

February 3, 2026

**OFFICE OF THE HEARING EXAMINER  
KING COUNTY, WASHINGTON**  
Telephone (206) 477-0860  
[hearingexaminer@kingcounty.gov](mailto:hearingexaminer@kingcounty.gov)  
[www.kingcounty.gov/independent/hearing-examiner](http://www.kingcounty.gov/independent/hearing-examiner)

**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V25017834-A25005087**

**JUNE ROSS**

Animal Services Enforcement Appeal

Activity no.: A25-005087

Appellant: June Ross  
*represented by* **Marcy I. LaHart PLLC**

[REDACTED]  
Tacoma, WA 98418

Telephone: [REDACTED]

Email: [REDACTED]

King County: Regional Animal Services of King County

*represented by* **Morgan Graves**

Prosecuting Attorney's Office

701 5th Avenue, Suite 600

Seattle, WA 98104

Telephone: (206) 205-5462

Email: [morgraves@kingcounty.gov](mailto:morgraves@kingcounty.gov)

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 grant in part and deny in part Ms. Ross' appeal and reduce the applicable monetary penalties.

### Procedural Background

2. On October 28, 2025, LeAnn Lynce filed an online complaint with Regional Animal Services of King County (Animal Services) for an incident on October 14, 2025. Ex. D5. On November 4, 2025, Animal Services issued Notice of Violation V25017834-A25005087 to June Ross for her dog, Buster, for three violations: running at large, being unlicensed and unaltered, and qualifying as potentially dangerous. Exs. D2, D3. June Ross filed a timely appeal on November 21, 2025. Ex. D7.
3. We went to hearing on January 26, 2026. Participating in the hearing were: Morgan Graves representing Animal Services, witnesses Schama Lynce and Jie Canete, and appellant June Ross.
4. At the outset of the hearing, Ms. LaHart noted for the record that on December 23, 2025, her client requested an in-person hearing. Barring unique circumstances, the Examiner hearings for Animal Services cases are all conducted remotely, via Zoom. After receiving clarification from Ms. LaHart on January 6, 2026, as to the appellant's preference for an in-person hearing, the request was denied as there were no unique or extenuating circumstances that would justify departure from standard practice. Ms. LaHart objected on the record to this decision.

### Appeal Issues

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

5. In the Ross' November 21, 2025, appeal statement, submitted by their legal representative Ms. LaHart, she denies the allegations against Buster, indicating that he was not running at large, his behavior was provoked by an unrestrained dog, and that the "unlicensed unaltered" violation was issued in error.
6. Based on the scope of the appeal statement, the issues on appeal are as follows:
  - A. Whether the November 4, 2025, violation for Buster "Running at Large 1st Offense" (KCC 11.04.230.O) and the associated \$50 penalty are supported by a preponderance of the evidence and appropriate under the facts of this case.
  - B. Whether the November 4, 2025, violation for Buster being "Unlicensed Unaltered" (KCC 11.04.230.P) and the associated \$250 penalty are supported by a preponderance of the evidence and appropriate under the facts of this case.
  - C. Whether the November 4, 2025, violation designating Buster as "Potentially Dangerous" (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, the hearing examiner finds the following facts by a preponderance of the evidence:

7. On October 14, 2025, Schama Lynce was in front of her parent's house with her sister's dog, Ballince. Lynce Testimony. Leanne Lynce is Ballince's owner and the complainant in this case but was not a witness to the incident that resulted in Ballince's injuries. *Id.*
8. Although Schama Lynce was under the impression that Ballince never left the Lynce property, a preponderance of the evidence indicates that Ballince did leave the property and was on the southwest corner of SE 272<sup>nd</sup> St and 105<sup>th</sup> Ave SE, off-leash and unsupervised. Canete Testimony; Ross Testimony.
9. Simultaneously, Ms. Ross was walking her three dogs, Buster, Pinky and Luna on the northside of SE 272<sup>nd</sup> St. The dogs were on-leash. Ross Testimony. Ms. Ross lives in an adjacent neighborhood to the Lynce property and drives the short distance to walk her dogs there fairly regularly because there are sidewalks. *Id.* She had parked her car on 105<sup>th</sup> Ave SE, toward Ballince and the Lynce home. *Id.*
10. Ms. Ross was ending her walk with the dogs and crossing SE 272<sup>nd</sup> St to return to her car. *Id.* Suddenly Ballince ran into the road, stopping about five feet away from them, barking aggressively at Ms. Ross and her dogs. *Id.* Buster became excited and was able to break free from Ms. Ross's grasp, pulling her down to the sidewalk in the process. *Id.*
11. Ms. Ross does not recall exactly what happened with Buster and Ballince next, but she believes they were chasing each other in circles in the street, barking, and then Buster likely followed Ballince back to the Lynce property. *Id.*
12. Ms. Lynce testified that she saw Buster jump out of the window of an SUV to chase Ballince onto the Lynce property. Based on statements from the other witnesses, this seems highly unlikely. But it is ultimately irrelevant whether Buster ran onto the Lynce property from a car or the street – the undisputed facts are that Buster chased Ballince onto the front steps of the Lynce home. Canete Testimony; Lynce Testimony.
13. Ballince ran to the Lynce front door where Buster attacked her, biting her multiple times resulting in several puncture wounds. Lynce Testimony. Ms. Lynce testified that the attack went on for at least two minutes while she was screaming help and yelling for her father to open the door, and that she was scared of Buster attacking her, too. *Id.*
14. While this was going on, the neighbor, Jie Canete, was sitting in her car in her driveway adjacent to the Lynce property. Canete Testimony. She overheard Ms. Lynce yelling and dogs barking. She got a garden hose and went to see if Ms. Lynce needed help. *Id.* She saw Buster and Ballince on the front steps of the house and Buster was biting Ballince. *Id.* She began to spray the dogs with the hose and yelled loudly, getting Buster to stop biting Ballince and back away until she could get between the dogs. She then continued

- to spray Buster with the hose while opening the front door to let Ballince escape into the home. Buster originally wouldn't leave but finally ran off. *Id.*
15. Ms. Canete recognized Buster as a dog she had seen Ms. Ross walking a few minutes earlier when she was driving into the neighborhood. Ms. Canete walked back out to the main street to look for the owner. *Id.*
  16. Returning to Ms. Ross' situation, it took her a few minutes and help from a neighbor to get up. Ross Testimony. She later determined that she had fractured multiple ribs during the fall. *Id.* She had the other two dogs' leashes in her hand and was going to go retrieve Buster when he came running back to her. *Id.* She estimated Buster was out of her control for between 3-5 minutes. *Id.* Buster was wet when he returned to Ms. Ross. *Id.*
  17. Ms. Ross walked to her SUV with all three dogs and put them in the back. *Id.* Ms. Ross then got into the driver's seat and started driving the short distance back to where she had fallen to retrieve her sunglasses.
  18. She stopped at a stop sign and was approached by Ms. Canete. Canete Testimony; Ross Testimony. Ms. Canete observed Buster in Ms. Ross' car and told Ms. Ross that Buster had just attacked her neighbor's dog. Canete Testimony. Ms. Ross indicated that she lived nearby and wanted to take her dogs home but then would come right back to address the situation. Canete Testimony; Ross Testimony. Ms. Canete then asked for her name, phone number, and took a picture of her license plate. Ms. Ross drove away and Ms. Canete gave Ms. Ross' information to Ms. Lynce. Canete Testimony.
  19. Ms. Ross stated that it was not just Ms. Canete, but a group of women ("at least three") "surrounded" her car "started taking photographs" and were shouting and yelling at her. Ross Testimony. There was no testimony that there were any women, other than Ms. Canete and Ms. Lynce, present during the incident. Ms. Ross indicated that she felt intimidated by the "hostile group" so she gave Ms. Canete a false phone number and address and did not return to provide help. Ross Testimony.
  20. Ms. Lynce ultimately was able to get Ms. Ross' information based on the picture of her license plate and called and filed a police report. Lynce Testimony.
  21. Ballince was injured as reflected in the photos showing multiple puncture wounds. Ex. D6. There was no record of a veterinary visit or the extent of the injury.
  22. Ms. Ross provided a rabies vaccination establishing that Buster is neutered. Ex. A1.
  23. Ms. Canete's testimony was neutral, reliable, and credible. Ms. Lynce's testimony that Ballince never left the property and Buster jumped out of a car window to attack Ballince was inconsistent with Ms. Canete and Ms. Ross' testimony and not credible.
  24. The focus of the appellant's case is that the injury to Ballince (and Ms. Ross) would not have happened but for Ballince's behavior which also violated the "Running at Large"

regulation. The appellant argues that Buster was provoked into pulling away from Ms. Ross and attacking Ballince because of Ballince's aggressive off-leash barking.

### Conclusions of Law

25. The hearing examiner has jurisdiction pursuant to KCC 20.22.040.
26. 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.
27. Although I felt it was important to walk through the facts of this incident in detail, the reality is, very few of them matter to the legal conclusions that support affirming the appealed violations.<sup>1</sup> The critical facts are that Buster (1) was neutered but unlicensed; (2) was on the Lynce property without permission and not under Ms. Ross' control, and (3) caused injury to Ballince.
28. **Licensing.** Starting with the lowest hanging fruit, Ms. Graves acknowledged that Animal Services incorrectly labeled Buster as "unaltered." Ms. Ross provided evidence establishing that Buster was neutered in 2017 but acknowledged he was not licensed. Ex. A1. Ms. Ross' appeal for violation of KCC 11.04.230.P is granted to the extent it applied an increased monetary penalty for Buster being unaltered. The monetary penalty is reduced from \$250 to \$125 to reflect that he was neutered, but unlicensed, at the time of the incident. KCC 11.04.35.C.5.
29. **Running at Large.** Next we have the violation for Buster running at large. "At large" means "any animal off the premises of its owner and not under control of a competent person," with "under control" defined as "a domesticated animal ... restrained, by a human using a leash or competent and effective voice or signal control, from approaching any bystander or other domesticated animal and from causing property damage." KCC 11.01.090; KCC 11.01.380.
30. A preponderance of the evidence establishes that both Buster and Ballince were "Running at Large" on October 14. The only running at large violation issued appears to be the charge against Buster, despite evidence available to Animal Services during their investigation that Ballince was also off the premises of its owner and not under control of a competent person.
31. The appellant's position is, logically, that the only reason Buster was running at large was because Ballince was provoking him into action. While I believe this is true, the defense of provocation is very limited under our code and is available only as a defense for

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<sup>1</sup> Pursuant to RCW 16.08.110(2), we do not make determinations on whether to uphold a violation based on a dog's breed. This decision would be the same regardless of Buster's breed.

dangerous and potentially dangerous animal designations. Specifically, provocation is not a defense to a “Running at Large” violation.

32. There is no factual dispute that, once Buster was able to pull away from Ms. Ross, he was running at large. The violation of KCC 11.04.230.O is affirmed.
33. **Potentially Dangerous designation.** Generally, a "potentially dangerous animal" means any animal that, when unprovoked, bites or inflicts injury on a human or domesticated animal. KCC 11.01.320.A.
34. **“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.” KCC 11.01.350. A key touchstone of courts’ analyses is that “provocation” requires the dog’s reaction to be roughly proportional to the victim’s act.<sup>2</sup> Further, in animal case law, reviewing courts focus on how an average dog, neither unusually aggressive nor unusually docile, would react to an inciting act.<sup>3</sup>
35. However, the defense of provocation is not available to a dog that is trespassing. Per KCC 11.01.320(B), **“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.” Provocation is not a viable defense if Buster was trespassing when he committed the violation. KCC 11.01.320.B (emphasis added).
36. As Ms. Ross did not see the actual attack, we rely on Ms. Canete and Ms. Lynce’s consistent testimony that Buster attacked Ballince at the front doorstep of the Lynce’s home. Ms. Ross’ credible testimony that Buster was provoked by Ballince is ultimately irrelevant. What matters are the undisputed facts that Buster was trespassing on the Lynce property when he attacked Ballince. In this scenario, the potentially dangerous designation is applicable regardless of whether Buster’s actions were a result of Ballince’s provocation.
37. Even if provocation was an available defense, it would be a stretch to apply it under the facts of this case because of the disproportionate behavior of the two dogs. Ballince charged Ms. Ross and her dogs, barking aggressively and got within 5 feet of them. When she lost Buster’s leash, the dogs barked at each other and ran in circles before Buster followed Ballince back to the Lynce property. At this point the disproportionality of the behavior becomes apparent. If Buster had continued to bark and chase Ballince, that would have been reasonable. But moving from barking and chasing to aggressively attacking and biting Ballince and sustaining the attack despite multiple people trying to get him to stop, is not proportional to Ballince’s instigating behavior.

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<sup>2</sup> *Stroop v. Day*, 271 Mont. 314, 319, 896 P.2d 439 (1995); *Bradacs v. Jacobone*, 244 Mich. App. 263, 273, 625 N.W.2d 108, 113 (2001) (citing *Kirkham v. Will*, 311 Ill. App. 3d 787, 792, 724 N.E.2d 1062 (2000)).

<sup>3</sup> *Bradacs*, at 273–75; *Kirkham*, at 792.

38. Buster attacked Ballince, biting her and causing injury with a sustained attack, only backing away after being continuously sprayed with a hose. This behavior meets the definition of “potentially dangerous” and provocation is not an available defense. The violation of KCC 11.04.230.F is affirmed.
39. In many cases a fee reduction is granted based on an appellant’s financial need, compliance with licensing requirements in advance of the hearing, contribution to the injured dog’s veterinary expenses, or proactive steps taken to comply with the potentially dangerous dog restrictions. No evidence was presented by appellants to indicate that any of these factors were applicable here.
40. However, Ms. Ross suffered an injury herself in this melee and presumably incurred costs associated with treating her fractured ribs. Moreover, it feels inequitable to hold Buster accountable for the cost of being “at large” when Ballince was not similarly held accountable and appears to have set in motion the unfortunate series of events that followed. The \$550 monetary penalties for the at large and potentially dangerous designation violations are reduced to \$150.

DECISION:

1. The appeal of the “Unlicensed and Unneutered” violation of KCC 11.04.230.P is granted and modified to reflect that Buster was neutered at the time of the incident. The monetary penalty for the modified violation is reduced to \$125 per KCC 11.04.35.C.5.
2. The monetary penalties for the remaining violations are reduced from \$550 to \$150.
3. The remainder of Ms. Ross’ appeal is DENIED.

ORDERED February 3, 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 26, 2026, HEARING IN THE APPEAL OF JUNE ROSS, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V25017834-A25005087**

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 timely received by the Examiner without objection and are entered into the record (Ex. Rule XIII.B):

Exhibit no. D1	Regional Animal Services of King County staff report
Exhibit no. D2	Notice of violation no. V25017834-A25005087, issued November 4, 2025
Exhibit no. D3	Potentially Dangerous Designation
Exhibit no. D4	RASKC investigation report no. A25005087
Exhibit no. D5	Witness Statement
Exhibit no. D6	Photograph
Exhibit no. D7	Appeal, received November 21, 2025
Exhibit no. A1	Rabies Vaccination Certificate

February 3, 2026

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V25017834-A25005087**

**JUNE ROSS**

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 February 3, 2026.



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Lauren Olson  
Legislative Secretary

**Eykel, Chelsea**

Regional Animal Services of King County

**Graves, Morgan**

Prosecuting Attorney's Office

**Isaacson, Mari**

Prosecuting Attorney's Office

**Lynce, Leann/Schama**

Hardcopy

**Marcy I. LaHart PLLC**

Hardcopy

**Ross, June**

Hardcopy