

August 28, 2023

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

King County Courthouse  
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**REPORT AND DECISION**

SUBJECT: Regional Animal Services of King County file no. V23014212-A23003047

**CAMILLE JOHNSON & CHRIS BUSBY**  
Animal Services Enforcement Appeal

Activity no.: A23003047

Appellants: **Chris Busby and Camille Johnson**

[REDACTED]  
Kent, WA 98030

Telephone: [REDACTED]

Email: [REDACTED]  
[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](mailto:raskcappeals@kingcounty.gov)

FINDINGS AND CONCLUSIONS:

Overview

1. Chris Busby and Camille Johnson appeal a licensing violation. 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 overturn the licensing violation for their two adult dogs. We sustain it for the puppies as well, but we suspend most of those penalties, contingent appellants comply with the licensing requirements related to transferring ownership of their remaining dogs.

### Background

2. On May 5, 2023, Animal Services issued V23014212-A23003047 to Camille Johnson, Christopher Busby's wife, for nine unlicensed dogs, fining them \$2250. Ex. D5. Ms. Johnson appealed on May 31, which was one day after the appeal deadline. Ex. D12. We allowed the late appeal to proceed on the merits. We originally set the hearing for July 19, but at the request of Animal Services, and with Mr. Busby's approval, we rescheduled to August 14.

### Hearing Testimony

#### *Chelsea Eykel Testimony*

3. Sgt. Eykel testified that in 2016 Animal Services investigated a complaint of a loose dog. Ex. D8. Animal Services advised the Johnson/Busby household that they needed to license the dogs they owned and had on the property. They licensed the dogs; however, they did not renew the licenses.
4. Animal Services spoke with the household in March 2022 regarding breeding, zoning, and the code. Ex. D9. The officer also advised them to license their dogs at that time, but was told that they did not care whether their dogs were licensed or not. Ex. D9 at 002, n.3. They did not license them, so Animal Services issued a licensing violation in April 2022, along with \$1050 in fines. Ex. D10. No appeal was filed, making that a final determination. Three dogs were then licensed. Ofc. Wheatley advised Mr. Busby to license the puppies as well.
5. Animal Services was called out again to the property in May 2023 for a sanitation and noise complaint. Exs. D2, D3. Ofc. Wilson heard numerous dogs in the garage. Ex. D4. Ofc. Wilson spoke with Ms. Johnson, who was holding a puppy the officer believed was over six weeks old. The litter of puppies at the house was not licensed.
6. In preparation for this case, Mr. Busby went to Animal Services in Kent and spoke with Sgt. Eykel. She advised Mr. Busby that the puppies need to be licensed and that Mr. Busby needed to notify Animal Services when transferring ownership of the puppies.
7. Sgt. Eykel stated that Mr. Busby is operating a breeding business and follow-up training with the puppies. Mr. Busby expressed to her his frustration with the neighbor's complaints. She told Mr. Busby he cannot have a breeding operation at his property without a commercial kennel license, and that given his property's zoning he likely could not obtain that license. And Mr. Busby cannot qualify for hobby license because his is a commercial business. Sgt. Eykel commended Mr. Busby for doing follow-up training with the puppies.
8. Only one dog, Chop Blue, is licensed at the property. Lola and Rainer are marked as no longer have, which is an owner's update. Licenses are still active for them. Ex. D6. Rainer and Lola were licensed at the time of the violation.

*Christopher Busby Testimony*

9. Mr. Busby testified that he got one of his breeder dogs, Chop, six years ago. He licensed Chop in 2017. On May 30, 2023, when Mr. Busby renewed Chop's license, he updated the online system to show that Rainer and Lola were no longer his. Their licenses were active on May 4, so they were licensed at the time of this violation. Rainer is now in a friend's breeding program, and Lola was fostered away. Mr. Busby has never had a license renewal issue with the adult dogs he has.
10. Mr. Busby has been running a breeding program since 2016. He did not license Zulu, the dog he had in 2016, because he sold Zulu shortly after. He thought the code allowed him to operate a breeding business so long as he had only three adult dogs. After Mr. Busby learned that the puppies need licenses after six weeks, he then changed his breeding program by selling the dogs before they are six weeks old. Mr. Busby just had a new litter. He plans on licensing Bella, the mother of the latest litter. He plans on breeding her again, but not at his property.
11. The dogs that were present that day Animal Services visited in 2023 were Rainer, Lola, and Chop (adults), five puppies, and dogs they have previously sold but they were temporarily hosting for training. The puppies were around eight weeks old. This was before Mr. Busby knew about needing to license the dogs at six weeks.
12. When Animal Services has gone to the Johnson/Busby property, they have only spoken with Ms. Johnson, so Mr. Busby gets his information second hand.

Legal Standards

13. Were some or all of the dogs on the Busby property unaltered and unlicensed in violation of KCC 11.04.030.A, which requires all dogs eight weeks and older that are "harbored, kept or maintained" in King County be licensed and registered. "Harbored, kept or maintained" is defined as "performing any of the acts of providing care, shelter, protection, refuge, food or nourishment in such a manner as to control the animal's actions, or that the animal or animals are treated as living at one's house by the homeowner." KCC 11.04.020.Q.
14. 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.B.

Analysis

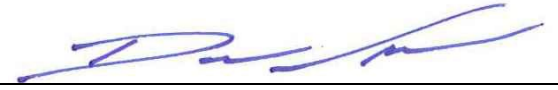
15. We found Mr. Busby generally credible. He did not, for example, try to dance around their commercial breeding operation. We accept that as of May 4, 2023 (the date of the violation currently under appeal), he had three adult dogs and five puppies from the then-latest litter, plus a few other dogs they were temporarily training for their owners.

16. In September 2022, he obtained annual licenses for Chop, Lola, and Rainier. Thus, citing Rainier and Lola as unlicensed in May 2023 was erroneous. And we accept that there were only five unlicensed puppies, not the seven other unlicensed dogs they were cited for. Ex. D5 at 001.
17. The five puppies, and those \$1250 in associated licensing penalties, is a bit more involved. First, while the hearing discussion about age centered on *six* weeks, the actual threshold was and continues to be *eight* weeks. KCC 11.04.030.A. We apologize for not correcting that at our hearing. We accept that Mr. Busby had, after earlier counseling, changed their breeding operations to adopt out dogs by the eight-week mark. So, age is not the licensing violation.
18. Instead, the violation is that no person may sell or transfer ownership of any pet (puppy or adult) without a pet license. KCC 11.04.030.B.9. The person selling or transferring the pet must, within thirty days following the sale or transfer, notify Animal Services of the new owner's name, address, and telephone number. *Id.* Sgt. Eykel had explained to Mr. Busby that he needed to notify Animal Services when transferring ownership of the puppies. There is no record of Mr. Busby or Ms. Johnson *ever* doing that with any of their litters or with the adult dogs they rehomed.
19. We will give Mr. Busby the benefit of doubt that he did not fully comprehend the need to license puppies even if he adopted them out prior to the eight-week mark. A violation is still a violation, regardless of intent. But we will give Mr. Busby an avenue to reduce the five-dog, \$1250 violation down to a single, \$250 violation, namely to follow the law for the current litter of puppies, obtaining juvenile pet licenses (\$15 a piece) and notifying Animal Services of the new owners' names, addresses, and phone numbers.
20. And going forward, there should be no misunderstanding. Mr. Busby and Ms. Johnson may not conduct any commercial breeding operations on their property absent a commercial kennel permit, and their property is apparently not zoned for a commercial kennel. They would not seem to qualify as a hobby kennel either, given the commercial nature of their operations, but even a hobby kennel requires a license. KCC 11.04.060. And a second kennel-related violation could result in criminal prosecution. KCC 11.04.350.

#### DECISION:

1. We grant the appeal for Lola, Rainier and two of the five other dogs listed in the violation.
2. We uphold the five other licensing violations and \$1250 in penalties. However, if by **November 30, 2023**, Mr. Busby obtains a juvenile pet license for each puppy from the current litter and notifies Animal Services of the new owners' names, addresses, and phone numbers, then the penalty owed is only \$250.

ORDERED August 28, 2023.



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 *September 27, 2023*. 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 AUGUST 14, 2023, HEARING IN THE APPEAL OF CAMILLE JOHNSON & CHRIS BUSBY, REGIONAL ANIMAL SERVICES OF KING COUNTY FILE NO. V23014212-A23003047

David Spohr was the Hearing Examiner in this matter. Participating in the hearing were Chelsea Eykel and Christopher Busby. 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	RASKC investigation report no. A23003047
Exhibit no. D3	Online Complaint form of April 1 and May 3, 2023, incident by Oksana Gerasimova, dated May 4, 2023
Exhibit no. D4	Video A23-3047
Exhibit no. D5	Notice of violation no. V23014212-A23003047, issued May 5, 2023
Exhibit no. D6	Screen shot of current licenses for 26827 107 <sup>th</sup> Ave SE, Kent
Exhibit no. D7	Average Litter Sizes: How Many Dogs Are Born in a Litter?
Exhibit no. D8	RASKC investigation report no. A16000294
Exhibit no. D9	RASKC investigation report no. A22001478
Exhibit no. D10	Notice of violation no. V22013073-A22001478, issued April 9, 2022
Exhibit no. D11	RASKC investigation report no. A22006252
Exhibit no. D12	Appeal, received May 31, 2023
Exhibit no. D13	Map of subject area

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

Exhibit no. A1	Pet License Email Receipt
Exhibit no. A2	Pet License Email Receipt

Exhibit no. A4	Photograph
Exhibit no. A5	Photograph
Exhibit no. A6	Photograph
Exhibit no. A7	Photograph

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**CERTIFICATE OF SERVICE**

SUBJECT: Regional Animal Services of King County file no. **V23014212-A23003047**

**CAMILLE JOHNSON & CHRIS BUSBY**

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 August 28, 2023.



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Lauren Olson  
Legislative Secretary

**Camille Johnson, Chris Busby**

Hardcopy

**Eykel, Chelsea**

Regional Animal Services of King County

**Gerasimova, Oksana**

Hardcopy