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By Email

Wednesday, August 12, 2026

Mercer Island City Clerk
9611 SE 36th St.
Mercer Is., WA 98040
206.275.7793
cityclerk@mercerisland.gov

Ref.: Appeal of Potentially Dangerous Dog Declaration (by Kim Chau)
Kim Chau, 5444 E Mercer Way, Mercer Island, WA 98040

Dear City Clerk,

This serves as the Appeal of Kim Chau from the *Notice of Declaration of Potentially Dangerous Dog* in case A26-001175 pertaining to Ms. Chau's dog Stewart. Ms. Chau's legal interest in Stewart consists of being his owner-guardian.

The City has never properly served the *Notice* on Ms. Chau. Ms. Chau was not served in person and, per RASKC, there is no proof of mailing. There is no evidence the *Notice* was sent with certified mail. Hence, the 20-day appeal window has not begun to run per MICC 7.04.120(B).

The gravamen of the appeal is that any alleged injury to the complainant by Stewart was provoked by her screaming loudly, waving a garden tool in her hand, trying to hit Stewart, and acting generally aggressively, as seen by Ms. Chau upon arrival to the scene, negating a key element in the definition of "potentially dangerous dog" under MICC 7.04.020 ("Potentially Dangerous Dog"). Additionally, the City only alleges a single bite, not "bites," as required by MICC 7.04.020. Accordingly, Ms. Chau seeks reversal of the PDD *ab initio*.

The certification under penalty of perjury requirement imposed by the City violates procedural due process, for it presents the impediment of an antecedent condition to simply exercise the right to hold the government to its burden before it exercises its powers of compulsion, invading the liberty and property interests of the owner, and conceivably serving as a predicate for later warrantless seizure. The citizen's right to a contested, evidentiary hearing at which the government must meet its burden of proof prior to any deprivation of money, property, or freedom

is undeniable and cannot be conditioned on extracting a statement of any form from the citizen. The mandate that the citizen provide certification (or any assertion, for that matter) is unconstitutional.

That said, as her attorney, I hereby certify that the appeal is well-grounded in fact and law. If the City maintains that a certification by Ms. Chau is required and that, without it, the appeal will be summarily rejected, then please notify me immediately to allow an opportunity to cure under protest, reserving all rights for further litigation on that point.

Respectfully submitted,

ANIMAL LAW OFFICES, PLLC



Adam P. Karp, Esq.

CC: Kim Chau

I am the appellant. I certify to the best of my knowledge that the appeal is well-grounded in fact.

Kim Chau

Kim Chau



**CITY OF MERCER ISLAND
NOTICE OF DECLARATION OF POTENTIALLY DANGEROUS DOG**

Date of Notice: 3/28/26

Case No: A26-001175

Description of Dog

Breed: Chihuahua mix

Color: W

Gender: NM

Name of Dog: Stewart

Owner: Kim Chau

Address: 8444 E Mercer Way

Phone No.: 206 619 7762

Whereabouts of dog (if not in custody of owner): NA

Pursuant to this notice, the dog listed above will be considered a "Potentially Dangerous Dog" under MICC 7.04.020 and RCW 16.08.070 twenty (20) days after service of this notice on 12/9/25. This notice places immediate restrictions upon the dog listed above and requires your immediate action. Contact Regional Animal Services of King County at 206 296 7387 if you have any questions.

Declaration of Potentially Dangerous Dog

Regional Animal Services of King County has probable cause to believe that the dog listed above falls within the definition of potentially dangerous dog as set forth in MICC 7.04.020 and RCW 16.08.070 for the following reason(s):

During the 20 days before this declaration is effective, on or before 04/17/26, you may appeal this notice. Information on how to appeal this notice follows.

The facts which support this declaration are as follows:

Stewart ran across the street, entered the complainant's property and bit her on the knee.

The definition of a Potentially Dangerous Dog under MICC 7.04.020 is as follows: Potentially dangerous dog means any dog that when unprovoked: (a) inflicts bites on a human or a domestic animal either on public or private property, or (b) chases or approaches a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack, or any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury, or to cause injury or otherwise to threaten the safety of humans or domestic animals.

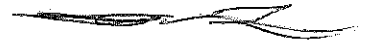
This incident is a violation of Section A of the above code.

The statutory and municipal code basis for the proposed action are as follows:

MICC 7.04.120 (A)

NAME OF ANIMAL CONTROL OFFICER: Aaron Wheatley

OFFICER'S SIGNATURE



DATE

3/28/26

Potentially Dangerous Dog Owner Responsibilities

Pursuant to MICC 7.04.120(E), it is unlawful for an owner of a potentially dangerous dog to permit the dog to be allowed or permitted to run free and physically unrestrained or off leash or not otherwise under physical restraint, unless within a fenced yard or similar restraint reasonably designed to prevent the dog from running free and physically unrestrained. The top of such fence must be **at least** six feet in height as measured from the ground level, unless there is a secured top—full enclosure—to the fenced-in area. Further, such fence or enclosure area must comply with all applicable city codes. Please note that a dog solely under voice and/or signal control shall be considered to be “physically unrestrained.” Any person who violates MICC 7.04.120(E) shall be guilty of a misdemeanor.

Pursuant to MICC 7.04.120(F), the owner of a potentially dangerous dog is responsible for taking measures to ensure that the dog does not escape the above restraints.

Appeal Procedures

MICC 7.04.235 governs appeals of potentially dangerous dog declarations or dangerous dog declarations.

A notice of appeal must be filed with the Mercer Island City Clerk within 20 days of receiving a potentially dangerous dog declaration or final dangerous dog determination (notices that are mailed will be presumed to have been delivered three days after placing the notice in the mail for delivery). No fee is required to file a notice of appeal. If the owner does not file a timely written request for hearing, the restrictions imposed in connection with the potentially dangerous dog declaration or final dangerous dog determination shall remain in effect for the life of the animal, unless sooner lifted by action of the animal control authority or a court of competent jurisdiction.

Form of Appeal. An appeal shall be written and shall conform substantially to the following requirements:

1. A caption reading: "Appeal of ____," giving the names of all appellants participating in the appeal;
2. A brief statement setting forth the legal interest of each of the appellants;
3. A brief statement of the specific action appealed, together with any material facts claimed to support the contentions of the appellant(s);
4. A brief statement of the relief sought, and the reasons why the potentially dangerous dog declaration or final dangerous dog determination should be reversed, modified, or otherwise set aside;
5. Signatures of all parties named as appellants, and their official mailing addresses; and
6. Certification (by signature of the appellant(s)) that to the best of the appellant(s)' knowledge, information, and belief, the appeal is well grounded in fact.

For more information on appeal procedures, please consult MICC 7.04.235.

260812 Chau NOA (as)

Final Audit Report

2026-08-13

Created:	2026-08-12
By:	Adam Karp (adam@animal-lawyer.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAealEMpQNZeAskvrzFwZ5CNHwlm5z5ZD6

"260812 Chau NOA (as)" History

-  Document created by Adam Karp (adam@animal-lawyer.com)
2026-08-12 - 9:58:49 PM GMT
-  Document emailed to Kim Chau (kimlchau@yahoo.com) for signature
2026-08-12 - 9:59:09 PM GMT
-  Email viewed by Kim Chau (kimlchau@yahoo.com)
2026-08-13 - 4:58:37 PM GMT
-  Document e-signed by Kim Chau (kimlchau@yahoo.com)
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