

March 11, 2021

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

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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. **V20011428-A20014486**

**GEORGE PAGE**

Animal Services Enforcement Appeal

Activity no.: A20014486

Appellant: **George Page**

[REDACTED]  
Vashon, WA 98070

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  
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**FINDINGS AND CONCLUSIONS:**

Overview

1. Regional Animal Services of King County (Animal Services) served a violation notice on Gregory Page for his dog not being licensed. Mr. Page appealed and raised a novel issue: because his dog serves entirely to guard livestock, and is not treated as a pet, no license should be required. Though a sound argument, after hearing the witnesses' testimony, studying the exhibits admitted into evidence, and considering the parties' arguments and the relevant law, we deny his appeal. We do reduce the penalty significantly.

## Background

2. The facts here are not in dispute. Mr. Page runs a farm-to-table operation. Mr. Page has Huck and another dog who live 24/7 in the fields with his poultry and sheep. Huck eats and sleeps (in a covered area) with those animals. The Pages consider Huck a member of the herd. Huck's sole role is to protect his animals and to chase off invaders. Huck never enters the Page house, and the Pages do not treat Huck like a pet.
3. Animal Services informed Mr. Page that Huck would still need a pet license. Mr. Page disagreed, asserting that Huck is better categorized as "livestock," and thus is not covered by the pet licensing requirements. To elevate the disagreement, Animal Services served a violation notice on December 3, which Mr. Page appealed on December 30. Exs. D4 & D6. We went to hearing on February 25.
4. In deciding the matter, we do not grant substantial weight or otherwise accord deference to agency determinations. Exam. R. XV.F.3. For those matters or issues raised in an appeal statement, Animal Services bears the burden of proving by a preponderance of the evidence both the violation and the appropriateness of the remedy it has imposed. KCC 20.22.080.G; .210.

## Analysis

5. The code Mr. Page is alleged to have violated is KCC 11.04.030.A, which states that

All dogs and cats eight weeks old and older that are harbored, kept or maintained in King County shall be licensed and registered. Licenses shall be renewed on or before the date of expiration.
6. KCC 11.04.035 contains a list of the various licenses and registrations. In addition to the basic pet license, there are categories for other dogs that are not pets but instead provide a service. Service animals are not pets, but they too require a registration, albeit one with no charge. KCC 11.04.035.A.8. While Huck certainly provides a valuable service to the farm, the free "service animal" registration only applies for animals who aid a disabled person, not for those who aid other animals. KCC 11.04.020.X. A closer fit would be "guard dog," a dog trained to protect either persons or property, since Huck is trained to guard the herd. KCC 11.32.020.C. But guard dog registrations are \$100 a year, significantly more than the \$30 (altered) or \$60 (unaltered) annual pet licenses. So that might help Mr. Page on a philosophical level—that Huck is not his "pet"—but not on a financial level.
7. Thus, as the code is clear that all dogs over eight weeks old require a license and registration, and no other provision of KCC chapter 11.04 creates an exception for dogs who live with and guard a herd, under KCC chapter 11.04, Mr. Page would need either a guard dog registration or a pet license.
8. We take seriously Mr. Page's position that Huck basically lives as one of the herd, and thus should be treated as "livestock." We cast a wide net searching for some livestock-related exception. We started with the County code's definition of "livestock," which is

limited to “grazing animals,” and lists only cattle, horses, some pigs, sheep, and goats and definitive examples. KCC 21A.06.695 & KCC 11.04.020.P. Huck is not a “grazing animal.”

9. Another chapter in the County code contains a provision excepting “working dogs engaged in the herding of livestock.” KCC 11.08.030. However, that provision only allows such dogs—along with dogs engaged in training, hunting, competition and search and rescue—to roam without restraint in areas where they would otherwise be required to be leashed up. It does not create a licensing exception.
10. State law has a similar provision regarding animals on state-managed lands. While pets must normally be on a leash, “pets accompanying livestock with riders may be under voice control.” WAC 332-52-140. In addition to not mentioning licensing, it is interesting to note that the provision treats, say, a dog driving cattle, as a “pet” and not itself as “livestock,” albeit in the limited context of traversing state-managed lands.
11. Sometimes a state statute overrides a local code in the agricultural arena. For example, a state statute defines “agricultural activities” broader than County code does, and thus certain activities that would not qualify for an agricultural exemption under local law are nonetheless exempt from the need for a County clearing and grading permit because of how state law expands “agricultural.” *Compare* RCW 90.58.065(2)(a) *with* KCC 21A.24.045(C)(53) and (54). Combing through the state statutes (RCW) and state administrative code (WAC), we found no such equivalent that would exempt dogs who are an integral part of livestock operations.
12. The state code’s basic “livestock” definition, under the state chapter devoted to “Identification of Livestock,” is that “[l]ivestock includes, but is not limited to, horses, mules, cattle, sheep, swine, and goats.” RCW 16.57.010(9). There are numerous livestock definitions in different contexts throughout the RCW and the WAC; the most detailed one we uncovered defines livestock as “cattle, bison, horses, mules, donkeys, swine, sheep, goats, rabbits, llamas, alpacas, ratites, poultry, waterfowl, game birds, and other species so designated by statute.” WAC 16-604-009 (livestock markets). However, nothing we find notes or even implies that dogs which herd or guard such livestock—and Huck guards sheep and poultry—themselves qualify as livestock.
13. Animal Services and Mr. Page both make sound policy arguments for *why* it is or is not a good idea to exempt livestock-guarding dogs from licensing requirements or to make that license free. Animal Services notes that many County farms have animals consigned to guarding the flock, that such protection is (like a fencing, netting, or other hardware) the cost of doing business, that a \$30 annual licensing requirement is low compared to the cost of those alternative protection measures, and that Animal Services frequently has to devote resources to responding livestock guarding dog-related calls. Mr. Page asserts that because Huck is integral to their agricultural operations, their treatment of Huck as just one of the herd, and the County’s policy of encouraging agriculture, the licenses should either not be required or be free.

14. In interpreting codes, we avoid a reading that produces absurd results, because we do not presume that the legislature intended absurd results. *Tingey v. Haisch*, 159 Wn.2d 652, 664, 152 P.3d 1020 (2007). However, there is nothing absurd about the result produced under either Mr. Page’s or Animal Services’ reading. If the County wanted to rewrite the code either to create a free license for dogs that guard a flock or herd (like it does for service dogs who assist disabled people) or to rewrite the “livestock” definition to include (in addition to “grazing animals”) dogs that protect those grazing animals, that would not be absurd. And if it wanted to keep the status quo, where there is no livestock-guarding-dog exception to the requirement that all dogs be licensed and registered, and no applicable fee lower than the normal pet license, that is also not absurd.
15. While we conclude, on the whole, that Animal Services has the slightly better policy argument, even if we leaned the other direction, regardless of our policy preferences, our role would still be to interpret the codes “as they are written, and not as we would like them to be written.” *Brown v. State*, 155 Wn.2d 254, 268 (2005) (citations omitted). Mr. Page will need to annually license Huck and his other livestock-guarding dog, either with a guard dog registration (\$100) or with a pet license (\$30, given that Huck is altered).
16. And that leaves the penalty amount. First, Huck is altered, so the \$250 penalty listed in the violation notice for an unlicensed, unaltered dogs was not the correct starting point; \$125 is the penalty for unlicensed but altered dogs. KCC 11.04.035.A.1.b. And second, while we have never completely eliminated a licensing penalty, we come pretty close here. Unlike most of the recycled, tired excuses we hear from appellants who do not license their dogs or cats, Mr. Page raised a novel argument that gave us pause and warranted some significant analysis. Provided Mr. Page duly licenses Huck, we will reduce the violation down to \$30, which is simply the annual pet license fee, an amount Mr. Page saved by not licensing Huck last year. Although Mr. Page’s other dog was not the subject of today’s case, he will want to license that dog as well, to avoid a future penalty.

#### DECISION:

1. We deny Mr. Page’s appeal as to the need to license Huck, via either a guard dog registration or a pet license.
2. As to the penalty amount, we partially grant Mr. Page’s appeal. First, the applicable penalty is \$125, not \$250. Second, so long as Mr. Page registers or licenses Huck by **March 25, 2021**, the \$125 penalty is reduced to \$30.

ORDERED March 11, 2021.



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David Spohr  
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 by *April 12, 2021*. Either party may appeal this decision by applying for a writ of review in superior court in accordance with chapter 7.16 RCW.

### **MINUTES OF THE FEBRUARY 25, 2021, HEARING IN THE APPEAL OF GEORGE PAGE, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V20011428-A20014486**

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel and George Page. A verbatim recording of the hearing is available in the Hearing Examiner's Office.

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

Exhibit no. D1	Regional Animal Services of King County staff report to the Hearing Examiner
Exhibit no. D2	Online Complaint form of October 18, 2020 incident by Charmaine Adsero, dated October 18, 2020
Exhibit no. D3	RASKC investigation report no. A20014486
Exhibit no. D4	Notice of violation no. V20011428-A20014486, issued December 3, 2020
Exhibit no. D5	NVOC mailing/tracking history
Exhibit no. D6	Appeal, received December 30, 2020
Exhibit no. D7	Map of subject area

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V20011428-A20014486**

**GEORGE PAGE**

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, with sufficient postage, as FIRST CLASS MAIL in an envelope addressed to the non-County employee parties/interested persons to addresses on record.

DATED March 11, 2021.



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Lauren Olson  
Legislative Secretary

**Adsero, Charmaine**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Page, George**

Hardcopy