

January 14, 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. **V25017792-A25004889**

**JAMES MAHER**

Animal Services Enforcement Appeal

Activity no.: A25-004889

Appellant: **James Maher**

[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  
21615 64th Avenue S  
Kent, WA 98032  
Telephone: (206) 263-5968  
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Overview

1. After hearing the witnesses' testimony and observing their demeanor, studying the exhibits, and considering the parties' arguments and the relevant law, Mr. Maher's appeal is denied. However, the applicable monetary penalty is reduced.

### Procedural Background

2. On October 15, 2025, Samuel Hartung filed an online complaint with Regional Animal Services of King County (Animal Services) for an incident on October 15. Ex. D3. On October 23, Judith McDugald filed an online complaint with Animal Services for the same incident on October 15. Ex. D5. On October 22, Animal Services issued Notice of Violation V25017792-A25004889 to James Maher designating his dog, Beaumont (“Beau”), as potentially dangerous. Exs. D7, D8. James Maher filed a timely appeal on October 24. Ex. D9.
3. We went to hearing on January 8, 2026. Participating in the hearing were: Sgt. Chelsea Eykel representing Animal Services, complainant Samuel Hartung, and their witnesses Judith McDugald and Melissa Mamiya, and appellant James Maher. Mr. Maher objected to the attendance of interested neighbors at the remote hearing. Interested neighbors were permitted to attend the hearing via Zoom but participation and testimony was expressly limited to parties and their witnesses.

### Appeal Issues

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

4. In Mr. Maher’s October 24, 2025, appeal statement, he acknowledges that “Beau did bite the person as alleged in the violation.” He argues, however, that extenuating circumstances warrant overturning the Potentially Dangerous designation.
5. The issue on appeal is whether Beau’s Potentially Dangerous designation under KCC 11.04.230.F and the associated \$500 penalty are supported by a preponderance of the evidence and appropriate under the facts of this case.

### Factual Findings

Weighing all the evidence and testimony, the following facts are supported by a preponderance of the evidence:

6. On October 15, 2025, Mr. Maher was walking his dog, Beau, on leash in the neighborhood. Mr. Maher tripped and fell, injuring his head and was unable to get up. Beau remained by Mr. Maher’s side immediately after the incident.
7. Ms. McDugald and Ms. Mamiya’s mother-in-law saw Mr. Maher on the sidewalk, bleeding from the head, and went over to see if they could help. They approached and attempted to help Mr. Maher stand up. Beau was “calm” at this point. McDugald Testimony; Ex. D5-001.
8. Simultaneously, Mr. Hartung was driving by and observed Mr. Maher on the ground and two elderly women attempting to help him stand up. He pulled over and went to help. Hartung Testimony. Mr. Hartung “introduced himself” to Beau and then helped Mr.

Mahe stand up. *Id.* At some point Mr. Maher lost hold of Beau’s leash. Ms. McDugald stepped on the end of Beau’s leash to prevent him from running into the street. McDugald Testimony.

9. Mr. Hartung was facing Mr. Maher discussing next steps to address his injury when he heard a commotion behind him. Hartung Testimony. He turned around and saw Ms. McDugald was on the ground and bleeding from her head. *Id.*
10. Ms. McDugald explained that Beau had begun to get “agitated.” Ex. D5-001. She indicated that she backed up a couple steps and Beau “lunged” at her, causing her to fly backward and land on the street with her head bouncing off the asphalt multiple times. McDugald Testimony. She suffered a concussion and significant head wounds which required stitches. Ex. D6. Not all of the cuts could be stitched because it was “such a bloody mess” and it took months for her head to fully heal. McDugald Testimony.
11. Mr. Hartung spent a few minutes helping Ms. McDugald get assistance from her family across the street. Hartung Testimony. He was, at most, about 10 feet away from Mr. Maher during that time. He then turned back to Mr. Maher to continue discussing next steps to get him help. At that point Mr. Maher had Beau’s leash again. *Id.*
12. Beau became “jumpy” and Mr. Hartung took a step back and put his hands up. Hartung Testimony. Mr. Maher believed that Mr. Hartung was moving away, back toward his car when Beau jumped on Mr. Hartung and bit his arm through his jacket, causing a laceration. *Id.*; Maher Testimony; Ex. D4. Mr. Maher “called to him in a sharp voice and said ‘No!’” Ex. D9.
13. Mr. Hartung’s wound became swollen and he had to take a couple of days off of work. He has scar tissue that still is aggravated in particular situations. Hartung Testimony.
14. The parties agreed that Beau was not growling or barking at any point. However, Beau was described by Mr. Hartung and Ms. McDugald as jumpy, agitated, and excited, which prompted them both to back away from Beau immediately before he jumped on them.
15. To the extent the witness testimony differed as to the sequence of events in this case, I believe Mr. Hartung’s testimony is the most reliable and credible. Mr. Maher and Ms. McDugald both suffered significant head wounds in the minutes prior to Beau’s concerning behavior. Both testified that there were pieces of the relevant timeframe that they did not clearly recall, which is to be expected considering the physical and emotional impact of the events that day.

#### Conclusions of Law

16. The hearing examiner has jurisdiction pursuant to KCC 20.22.040.
17. 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, KCC

- 20.22.210.B. We do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3.
18. The sole issue here is whether Beau’s “Potentially Dangerous” designation is supported by a preponderance of the evidence and the penalties are reasonable.
  19. Under KCC 11.01.320.A, a "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;...
  20. Under KCC 11.01.350, to "provoke" means to torment, agitate, or harass an animal immediately before the attack, chase, or menacing behavior. "Provocation" or "provoke" 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.<sup>1</sup> The reaction should be “roughly proportional” to the victim’s act.<sup>2</sup>
  21. It is uncontested that Beau jumped on Mr. Hartung and bit him in the arm, causing injury. It is also beyond dispute that Beau jumped on Ms. McDugald, knocking her down and causing serious injury to her head.
  22. Mr. Maher’s defense is that Beau was agitated by his fall and Beau “knew that his master had been hurt and this person had laid his hands on him so that was what provoked the bite.” Ex. D9.
  23. Mr. Hartung was not tormenting, agitating, or harassing Beau immediately prior to Beau biting him. Mr. Hartung had already helped Mr. Maher stand up, talked with him, moved away to address Ms. Maher’s injury, and come back to Mr. Maher without incident. Mr. Hartung estimated that it was around two minutes between him helping Mr. Maher stand up and Beau’s attack. Mr. Maher’s testimony that Mr. Hartung was going back to his car when the attack occurred makes the provocation defense even less viable.
  24. Mr. Hartung’s actions were also in defense of Mr. Maher which renders the provocation analysis wholly inapplicable. Even if Beau could have been provoked, biting Mr. Hartung was not at all proportional or reasonable based on Mr. Hartung’s conduct.
  25. Provocation does not apply to Ms. McDugald’s injury either. She was not tormenting, agitating, or harassing Beau immediately prior to him lunging at her. Ms. McDugald’s action to step on Beau’s leash, protecting him from running into the street, is not a provocative act under the code.

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<sup>1</sup> *Bradacs v. Jacobone*, 244 Mich. App. 263, 273 (2001) (citing *Kirkham v. Will*, 311 Ill. App. 3d 787 (2000)).

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

26. Notably, Mr. Maher testified that Beau “was excited, not agitated” during the incident. A dog “excited” has not been “provoked” and, when that excitement manifests in injuries to multiple people the potentially dangerous designation is appropriate.
27. It warrants reiterating Sgt. Eykel’s statement at the hearing that this was an unfortunate incident and is not a reflection on the owners’ training and oversight of Beau. There are no assertions of negligence and Beau’s behavior that day may in fact have been an anomaly. However, our code does not provide exceptions for isolated incidents or consider the nuances of factual scenarios like the one we have here. Because Beau’s actions meet the criteria for a “potentially dangerous” designation and because there was no provocation as defined by code, a preponderance of the evidence supports Animal Services’ decision.
28. In recognition of the Mahers’ proactive steps to ensure compliance with the potentially dangerous animal restrictions, the monetary penalty is reduced from \$500 to \$300.

DECISION:

1. Mr. Maher’s appeal is DENIED, but the civil penalty is reduced to \$300.

ORDERED January 14, 2026.



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Devon Shannon  
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 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 JANUARY 8, 2026, HEARING IN THE APPEAL OF JAMES  
MAHER, REGIONAL ANIMAL SERVICES OF KING COUNTY  
FILE NO. V25017792-A25004889**

Devon Shannon 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. A25004889
Exhibit no. D3	Online Complaint form of October 15, 2025, incident by Samuel Hartung, dated October 15, 2025
Exhibit no. D4	Photograph of Mr. Hartung's injury
Exhibit no. D5	Online Complaint form of October 15, 2025, incident by Judith McDugald, dated October 23, 2025
Exhibit no. D6	Photograph of Ms. McDugald's injury
Exhibit no. D7	Notice of violation no. V25017792-A25004889, issued October 22, 2025
Exhibit no. D8	Potentially Dangerous Designation
Exhibit no. D9	Appeal, received October 24, 2025
Exhibit no. D10	Map of subject area

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

Exhibit no. A1	Statement of Donna Maher regarding conversation with Ms. McDugald.
Exhibit no. A2	Characteristics of An Agitated Dog from PetPlay.Com
Exhibit no. A3	Plat Map Showing Loe Estates Lot 24
Exhibit no. A4	Lot Dimensions of Lot 24 From County Records
Exhibit no. A5	Aerial Photo of Lot 24 showing approximate lot lines
Exhibit no. A6	Photos of Condition of Neighbors Fences on North and Northeast of Lot 24

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V25017792-A25004889**

**JAMES MAHER**  
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, 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 14, 2026.



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Lauren Olson  
Legislative Secretary

**Eykel, Chelsea**

Regional Animal Services of King County

**Hartung, Sam**

Hardcopy

**Judith McDugald, Melissa Mamiya**

Hardcopy

**Maher, James**

Hardcopy