

January 5, 2026

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V25017419-A25003599**

**EDUARDO CRUZ AND ALEX ROJAS**  
Animal Services Enforcement Appeal

Activity no.: A25-003599

Appellants: **Eduardo Cruz and Alex Rojas**

[REDACTED]  
Kent, WA 98042

Telephone: [REDACTED]

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King County: Regional Animal Services of King County  
*represented by* **Chelsea Eykel**  
Regional Animal Services of King County  
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Overview

1. 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 deny Mr. Cruz's and Mr. Rojas' appeal.

### Procedural Background

2. On August 5, Cody Martin filed an online complaint with Regional Animal Services of King County (Animal Services) for Mr. Cruz's dog excessively barking. Ex. D3. On August 7, Animal Services issued Notice of Violation V25017481-A25003599 to Eduardo Cruz for his dog, Toto, making excessive noise. Ex. D5. Animal Services mistakenly issued that violation for another dog in the Cruz household. On October 29, they re-issued Notice of Violation V25017419-A25003599 to Eduardo Cruz for his dog, Luna, making excessive noise. Ex. D6. Eduardo Cruz filed a timely appeal on August 13 and November 4, respectively. Ex. D11.
3. We went to hearing on December 19, 2025. Participating in the hearing were: Sgt. Chelsea Eykel representing Animal Services, complainant Cody Martin, appellant Eduardo Cruz, and their witnesses Alex Rojas and David Gray. A Spanish interpreter was provided for Mr. Rojas.

### Appeal Issues

Per the Notice of Hearing, the issues identified for consideration on appeal are as follows:

4. The limited issue raised in Mr. Cruz's appeal statement is that the dog alleged to be making excessive noise, is not Luna as she was inside at the time.
5. Based on the scope of the appeal statement, the issue(s) on appeal are as follows:
  - A. Whether the August 2 violation of KCC 11.04.230(K) and the associated \$50 penalty are supported by a preponderance of the evidence and appropriate under the facts of this case.

### Factual Findings

Weighing all the evidence, the hearing examiner finds the following facts by a preponderance of the evidence:

6. Animal Services initially issued a violation for Toto, the same dog involved in the 2024 violation. It was determined that the dog in question is Luna rather than Toto. Mr. Rojas joined in the appeal as an appellant with his son, Mr. Cruz. The parties testified as follows.
7. **Sgt. Chelsea Eykel**, representing Animal Services, began her case presentation by pointing out that videos marked as exhibit D4 are just a handful of the reported barking. Those times and dates depicted in the videos are after the quiet hours of 10:00 p.m. During the daytime, there is an expectation that there will be noise from deliveries, traffic, or construction. The quiet hours are borrowed from the construction code and the expectation is that there will not be excessive noise after 10:00 p.m. The Cruz/Rojas family is aware of this due to their involvement with the prior case.

At the last hearing, the appellants were told not to have their dogs outside and Animal Services provided suggestions on how to keep the dogs from barking constantly which included bark or citronella collars. There is an expectation that dogs will bark during the day because there is more activity. The burden is much higher for daytime barking. Animal Services does not write as many tickets for daytime barking.

In general, it is fine for dogs to be outside and bark while playing with children, or at deliveries, cars, and people coming to the house which is also known as alert barking.

The current case is specific to late-night barking on August 2 and 3. The complaint form states that the appellants' dog was barking for over 20 minutes on each occasion. Ex. D3. There is video evidence corroborating what the complainant alleges and showing the dog was excessively barking during the quiet hours. Ex. D4. In the video evidence, there is a clear reflection of the camera on the window showing the camera is on the inside of the complainant's house rather than the outside.

In Mr. Cruz's August 8 appeal statement, he specifically states that the night footage stresses him out, that the footage is when Luna is inside his house, and is shown on multiple pieces of footage. Ex. D11-002. Mr. Martin's complaint form states that the appellants leave the slider open. The video footage shows that the deck is over the top of the privacy fence. We have an overhead view that shows the balcony. Ex. D12-002. Mr. Gray is on the opposite side from where the balcony is located.

Animal Services believes that the Cruz/Rojas dog barked to excess on August 2 and 3 in the overnight hours and that the slider was open which is how the dog was recorded from inside the household. There are simple ways to prevent excessive barking such as the use of bark collars or the appellants can shut the slider door at night. If they take the dog outside, they can accompany her to make sure she is not excessively barking. The dog cannot bark during 10:00 p.m. - 7:00 a.m. Monday through Friday and 10:00 p.m. 9:00 a.m. Saturday and Sunday. Animal Services requested the violation be upheld.

8. **Cody Martin** testified that the incidents on August 2 and 3 are examples of a recurring issue which prompted him to contact Animal Services again. The barking is very disruptive at any random time during the day. At 10:40 p.m. and 11:00 p.m., his household was disrupted and unable to go to sleep, have quiet time, or have peace. The appellants' backyard is facing the Martin's backyard and at a little bit higher elevation. He opined that the elevation of the appellants' backyard makes the barking seem amplified.

The fence that the appellants have is "ramshackle," dilapidated, and easily seen through. The Cruz/Rojas property has a deck on the back of the house that is higher than the fence level which the Martins can see onto from their yard. Ex. D12-002. The dog goes out on the deck and barks which projects onto his property.

On the evenings of August 2 and 3, Mr. Martin was inside his home when he was disturbed by the Cruz/Rojas dog barking. The other dogs in the neighborhood are hardly ever heard and he has had no issues with them. The Cruz/Rojas dogs have high-pitched barks.

There have been issues with daytime barking as well. The owners seem to try to put the dogs inside the house but leave a crack in the door to the deck and the dogs bark from inside the home very loudly.

The Martins have cameras inside their home which pick up the barking from the Cruz/Rojas home. Ex. D4. These recordings are a very small sample of what they have had to live with for the last two years.

9. **Alex Rojas** testified that the Martin's camera is in the window and he does not agree that it is inside. He further opined that due to the camera being outside, and the camera being on "high volume" the barking can be heard. Regarding the videos that show nighttime barking, Luna is only barking for a few minutes.

The Martin's window is open which Mr. Rojas can see from their balcony. The Martins always leave the window open.

Mr. Rojas is concerned about the Martins' camera. They are recording 24 hours a day. Mr. Rojas is worried that they are recording his daughter in her underwear.<sup>1</sup>

During the day Mr. Rojas leaves the slider door open to the deck; however, he closes it at night. He acknowledged that the dog barking in the videos is his three-year-old dog, Luna. Toto is old now and hardly makes any noise. Animal Services provided that Toto has a "scream quality" to his bark which is distinctive from Luna's bark which Mr. Rojas agreed with.

10. **Eduardo Cruz** testified he acknowledges that Luna is barking in the videos. Ex. D4. He does not know how the Martins captured all the barking because Luna is normally in the house and she could be upstairs or in the garage. Luna has not gone outside since the last hearing except briefly. She is mostly inside. They close the slider at night. When the dog wants to go outside, she is let out and they close the door. She scratches when ready to come back in. When the dog barks, it is usually because there are other dogs outside or when there is someone at the door.

Whenever Mr. Cruz comes home and there is no one at his house, Luna barks but she is usually in the garage and not near windows. She is never outside. Her nonstop barking has been improving. She usually sleeps all day.

Mr. Cruz is concerned because Luna cannot enjoy the yard, or play with his siblings, due to the Martin's constantly recording which makes him feel unsafe. He does not believe the barking is excessive and asserted that Luna only barks for 15-20 seconds at a time. If the barking becomes excessive, they put Luna in the garage.

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<sup>1</sup> The parties were advised at our hearing that we are not making a decision on whether the Martins are allowed to have or not have a camera and the positioning of the camera. The Cruz/Rojas family was further advised that if they feel that there is an intrusion of privacy issue with the Martin's camera, that they are free to seek assistance with the appropriate authority. Our hearing is not the proper venue for determinations on the lawfulness of cameras. Our only question is whether to uphold the Cruz/Rojas violation regarding their dog.

11. **David Gray** testified that he has lived next to the Cruz/Rojas family for the last ten years. He works from home often. His home office is located upstairs right next to the back of the Cruz/Rojas property and he still has never heard Luna barking. Further, he has his window open in the summertime frequently and still has never heard Luna bark. The Martin home is “kitty-corner” from his house.

#### Conclusions of Law

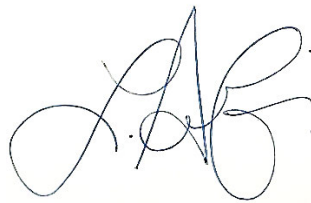
12. The hearing examiner has jurisdiction pursuant to KCC 20.22.040.
13. Animal Services bears the burden of proving by a preponderance of evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210.B. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.
14. **Preponderance of the Evidence Standard:** We base our decisions on a preponderance of the evidence standard. In our case, this means that Animal Services bears the burden of proving that, more-likely-than-not, Luna was making excessive noise on August 2 and 3 during quiet hours.
15. **Credibility:** Before we get to the facts of our case, we first address the credibility of the testifying parties as there was a discrepancy between the appellant’s and complainant’s account of August 2 and 3. Mr. Rojas and Mr. Cruz gave conflicting versions of what was occurring at the time with Luna. In their appeal statement, while not expressly stated, they seem to assert that since Luna is indoors, it is not her barking on the submitted video footage. Ex. D11-002 and D4. Further, they seem to be more concerned about being recorded rather than the issue at hand, Luna barking. Mr. Rojas gave conflicting testimony. He first said that he does not believe the Martins’ cameras are on the inside but rather are on the outside of the house. Then, he said that he can see the Martins’ window open indicating his awareness that the cameras are inside the Martin home. Lastly, both Mr. Cruz and Mr. Rojas acknowledged at our hearing that the barking in the videos is Luna; however, they constantly attempted to provide excuses for the barking and clouded the issue with their complaints about the Martins recording. The Cruz/Rojas rendition of the events was hard to follow given their conflicting and contradictory testimonies. We find Mr. Martin’s testimony more credible.
16. **Animal Making Excessive Noise** means “[a] domesticated animal making noise, to an unreasonable degree, in such a manner as to disturb a person or neighborhood...” On August 2 and 3, it is clear from the submitted videos that Luna is barking constantly specifically at the following times:
- A. August 2 at 11:04 p.m.- Video recorded from inside the Martin residence. Ex. D4.
  - B. August 2 at 11:01 p.m.- Video recorded from inside the Martin residence. *Id.*
  - C. August 3 at 10:48 p.m.- Video recorded from inside the Martin residence. *Id.*

- D. August 3 at 10:55 p.m.- Video recorded from inside the Martin residence. *Id.*
17. The appellant's asserted that the Martins leave the window open with their camera volume set to high which is why the barking sounds so loud on the recording; however, we do not agree. In all of these videos that the recordings are with the window closed as the reflection from the camera can be seen on the glass in front of the camera. Luna's barking can be heard from inside the Martin home even through the glass.
18. Mr. Cruz wrote in his appeal that the "...footage is when she [Luna] was inside our house. We leave our sliding door a little crack..." Ex. D11-002. Mr. Rojas corroborated this when he testified that he leaves a crack in the back slider door. Since the appellants are leaving a crack in their back slider door then the barking is so loud that it can be heard from *inside* the Martin home while Luna is confined *inside* (although there is a crack in the slider door) the Cruz/Rojas home. For a dog to be heard across the back yards of both the Martin and Cruz/Rojas homes, and while the dog and camera are both located in their respective homes, despite the crack in the Cruz/Rojas slider door, is excessive. Thus, we find that Luna was making noise to an unreasonable degree in such a manner that it disturbed a person—Mr. Martin.

#### DECISION:

We DENY Mr. Cruz's and Mr. Rojas' appeal and uphold the animal making excessive noise violation for Luna and the associated monetary penalty.

ORDERED January 5, 2026.



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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 in accordance with Ch. 7.16 RCW. It is the responsibility of the party seeking to appeal the examiner's decision to determine and meet the legal requirements for filing an appeal.

**MINUTES OF THE DECEMBER 19, 2025, HEARING IN THE APPEAL OF  
EDUARDO CRUZ, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE  
NO. V25017419-A25003599**

Leila Arefi was the Hearing Examiner in this matter. A verbatim recording of the hearing is available in the Hearing Examiner’s Office.

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

- |                 |  |
|-----------------|--|
| Exhibit no. D1  | Regional Animal Services of King County staff report                           |
| Exhibit no. D2  | RASKC investigation report no. A25003599                                       |
| Exhibit no. D3  | Online Complaint form of incident by Cody Martin, dated August 5, 2025         |
| Exhibit no. D4  | Videos (9)   |
| Exhibit no. D5  | Notice of violation no. V25017481-A25003599, issued August 7, 2025             |
| Exhibit no. D6  | Re-issued Notice of violation no. V25017419-A25003599, issued October 29, 2025 |
| Exhibit no. D7  | RASKC investigation report no. A24003345                                       |
| Exhibit no. D8  | Notice of violation no. V24015828-A24003345, issued Jul 10, 2024               |
| Exhibit no. D9  | Hearing Examiner’s Report and Decision, dated November 1, 2024                 |
| Exhibit no. D10 | Hearing Examiner’s Order on Reconsideration, dated November 13, 2024           |
| Exhibit no. D11 | Appeal, received August 13, 2025   |
| Exhibit no. D12 | Map of subject area  |

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V25017419-A25003599**

**EDUARDO CRUZ**  
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 January 5, 2026.



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Jessica Oscoy  
Administrator

**Cruz, Eduardo**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Gray, David**

**Martin, Cody/Sujin**

Hardcopy

**Rojas, Alex Mr.**