Mr. DeFort as "Chris," came outside
13 after the attack and took Beamer back inside the fence after the incident. *Exs. R-2(a)*
14 *and R-4*.

15 5. In his investigation of the incident, ACC Officer O'Donnell observed the
16 injuries to Rocco on July 6, 2022, and had contact with Mr. Jones, who he knew to be
17 the owner of Beamer. *Ex. R-2*.

18 6. Appellant Jones timely requested an appeal hearing after receiving the
19 PDDN.
20

21 CONCLUSIONS

22 1. The Hearing Examiner has jurisdiction to conduct the appeal hearing
23 pursuant to Tacoma Municipal Code (TMC) §1.23.050.B.8 and §17.04.031.

24 2. Notice of the hearing was properly given to the parties.
25
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1 3. The owner of the dog Beamer, Appellant Christopher Jones, failed to
2 appear and is in default pursuant to Hearing Examiner Rules of Procedure 1.19 and
3 2.11(a).

4 4. The documentary evidence establishes by a preponderance of the
5 evidence that the dog Beamer meets the definition of a Potentially Dangerous Dog as
6 defined in TMC §17.01.010 and TMC Chapter 17.04.

7
8 5. There is no contrary evidence.

9 ORDER

10 Based on the foregoing findings and conclusions, now therefore, it is hereby
11 ORDERED that the Appellant is in default for failing to appear at the appeal
12 hearing scheduled in this matter;

13 ORDERED that the appeal is further dismissed pursuant to Hearing Examiner
14 Rules of Procedure 1.19 due to Appellant's failure to prosecute his appeal by "fail[ing] to
15 communicate with the Office of the Hearing Examiner...for longer than one month's
16 time"; and it is further

17 ORDERED that the Potentially Dangerous Dog Notice issued by Animal Control
18 and Compliance regarding Beamer on or about August 9, 2022 remains in full force and
19 effect including all restrictions outlined therein.

20 Dated this 28th day of October, 2022.

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JEFF H. CAPELL, HEARING EXAMINER

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Presented by:

WILLIAM C. FOSBRE, City Attorney

/s/ Jennifer J. Taylor

JENNIFER TAYLOR, WSB #26607

Deputy City Attorney

Attorney for Respondent