

December 5, 2023

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

King County Courthouse  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V23014537-A23004646**

**KENDALL GALLOSO-RICHARDSON**

Animal Services Enforcement Appeal

Activity no.: A23004646

Appellant: **Kendall Galloso-Richardson**

[REDACTED]  
Snoqualmie, WA 98065

Telephone: [REDACTED]

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King County: Regional Animal Services of King County  
*represented by* **Chelsea Eykel**  
Regional Animal Services of King County  
21615 64th Avenue S  
Kent, WA 98032  
Telephone: (206) 263-5968  
Email: [raskcappeals@kingcounty.gov](mailto:raskcappeals@kingcounty.gov)

FINDINGS AND CONCLUSIONS:

Overview

1. Kendall Galloso-Richardson appeals a Regional Animal Services of King County (Animal Services) designation for his dog, Oso, qualifying as potentially dangerous. 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

overturn Oso’s potentially dangerous dog designation and impose a finding that Oso meets the definition of a public nuisance per KCC 11.04.230(E).

### Background

2. Jonathan Quick filed a complaint for an incident involving Oso on July 25 and provided documentation of the injury. Exs. D3-D5.
3. Animal Services issued Mr. Galloso-Richardson a violation order. Ex. D7. Mr. Galloso-Richardson timely appealed. Ex. D8.
4. We held a hearing on November 17, 2023.

### Hearing Testimony

#### *Kris Quick Testimony*

5. On July 25 Ms. Quick, her son Mr. Quick, and her 12-year-old grandson were visiting her. They were walking around the neighborhood when from about 3-4 blocks away they saw Mr. Galloso-Richardson walking with Oso and another smaller dog on the sidewalk. Oso was on his left and the small dog on his right, closer to the street. Mr. Quick approached from behind, walking on the grass area closer to the street (closer to the smaller dog), with his son behind him, and Ms. Quick following in a single file line.
6. The small dog turned around to look at them, and Mr. Galloso-Richardson stopped. As Mr. Quick was passing Mr. Galloso-Richardson, Ms. Quick heard Oso growling. Oso crossed over to the right with “open muzzle teeth”, so Mr. Quick quickly put his hand behind him. Oso bit his hand. Mr. Galloso-Richardson informed them that Oso had his rabies shot. Mr. Quick requested proof, but Mr. Galloso-Richardson continued walking away, so Mr. Quick followed Mr. Galloso-Richardson, and Ms. Quick and her grandson went home.

#### *Jonathan Quick Testimony*

7. Mr. Quick testified that he has two dogs and other animals, so he is familiar with some animal etiquette and is more cautious around dogs. When he saw Mr. Galloso-Richardson and his dogs taking up the entire sidewalk, he led the way taking up the grass area instead of the sidewalk. However, as he was passing Mr. Galloso-Richardson, Oso lunged towards his son, so Mr. Quick put his hand behind him. Oso bit his hand. It was a small bite, but it did break the skin in a couple places and drew blood.
8. Mr. Galloso-Richardson was not apologetic and made it clear that it was Mr. Quick’s fault. Because Mr. Quick wanted proof of the rabies shot, he followed Mr. Galloso-Richardson home and Mr. Galloso-Richardson showed him the rabies shot paperwork. Mr. Quick visited the doctor, who informed Mr. Quick that if he did not file a complaint,

that he would do so himself, so Mr. Quick felt obligated to report the bite. Mr. Quick received a tetanus shot and antibiotics.

*Kendall Galloso-Richardson Testimony*

9. On July 25 Mr. Galloso-Richardson was walking his dogs around the neighborhood, like he has done many times before. He did not notice anyone behind him. The small dog stopped to look around, so Mr. Galloso-Richardson also stopped to look; Mr. Galloso-Richardson usually pays attention to his surroundings, especially when there are kids around.
10. After Oso bit Mr. Quick, he asked the group if they were alright. Mr. Galloso-Richardson did not express malice or anger; however, the situation could have been avoided. Mr. Galloso-Richardson questioned why they were trying to pass so close to him or not giving him the option to move his dogs. The group made no physical contact with Mr. Galloso-Richardson or his dogs but, the dogs were startled by the group. Mr. Galloso-Richardson has been involved in prior (unrelated) dog attacks, so he is empathetic to Mr. Quick.

Legal Standards

11. Does Oso meet the definition of “potentially dangerous animal”? Per KCC 11.01.320:
 

“Potentially dangerous animal” means any animal that when unprovoked: 1. Bites or inflicts injury on a human or domesticated animal; 2. Chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack; 3. Has a known propensity, tendency, or disposition to attack, to cause injury, or otherwise to threaten the safety of humans or domestic animals; or 4. Jointly engages, with one or more animals in conduct meeting subsections A.1., A.2., or A.3., of this section, in which case all animals are deemed potentially dangerous, absent an affirmative demonstration that a specific animal was not responsible for a qualifying act.

  - A. Regardless of provocation, an animal is a “potentially dangerous animal” if it enters onto private property without the consent of the owner or occupant and bites a human or animal or chases or approaches a person in a menacing fashion or apparent attitude of attack.
  - B. An animal shall not be declared a “potentially dangerous animal” if the threat, injury, or bite alleged to have been committed by the animal was sustained by a person who was at the time committing a willful trespass upon the premises occupied by the owner of the animal, or who was abusing or assaulting the animal, or who was committing, or attempting to commit a crime. This exclusion does not apply to actions taken in defense of oneself, other humans, animals, or property.
12. 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

13. On July 25, 2023, Oso was secured by a leash with Mr. Galloso-Richardson, on a public sidewalk. Mr. Galloso-Richardson and Oso, along with another smaller dog were taking up most of the sidewalk which caused the Quick party to attempt to maneuver alongside Mr. Galloso-Richardson and his dogs. When passing single-file, Oso lunged towards Mr. Quick's son causing Mr. Quick to place his hand between his son and Oso. Oso bit his hand. Thus, Oso "bit a human" satisfying a portion of the potentially dangerous dog criteria under the statute. Our question is whether that bite was legally "unprovoked".
14. KCC 11.01.350 states: "provocation" means "to torment, agitate, or harass an animal immediately before the attack, chase or menacing behavior. It does not include actions taken to defend oneself, other humans, animals or property. Further, in animal jurisprudence, reviewing courts focus on how an average dog, neither unusually aggressive nor unusually docile, would react to an inciting act. And a key touchstone of courts' analyses is that "provocation" requires the dog's reaction to be roughly proportional to the victim's act.<sup>1</sup>
15. The Quick party came up from behind Mr. Galloso-Richardson and his dogs surprising them and passing very close to the smaller dog.
16. An average dog would have been startled and reacted in a similar way when surprised by strangers coming upon his party from behind and in such close proximity. It was not that the Quick's intended to incite Oso but "provocation" does not take into account the actor's intent, instead focusing on the nature of the act itself and the relationship between the act and the outcome. None of that would have been sufficient if Oso had delivered a real bite to Mr. Quick.
17. We do recognize that this bite could have been much worse, especially since there was a 12-year-old child who was apparently Oso's initial target. We do not take lightly the safety of people, especially children. However, given the circumstances surrounding the nip, we find that Oso's nip was not a legal unprovoked bite. Oso does not qualify as a potentially dangerous dog. Instead, the more applicable violation here is found under KCC 11.04.230.E which states in pertinent part that "A domesticated animal that menaces a person or other domesticated animal under circumstances not meeting the definition of "potentially dangerous". Oso meets this definition.
18. Finally, none of this exonerates Mr. Galloso-Richardson or his victim-blaming approach and advanced state of denial.

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<sup>1</sup> *Stroop v. Day*, 271 Mont. 314, 319, 896 P.2d 439 (1995); *Bradacs* at 273–75; *Kirkham* at 792.

19. Had Mr. Quick not interfered, a child might have been bitten and our result would have been very different. Yet, the focus of a potentially dangerous dog designation is on the dog rather than the owner. It is not a proxy for an owner's response. It simply looks at whether the dog meets the defined criteria.

DECISION:

1. We overturn the initial July 25, 2023, designation of Oso as a potentially dangerous dog, instead finding:
2. KCC 11.04.230.E Violation. A KCC 11.04.230.E violation carries a \$50 fine, not a \$500 fine.

ORDERED December 5, 2023.



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Leila Arefi  
Hearing Examiner *pro tem*

**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 *January 4, 2024*. 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 NOVEMBER 17, 2023, HEARING IN THE APPEAL OF  
KENDALL GALLOSO-RICHARDSON, REGIONAL ANIMAL SERVICES OF KING  
COUNTY FILE NO. V23014537-A23004646**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel, Kendall Galloso-Richardson, and Johnathan Quick. 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
Exhibit no. D2	Investigation Report

Exhibit no. D3	Online Complaint form of July 25, 2023, incident by Jonathan Quick, dated July 27, 2023
Exhibit no. D4	Photograph of injury
Exhibit no. D5	Photograph of medical treatment
Exhibit no. D6	Photograph of proof of rabies vaccination
Exhibit no. D7	Notice of violation no. V23014537-A23004646, issued August 5, 2023
Exhibit no. D8	Appeal, received August 30, 2023
Exhibit no. D9	Map of subject area

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

Exhibit no. A1	Letter, dated October 3, 2023
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December 5, 2023

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V23014537-A23004646**

**KENDALL GALLOSO-RICHARDSON**

Animal Services Enforcement Appeal

I, Jessica Oscoy, 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, through Quadient-Impress, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED December 5, 2023.



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Jessica Oscoy  
Office Manager

**Eykel, Chelsea**

Regional Animal Services of King County

**Feeley, Morgan**

Hardcopy

**Galoso-Richardson, Kendall**

Hardcopy

**Quick, Johnathan**

Hardcopy

**Quick, Kris**

Hardcopy