

April 27, 2023

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V22013691-A22005670**

**NICHOLAS CHILO**

Animal Services Enforcement Appeal

Activity no.: A22005670

Appellant: **Nicholas Chilo**

[REDACTED]  
Maple Valley, WA 98038

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County  
*represented by* **Chelsea Eykel**  
Regional Animal Services of King County  
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**FINDINGS AND CONCLUSIONS:**

Overview

1. Nicholas Chilo appeals a violation notice for his dog, Corona, running at large, qualifying as vicious, and needing to be confined. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we uphold the viciousness designation, carve out an allowance for Corona to return to sanctioned dog parks, and reduce the fines.

### Background

2. On October 25, 2022, Regional Animal Services of King County (Animal Services) issued Nicholas Chilo a violation notice for Corona running at large, qualifying as vicious, and needing to be confined. Ex. D8. Mr. Chilo timely appealed on October 26. Ex. D9.
3. We initially set a hearing for January 6, 2023. Due to a conflict, we rescheduled the hearing to April 13.

### Hearing Testimony

#### *Testimony of Anna Chaschina*

4. Anna Chaschina testified that in late summer of 2022 she was walking down the street when a dog [Corona] appeared and started to run towards her. Corona began pushing and jumping on her. She tried to stand still while Corona continued to jump and push her, two to four times. Corona was also growling. Ms. Chaschina loves dogs and knows when a dog wants to play. Corona, however, was *not* trying to play; she was very aggressive, and it was scary. She heard someone call Corona, then Corona quickly ran away.
5. Ms. Chaschina described this as the most traumatic experience she has had with a dog. She did not report the incident, because she is not familiar with how to report (being a recent immigrant). She asked her sister to call someone about the incident but heard nothing more.
6. Ms. Chaschina was also present at the October 24, 2022, incident. It was the same dog from the summer incident. Ms. Chaschina does not recall the October 24 incident very well, but she remembered Corona acting aggressively that day too.

#### *Testimony of Scott Hazeltine*

7. Scott Hazeltine testified that on October 24 he was walking his children to the bus stop. His son ran ahead, and Mr. Hazeltine was holding his daughter's hand as they walked. Mr. Hazeltine noticed that Corona was out and running around, but she was running in a different direction and a woman [Michelle Chilo] was trying to get Corona.
8. As Mr. Hazeltine and his daughter almost reached the corner, he heard barking. Mr. Hazeltine turned around and Corona was right there. Mr. Hazeltine pushed his daughter behind him. Corona ran away momentarily and then came right back to them.
9. Corona ignored Mr. Hazeltine and went after his daughter. His daughter is eight years old, and she is small for her age. Mr. Hazeltine had an umbrella, so he opened it and used it to block Corona from reaching his daughter. Corona lunged towards his daughter at least three times. Corona tried to go under the umbrella, and she circled around and tried again.

10. The woman who was initially trying to get Corona appeared and was calling for Corona, but Corona did not respond to her. Mr. Hazeltine raised his voice to try to get Corona to back off. Mr. Hazeltine had to become more aggressive to block and shield his daughter from Corona. Corona was barking the entire incident. After the third attempt, Ms. Ironside came and got Mr. Hazeltine's daughter. Corona ran down the hill.
11. Mr. Hazeltine has never experienced anything like this before. Mr. Hazeltine has walked past the Chilo house many times and sees Corona barking at people as they pass. He believes that the Chilo fence maybe damaged.

*Testimony of Christina Ironside*

12. Christina Ironside testified that she and her daughter pass by the Chilo property all the time. Occasionally Corona will bark as they pass, but mostly Corona just sits and watches them. Ms. Ironside and her daughter would often tell Corona "good dog" as they passed. Corona seemed loving and well cared for.
13. On October 24 Ms. Ironside and her daughter passed the Chilo property to head to the bus stop. They did not see Corona. Ms. Ironside and her daughter reached the top of the hill where the bus stop is and then turned around. Ms. Ironside saw Mr. Hazeltine and his kids walking up the hill.
14. Ms. Ironside then saw Corona charging up the hill behind Mr. Hazeltine. She saw Corona put a paw on Mr. Hazeltine's daughter. Then Mr. Hazeltine got the umbrella out and shielded his daughter. Corona repeatedly charged to try to get around the umbrella, charging at one side and then the other side. Corona tried to get around each side of the umbrella at least three times. Ms. Ironside retrieved Mr. Hazeltine's daughter and walked her up the hill to the bus stop. Ms. Ironside then turned around and saw Ms. Chilo trying to get Corona.
15. Ms. Ironside was shocked to see Corona act so aggressively. When Ms. Ironside would pass the Chilo property, Corona would bark, but in a 'this is my property' bark. Conversely, when Corona was charging at Mr. Hazeltine's daughter, it was an 'I am going to get that thing' bark and aggression. Ms. Ironside grew up with an aggressive dog, so she is familiar with a dog acting that way. Corona was going to attack and wanted Mr. Hazeltine's daughter, like no one could stop her.

*Testimony of Natalie Crawford*

16. Natalie Crawford testified that she was already at the bus stop and facing away from the street. She turned around when she heard Mr. Hazeltine shout. She saw Mr. Hazeltine's daughter glued to her dad's hip, while he had the umbrella in Corona's face. Ms. Crawford saw Corona lunge more than six times to try to get around and under the umbrella. Ms. Crawford was surprised that Corona was going after Mr. Hazeltine's daughter, because Ms. Crawford grew up with a German shepherd that tended to go at male adults.

17. Ms. Crawford kept Mr. Hazeltine's son at the bus stop as Ms. Ironside went to get Mr. Hazeltine's daughter. Someone tried to get Corona to go away, and she eventually left. Ms. Crawford definitely believed that Corona was acting aggressively. Corona was targeting Mr. Hazeltine's daughter the same way she has seen dogs hunt in the woods. It felt more predatory/prey instead of the dog doing an angry bark. Corona was insistent and repeatedly targeting Mr. Hazeltine's daughter.

*Testimony of Nicholas Chilo*

18. Nicholas Chilo testified that he had just come home from school and his mom told him about the incident. The incident was really out of character for Corona. Mr. Chilo believes Corona had a lot of pent-up energy. Mr. Chilo believes that Corona was having a bad day. If the neighbors brought their kids over, they would see that Corona is not aggressive and she would not hurt the kids.
19. Mr. Chilo brings Corona to his friend's house. At that house, Corona interacts with two- and seven-year-old children. Near the house, there is two to three hundred feet of river shore. Mr. Chilo lets Corona run there, and when he calls, she comes back. Mr. Chilo is able to recall Corona. Mr. Chilo's mom does not have recall of Corona.
20. While in college, Mr. Chilo brought Corona to the dog park almost every day and nothing ever happened. Now Mr. Chilo brings Corona to the dog park once a month, because he mostly runs Corona at his friend's house.
21. Mr. Chilo now tethers Corona when she is in the backyard at home.

Legal Standards

22. Animal Services asserts that Corona was running at large on October 24, meaning "off the premises of the owner and not under the control of the owner, or competent person authorized by the owner, either by leash, verbal voice or signal control," with "under control" defined as "either under competent voice control or competent signal control, or both, so as to be restrained from approaching any bystander or other animal and from causing or being the cause of physical property damage when off a leash or off the premises of the owner." KCC 11.04.020.W, .AA; .230.B.
23. More seriously, Animal Services asserts that Corona qualifies as vicious, meaning "[h]aving performed the act of, or having the propensity to do any act, endangering the safety of any person, animal or property of another, including, but not limited to, biting a human being or attacking a human being or domesticated animal without provocation," with the violation itself framed as "[a]ny animal that has exhibited vicious propensities and constitutes a danger to the safety of persons or property off the animal's premises or lawfully on the animal's premises." KCC 11.04.020.BB; .230.H.
24. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. For those matters or issues raised in an appeal statement, Animal Services bears the burden of proving by a preponderance of the

evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210.B.

### Analysis

25. Viciousness cases can be among our most complicated. They often turn on intricate fact-findings regarding split-second reactions and involve complex legal analyses such as how courts apply terms like “provocation.” Today’s case is not one of those.
26. Corona charging the girl the first time was bad, but if that had been it—running up, putting a paw on her, then quickly disengaging—that would be one thing. Yet Corona *repeatedly* tried to get at a defenseless young girl. Often the participant right in the thick of it overstates the severity of the incident, while other witnesses have a more measured view. But here Mr. Hazeltine likely *understated* it, recalling Corona lunging towards his daughter at least three times, while Ms. Ironside recalled Corona trying to get around each side of the umbrella at least three times (meaning six attempts), and Ms. Crawford recalling Corona lunge more than six times to try to get around and under the umbrella.
27. We can only recall a few cases, in our hundreds of cases, involving this relentless of an attack, especially in the face of an adult trying to get the dog to disengage. Ms. Ironside’s perspective that Corona wanted the girl and it was like no one could stop her, and Ms. Crawford’s description of Corona targeting the girl like prey, accurately sum up the evidence and are chilling.
28. And October 24 was not a one off. Last summer Corona charged Ms. Chaschina and aggressively pushed and jumped on her, the most traumatic experience she had ever had with the dog. Mr. Chilo’s explanation for October 24, that Corona had pent-up energy and was having a bad day possibly could have explained the interaction last summer with Ms. Chaschina. But it was completely out of touch as it related to October 24.
29. Corona might be a good dog on most days, but Animal Services easily meets its burden of proving that Corona qualifies as vicious, performing act endangering Ms. Chaschina’s—and much more seriously the girl’s—safety and constituting a real danger to the safety of persons off Corona’s premises. KCC 11.04.020.BB; .230.H.
30. Animal Services also bears the burden of proving by a preponderance of the evidence the appropriateness of the remedy it has imposed. KCC 20.22.210.B. Here, there are two provisions of relevance, the requirements to:
  - Secure [Corona] in a fenced area suitable for the size of the animal when your animal is unattended and outside your home. Lock all passages with a padlock to prevent accidental release.
  - Restrain [Corona] using a leash with a collar or harness when taking it off your property. Your leash can extend no longer than 8’ in length. A competent and capable person must handle the animal at all times when attended outside.
31. Mr. Chilo makes two related requests:

- He wants to be able to continue letting Corona run at his friend’s house, which borders a river shore. We have never created an exception outside the dog park scenario, and we will not create one today. Corona can (with the friend’s permission) run around on the friend’s private property even if the property is unfenced, so long as Mr. Chilo is constantly and actively attending him; the first bullet point about fencing relates to *un*attended animals. But if Corona ventures off the property, such as into the river, while not being restrained on an eight-foot-or-less-leash, that would violate the second bullet and could draw not only a \$500 vicious-animal-at-large violation<sup>1</sup> but potentially an order to remove Corona from King County for violating those confinement terms.
  - We view dog parks differently. They are often the one opportunity to let a dog run and blow off steam; not having that outlet can make a pent-up dog even more of threat. And while Ms. Chilo obviously had no control over Corona, there is nothing refuting either Mr. Chilo’s assertion that he has control or his description of routinely taking Corona to dog parks without incident. And, unlike our scenario of Ms. Chaschina and the girl being accosted while they walked a public street, loose dogs running around is the entire point of a dog park. We will allow Corona’s return to an official, fully-fenced dog park.
32. And that leaves the monetary penalty. While Ms. Chaschina said she asked her sister to call somebody after the summer altercation, there is no indication that that happened or, even if it did, word ever made it to Mr. Chilo to alert him that Corona had a problem. Nor is ours the scenario of a scary, aggressive dog with a neighborhood reputation of trying to get at passersby through fence, which could have put Mr. Chilo on notice. Instead, Ms. Ironside noted that “occasionally” Corona would bark as they pass, but mostly Corona just sat and watched them and seemed loving; indeed, Ms. Ironside was “shocked” to see Corona act so aggressively on October 24. We will reduce the penalty.

#### DECISION:

1. We DENY the appeal as to Corona’s viciousness designation.
2. We REDUCE the \$500 penalty to \$200.
3. We MODIFY Animal Services’ October 25, 2022, compliance order as follows (A. through D. being substantively unchanged, and E. being new):
  - A. Secure Corona in a fenced area suitable for her size when unattended and outside the home. Lock all passages with a padlock to prevent accidental release.

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<sup>1</sup> KCC 11.04.230.I defines as a nuisance “Any vicious animal or animal with vicious propensities that runs at large at any time it is off the owner’s premises and not securely leashed on a line or confined and in the control of a person of suitable age and discretion to control or restrain the animal.”

- B. Restrain Corona using a leash no more than eight feet long, with a collar or harness, when taking Corona off your property. A competent and capable person must handle Corona at all times when attended outside.
- C. If not already completed, microchip Corona and provide the microchip number to the King County Animal Licensing Office (206) 296–2712 by **May 29, 2023**.
- D. Keep Corona current on her rabies vaccination.
- E. Corona is allowed to run in sanctioned, fully-fenced, off-leash dog parks, provided Mr. Chilo is present, and provided Corona is leashed at all times when not in the car or in the fenced, off-leash area.

ORDERED April 27, 2023.



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David Spohr  
Hearing Examiner

#### **NOTICE OF RIGHT TO APPEAL**

King County Code 20.22.040 directs the Examiner to make the County’s final decision for this type of case. This decision shall be final and conclusive unless appealed to superior court by *May 29, 2023*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

**MINUTES OF THE APRIL 13, 2023, HEARING IN THE APPEAL OF NICHOLAS  
CHILO, REGIONAL ANIMAL SERVICES OF KING COUNTY  
FILE NO. V22013691-A22005670**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Anna Chaschina, Scott Hazeltine, Christina Ironside, Natalie Crawford, and Nicholas Chilo. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

The following exhibits were offered and entered into the record by Animal Services:

- |                 |   |
|-----------------|---|
| Exhibit no. D1  | Regional Animal Services of King County staff report to the Hearing Examiner                    |
| Exhibit no. D2  | RASKC investigation report no. A22005670  |
| Exhibit no. D3  | Online Complaint form of October 24, 2022, incident by Natalie Crawford, dated October 24, 2022 |
| Exhibit no. D4  | Online Complaint form of October 24, 2022, incident by Scott Hazeltine, dated October 25, 2022  |
| Exhibit no. D5  | Witness Statement Mark Friesen  |
| Exhibit no. D6  | Witness Statement Christina Ironside  |
| Exhibit no. D7  | Photograph of Mr. Chilo's damaged fence   |
| Exhibit no. D8  | Notice of violation no. V22013691-A22005670, issued October 25, 2022                            |
| Exhibit no. D9  | Appeal, received October 26, 2022   |
| Exhibit no. D10 | Map of subject area   |



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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V22013691-A22005670**

**NICHOLAS CHILO**  
Animal Services Enforcement Appeal

I, Lauren Olson, certify under penalty of perjury under the laws of the State of Washington that I transmitted the **REPORT AND DECISION** to those listed on the attached page as follows:

EMAILED to all County staff listed as parties/interested persons and parties with e-mail addresses on record.

placed with the United States Postal Service, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED April 27, 2023.



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Lauren Olson  
Legislative Secretary

**Chaschina, Anna**

**Chilo, Nicholas**

Hardcopy

**Crawford, Natalie**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Friesen, Mark**

Hardcopy

**Hazeltine, Scott**

Hardcopy

**Ironside, Christina**

Hardcopy