

January 30, 2026

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

REPORT AND DECISION

SUBJECT: Regional Animal Services of King County file no. **V25017859-A25005234**

CALEB COLBERT

Animal Services Enforcement Appeal

Activity no.: A25-005234

Appellant: **Caleb Colbert**

[REDACTED]
Bellevue, WA 98007

Telephone: [REDACTED]

Email: [REDACTED]

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

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 the Colbert appeal and reduce the applicable monetary penalty.

Procedural Background

2. On November 9, 2025, Alejandrina Hernandez filed an online complaint with Regional Animal Services of King County (Animal Services) for an incident the prior day. Ex. D3. On January 18, 2025, Animal Services issued Notice of Violation V25017859-A25005234 to Caleb Colbert for his dog, Polo, trespassing on private property and being designated as “Potentially Dangerous.” Ex. D8. Mr. Colbert filed a timely appeal on December 10, 2025. Ex. D10.
3. We went to hearing on January 20, 2026. Participating in the hearing were: Sgt. Chelsea Eykel representing Animal Services, complainant Alejandrina Hernandez, appellant Caleb Colbert, and their witness Maria Isabel Flores Cardenas. A Spanish interpreter was provided for Ms. Hernandez.

Appeal Issues

Per the Notice of Hearing, the issue identified for consideration on appeal is as follows:

4. In Mr. Colbert’s December 10, 2025, appeal statement, he acknowledges the events that took place on November 8, 2025, but indicates Polo’s behavior was the result of a dog trespassing on their property, resulting in Polo leaving the premises. We interpret this as an acknowledgement of the “Trespass” violation under KCC 11.04.230.L, and limit the scope of the appeal to the following:

Whether the November 18, 2025, designation of Polo 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:

5. On November 8th, 2025, Ms. Hernandez’s dog, Camillo, was “Running at Large” in the neighborhood and Animal Services issued Ms. Hernandez a citation which she did not appeal. Camillo’s frequent off-leash presence in the neighborhood was acknowledged by both parties.
6. On this occasion Camillo went onto to the neighbor’s property where Mr. Colbert lives with his dog Polo. Colbert Testimony. Camillo barked at edge of the property where Polo was contained in the patio area. Colbert Testimony. Polo did not appreciate Camillo’s visit and, using a chair that was on the patio, managed to get over the gate and chase Camillo back to the Hernandez property.
7. Once back to the Hernandez property, Polo attacked Camillo who was hiding under a truck. Hernandez Testimony. Ms. Hernandez did not witness the attack. A visitor at the

Hernandez home pulled Polo away from Camillo and, within seconds, Mr. Colbert had run over to contain Polo. *Id.*

8. Video evidence shows Camillo running away from the Colbert house and back to the Hernandez property. Ex. D4. Polo follows a second later and Mr. Colbert is seen running after Polo a second later. *Id.*
9. Polo was injured on his back, stomach, and paw. Ex. D5; Hernandez Testimony. Ms. Hernandez wanted Mr. Colbert or his fiancé, Ms. Flores-Cardenas, to take Camillo to the veterinarian. Hernandez Testimony. Ms. Flores-Cardenas indicated that, as she was pregnant at that time (and in fact gave birth the following day), she declined to take Camillo to the vet. She clarified that she did not refuse to pay vet bills for Camillo's injuries. Flores-Cardenas Testimony.
10. Ms. Hernandez did not ultimately take Camillo to the veterinarian for treatment so there is no record of the injury or expenses incurred. The weight of the evidence, however, establishes that Polo attacked and injured Camillo.
11. The crux of the appellant's testimony focused on whether Polo was provoked into chasing and attacking Camillo. Colbert Testimony. Camillo was barking at Polo from the edge of Mr. Colbert's property. *Id.* There had also been an event the day before with a neighbor's dog where Polo was on the receiving end of an attack. *Id.* Mr. Colbert's point was that these facts amount to a valid use of the provocation defense under our code.
12. Sgt. Eykel acknowledged that Camillo was off the property but focused on Polo's disproportionate response to Camillo's barking. She offered that a dog chasing another dog across the street, onto another property and attacking a dog hiding under a car is disproportionate to Camillo barking and standing at the edge of the property where Polo was on the patio.
13. Animal services noted that Mr. Colbert has been in compliance with the potentially dangerous designation requirements pending appeal. Eykel Testimony. She also stated that Mr. Colbert has made improvements to the property and provided documentation of improvements to avoid Polo escaping the property in the future. *Id.*
14. Both Mr. Colbert and Ms. Flores-Cardenas were credible and sincere in taking responsibility for Polo's actions. They also, however, are reasonably frustrated with what appears to be an isolated incident that they believe would not have happened but for Camillo's behavior.

Conclusions of Law

15. The hearing examiner has jurisdiction pursuant to KCC 20.22.040.
16. 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.
17. 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.
 18. “**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.¹ 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.²
 19. 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 for Mr. Colbert if Polo was trespassing when he committed the violation. KCC 11.01.320.B (emphasis added).
 20. The parties’ testimony regarding whether Polo was provoked by Camillo is ultimately irrelevant. What matters here are the undisputed facts that Polo was trespassing on the Hernandez property when he attacked Camillo. In this scenario, the potentially dangerous designation is applicable regardless of whether Polo’s actions were a result of Camillo’s provocation.
 21. Even if provocation was an available defense, it would have been a stretch to apply it to reverse the designation under the facts of this case. Camillo was standing several feet away from Polo when he was barking and retreated toward his house before Polo began his pursuit. Polo’s actions continuing to chase Camillo and then attacking him is not proportional to Camillo’s barking.
 22. Based on Mr. Colbert’s compliance with the designation requirements and proactive measures, at some financial cost, to ensure Polo cannot repeat his escape from the property, a reduction in the monetary penalties is in order.

¹ *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)).

² *Bradacs* at 273–75; *Kirkham* at 792.

DECISION:

1. The “Potentially Dangerous” violation for Polo, along with all restrictions and requirements, is affirmed.
2. The monetary penalty is reduced from \$500 to \$200.
3. Mr. Colbert’s appeal is otherwise DENIED.

ORDERED January 30, 2026.



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 20, 2026, HEARING IN THE APPEAL OF CALEB COLBERT, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V25017859-A25005234

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. A25005234 |
| Exhibit no. D3 | Online Complaint form of November 8, 2025, incident by Alejandrina Hernandez, dated November 9, 2025 |
| Exhibit no. D4 | Video of Camillo |
| Exhibit no. D5 | Photographs of Camillo's injuries |
| Exhibit no. D6 | Photograph of Colbert driveway |
| Exhibit no. D7 | Photograph of gate |
| Exhibit no. D8 | Notice of violation no. V25017859-A25005234, issued November 18, 2025 |
| Exhibit no. D9 | Potentially Dangerous Designation |
| Exhibit no. D10 | Appeal, received December 10, 2025 |
| Exhibit no. D11 | Map of subject area |

January 30, 2026

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

Telephone (206) 477-0860

hearingexaminer@kingcounty.gov

www.kingcounty.gov/independent/hearing-examiner

CERTIFICATE OF SERVICE

SUBJECT: Regional Animal Services of King County file no. **V25017859-A25005234**

CALEB COLBERT

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 30, 2026.



Jessica Oscoy
Administrator

Eykel, Chelsea

Regional Animal Services of King County

Hernandez, Alejandrina Ms.

Hardcopy

Maria I. Flores Cardenas, Caleb Colbert

Hardcopy