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Media Inquiries: [Joe Martyak](#), 703-403-1111

In NCLA Amicus Win, District Court Topples Kansas Dog Kennel No-Warrant Inspection Regime

Scott Johnson, Harlene Hoyt, Covey Find Kennel, LLC v. Justin Smith, D.V.M., in his official capacity as Animal Health Commissioner at the Kansas Department of Agriculture

Washington, DC (June 12, 2025) – The U.S. District Court for the District of Kansas has [enjoined](#) a Kansas state law authorizing intrusive warrantless searches of dog training and handling businesses. Following arguments made by the New Civil Liberties Alliance in a prior *amicus curiae* [brief](#) at the U.S. Court of Appeals for the Tenth Circuit, the district court ruled in *Johnson v. Smith* that the statute infringes Kansas dog trainers’ Fourth Amendment rights “against unreasonable searches and seizures.” The district court reached this conclusion in part by recognizing that dog trainers are not “closely regulated” businesses, to which Fourth Amendment warrant protections would not apply. NCLA heartily congratulates Sam MacRoberts and the Kansas Justice Institute, who represented the Plaintiffs successfully in this case.

Married couple Scott Johnson and Harlene Hoyt, of Winfield, KS, own and operate their licensed Brittany Spaniel training and handling business Covey Find Kennel, out of a facility next to their home. To maintain the license, the Kansas Pet Animal Act required one of them to be present at the property for an unannounced physical search on 30 minutes’ notice from an inspector. It permitted the Kansas Department of Agriculture to trespass on their property and invade their privacy without first showing probable cause to a judge. The Kansas Justice Institute and NCLA pointed out that this licensing and warrantless search regime violates the Fourth Amendment.

The district court at first dismissed Johnson’s lawsuit in 2023, incorrectly ruling that precedent excepting “closely regulated” businesses from Fourth Amendment protection against warrantless, privacy-invading searches applied to their dog training and handling business. Such a broad application of that narrow exception could have allowed intrusions to become commonplace across a wide range of Kansas industries. NCLA filed a brief to argue, consistent with our Fifth Circuit victory for charter boat captains in [Mexican Gulf Fishing](#), that dog training is not closely regulated. In June 2024, the Tenth Circuit [concluded](#) that it lacked sufficient information to decide whether businesses like Covey Find Kennel were closely regulated and thus not protected by the search warrant requirement, remanding this issue to the district court for reconsideration. NCLA appreciates the district court’s belated holding that the narrow “closely regulated business” exception does not apply to training and handling dogs.

NCLA released the following statements:

“We owned a terrific Brittany Spaniel when I was growing up in Kansas, so I have long taken a special interest in KJI’s case. NCLA is pleased for the owners of Covey Find Kennel, but we are even more pleased to see the pernicious doctrine denying search warrant protections to ‘closely regulated’ industries further contained.”

— **Mark Chenoweth, President, NCLA**

“By faithfully applying Supreme Court precedents, the district court’s decision prevents the Kansas legislature from using licensing requirements to override important constitutional protections.”

— **Andrew Morris, Senior Litigation Counsel, NCLA**

For more information visit the *amicus* page [here](#).

ABOUT NCLA

[NCLA](#) is a nonpartisan, nonprofit civil rights group founded by prominent legal scholar [Philip Hamburger](#) to protect constitutional freedoms from violations by the Administrative State. NCLA’s public-interest litigation and other pro bono advocacy strive to tame the unlawful power of state and federal agencies and to foster a new civil liberties movement that will help restore Americans’ fundamental rights.

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