

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Pless, LLC d/b/a Blue Ridge Kennel,
and Blue Ridge Kennels, Inc.
d/b/a Blue Ridge Kennel,

Respondents.

AWA Docket Nos. 23-J-0027
23-J-0028

CONSENT DECISION AND
ORDER

REC'D- USDA/OALJ/HCO
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This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (“AWA” or “Act”), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (“APHIS”), United States Department of Agriculture (“USDA”), alleging that the Respondents violated the Act and the Regulations issued pursuant to the Act (9 C.F.R. § 1.1 *et seq.*) (“Regulations”). This Consent Decision and Order is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents Pless, LLC d/b/a Blue Ridge Kennel, and Blue Ridge Kennels, Inc. d/b/a Blue Ridge Kennel, admit to the Findings of Fact, as set forth herein, specifically admit that the Secretary of the USDA has jurisdiction in this matter, admit to paragraphs 12, 14, 15, 16, 17 and 18 of the Amended Complaint, and neither admit nor deny the remaining allegations in the Amended Complaint. Respondents waive oral hearing and all further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this Consent Decision and Order, including waiving challenges to the Administrative Law Judge’s authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by the Respondents in

connection with this proceeding or any action against any USDA employee in their individual capacity in connection with this proceeding.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this Consent Decision and Order.

FINDINGS OF FACT

1. Respondent Pless, LLC is an Alabama domestic limited liability company (No. 000459673), doing business as Blue Ridge Kennel, whose registered address is 2934 Rifle Range Road, Wetumpka, Alabama 36093 and whose registered agent is Janice L. Plessner, 2934 Rifle Range Road, Wetumpka, Alabama 36093. At all times material herein, Respondent Pless, LLC, doing business as Blue Ridge Kennel, was a research facility, as that term is defined in the Act and the Regulations, and held AWA registration number 64-R-0102.
2. Respondent Blue Ridge Kennels, Inc. is an Alabama domestic corporation (No. 000160519), doing business as Blue Ridge Kennel, whose registered address is 2934 Rifle Range Road, Wetumpka, Alabama 36093 and whose registered agent is Janice L. Plessner. At all times material herein, Respondent Blue Ridge Kennels, Inc., doing business as Blue Ridge Kennel, was a registered research facility, as that term is defined in the Act and the Regulations, and held AWA registration number 64-R-0102.
3. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33(b)(2)) by failing to use appropriate methods to prevent, control, diagnose, and treat diseases and injuries of its dogs as follows:
 - a. A redbone coonhound that was found to have worms and ordered to be given double feedings by the attending veterinarian in May 2022, was thin and observed

- with abdominal tuck and a prominent waist. Respondents had not consulted the attending veterinarian about this dog since May 2022.
- b. A yellow Labrador retriever was observed with dropped hips, a prostrated stance, and pressure sores on its elbows and legs. Respondents had not consulted the attending veterinarian about this dog since May 2022.
 - c. A black Labrador retriever's ears were thickened into the ear canal. Respondents failed to record treatments in the dog's medical records and failed to consult the attending veterinarian on next treatment steps.
4. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)) by failing to meet the Standards. Specifically, Respondents failed to keep medical records that included the date and a description of health problems, examination findings, plans for treatment and care, and treatment and procedures performed for at least six dogs. 9 C.F.R. § 3.13(b)(2)).
5. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33) by failing to follow the attending veterinarian and adequate veterinary care regulations for research facilities as follows:
- a. A redbone hound dog was very thin with prominent ribs, backbone, and hip bones with abdominal tuck. The attending veterinarian evaluated the dog for weight loss and recommended the dog be retired on September 23, 2022, but the dog was still on study at the time of inspection. 9 C.F.R. §§ 2.33(a)(2), 2.33(b)(2).
 - b. Four dogs previously identified as experiencing weight loss were observed at the inspection to be very thin with prominent ribs, backbone, and hips. 9 C.F.R. § 2.33(b)(2).

- c. Approximately four dogs were identified with medical issues that had not been identified by the facility prior to the inspection. 9 C.F.R. § 2.33(b)(3).
6. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.35(b)), by failing to make, keep, and maintain accurate records of the number of dogs in their possession or under their control at their facility, and records that fully and correctly disclosed the identification number assigned to each dog by the facility.
7. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(l)) by failing to follow the contingency planning for research facilities regulations as follows:
 - a. Respondents' written contingency plan had not been updated since 2013 and contained the names and contact information for former personnel, did not address who in the chain of command was responsible for fulfilling specific tasks, and did not address the feeding of dogs in protracted severe weather events. 9 C.F.R. § 2.38(l)(1).
 - b. Respondents have not provided training for its personnel regarding their roles and responsibilities under the contingency plan. 9 C.F.R. § 2.38(l)(3).
8. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)), by failing to meet the Standards as follows:
 - a. The guillotine doors in dog kennels, chain link gates in outdoor kennels, and chain link fences in outdoor exercise pens of the facility were in disrepair. 9 C.F.R. § 3.1(a).
 - b. The plastic dog platforms or beds were damaged and had sharp areas, irregular surfaces, and holes. 9 C.F.R. § 3.1(c)(2).

- c. Two floor drains were clogged and had standing water with debris present in the drain. 9 C.F.R. § 3.1(f).
- d. Numerous areas of indoor and outdoor kennels throughout the facility had cracks in the concrete floor. 9 C.F.R. § 3.6(a)(2)(ix).
- e. Respondents did not have enough employees to carry out the level of husbandry practices and care required to ensure the dogs' well-being and achieve adequate functioning of the facility. 9 C.F.R. § 3.12.
- f. Respondents' program of veterinary care did not include a schedule for sampling internal, external, or blood parasites. 9 C.F.R. § 3.13(a)(3).
- g. Multiple dogs' medical records did not include the dates of administration for medications the dogs received. 9 C.F.R. § 3.13(b)(3).

CONCLUSIONS OF LAW

Respondents, having admitted the Findings of Fact, as set forth herein, paragraphs 12, 14, 15, 16, 17 and 18 of the Amended Complaint, and the parties having agreed to the entry of this Consent Decision and Order, such Consent Decision and Order shall be entered.


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
1. Respondents, their agents and employees, successor and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act, the Regulations, and/or the Standards.
2. Respondents are jointly and severally assessed a total civil penalty of eighty thousand dollars (\$80,000).
 - a. Respondents shall pay forty-eight thousand dollars (\$48,000) in civil penalties in monthly installments of one thousand dollars (\$1,000) for a period of four (4)

years with the first installment being due on or before thirty (30) days from the effective date of this Order and continuing thereafter until the \$48,000 is paid in full. Each payment shall be made by certified check or money order made payable to the USDA APHIS, P.O. Box 979043, St. Louis, Missouri 63197-9000. Respondents shall indicate on the certified check or money order that this payment is in reference to AWA Docket Nos. 23-J- 0027 and 23-J-0028.

- b. The remaining thirty-two thousand dollars (\$32,000) in civil penalties shall be held in abeyance for four (4) years.
 - c. The four (4) years after this Order becomes effective shall be referred to as a “probationary period.”
3. If Respondents are found, after notice and opportunity for a hearing, to have violated the Act, the Regulations, the Standards, and/or this Order at any time within the probationary period, the Respondents shall pay the thirty-two thousand dollars (\$32,000) civil penalty held in abeyance in paragraph 2b of this Order. Respondents’ payment of the aforementioned civil penalty shall be in addition to any penalty found to be warranted for such future violations.

The provisions of this order shall become effective immediately. Copies of this Consent Decision and Order shall be served upon the parties.

By: 
John Plessner
CEO, the Respondents Pless, LLC
and Blue Ridge Kennels, Inc.

By: 
William White II
Attorney for the Respondents

By: _____
Danielle Park
Attorney for the Complainant

Done at Washington, D.C.,
this 5th day of March 2024

By: _____
Tierney Carlos
Administrative Law Judge