

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO
2021 SEPT 24 2:30 PM

In re:) AWA Docket 21-J-0066
)
Daniel Gingerich, an individual,)
)
Respondent.) COMPLAINT

There is reason to believe that the Respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), and the regulations issued thereunder (9 C.F.R. § 1.1 et seq.)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Daniel Gingerich is an individual whose business mailing address is 3125 Davis Road Seymour, Iowa 52590. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held AWA license number 42-A-1632.¹

ALLEGATIONS REGARDING THE SIZE OF RESPONDENT’S BUSINESS, THE GRAVITY OF THE ALLEGED VIOLATIONS, RESPONDENT’S GOOD FAITH AND RESPONDENT’S COMPLIANCE HISTORY

2. Respondent operates a large business with hundreds of dogs and puppies across at least five (5) different sites (hereinafter “Site 001,” “Site 003,” “Site 004,” “Site 005,” “Site 006”) throughout Iowa. In March 2021, APHIS recorded that he held 35 animals (4 adult

¹ See 7 C.F.R. § 1.1 (“Class ‘A’ licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a “dealer” (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.”).

dogs; 31 puppies) at Site 003. In April 2021, APHIS recorded that he held 311 animals (208 adult dogs; 93 puppies) at Site 001 and 57 animals (16 adult dogs; 41 puppies) at Site 004. On July 7, 2021, APHIS recorded that he held 603 animals (218 adult dogs; 385 puppies) at Site 001. On July 28 and 29, 2021, APHIS recorded that he held 530 animals (230 adult dogs, 300 puppies) at Site 001. On July 9, 2021, APHIS recorded that he held 346 adult dogs at Site 006. On July 29, 2021, Respondent APHIS recorded that he held 340 adult dogs at Site 006. On August 4, 2021, APHIS recorded that he held 93 animals (60 adult dogs; 33 puppies) at Site 004. On August 11, 2021, APHIS recorded that he held 305 animals (112 adult dogs; 193 puppies) at Site 001.

3. The gravity of the violations alleged in this complaint is great. They include the failure and/or refusal to provide access to APHIS inspectors for the purpose of conducting inspections to determine compliance with the Act, the Regulations, and the standards issued under the Act (9 C.F.R. Part 3) (Standards), repeated failures to: maintain records or forms that fully and correctly disclose the acquisition and disposition of animals; identify dogs and puppies; handle animals carefully; provide adequate veterinary care to animals, resulting in harm and death to those animals; and to provide adequate food, water, shelter, housing and sanitary living conditions to animals, resulting in harm to those animals.
4. Respondent has not shown good faith. In addition to Respondent's registered facilities, Respondent owns animals at unlicensed sites. In March and April of 2021, Respondent had numerous conversations with APHIS Animal Care Inspector (ACI) Kelly Maxwell about at least five unlicensed locations where he was housing breeding dogs. When ACI Maxwell requested the addresses for these unlicensed sites in an exit interview on April

13, 2021, Respondent provided only two addresses for these unlicensed locations and stated that he could not otherwise remember the addresses, or that the locations were not ready for a new-site inspection. To date, Respondent has failed to provide APHIS with the addresses of the unlicensed sites where he conducts regulated activity.

5. By letter dated September 7, 2021 pursuant to 7 U.S.C. § 2149, APHIS suspended AWA license 42-A-1632 for 21 days. The suspension letter stated:

We are taking this action because we have reason to believe that you have willfully violated, *inter alia*, sections 2.1, 2.40(b)(2), 2.50(a)(1), 2.75(a)(1), 2.80(a), 2.126(a), 2.126(a)(4), 2.126(b), and 2.131(e), of the regulations issued under the AWA (9 C.F.R. Part 2)(Regulations), and failed to meet the minimum standards for animals, (9 C.F.R. Part 3)(Standards), specifically 9 C.F.R. §§ 3.1(a), 3.1(b), 3.1(c), 3.1(e), 3.1(f), 3.3(e)(1), 3.4(b), 3.4(c), 3.6(a)(2)(v), 3.9(b), 3.10(a), 3.11(b)(2), 3.11(b)(4), 3.11(c), 3.11(d), 3.13(a), 3.13(b)(2), 3.15, and 3.19(e)(1). Our evidence reveals that, between March 11, 2020, and September 2, 2021, you failed to, *inter alia*: provide a program of adequate veterinary care, properly identify animals, maintain proper records, alleviate the impact of climatic conditions on the animals, allow proper access and inspection of records and property, maintain structurally sound housing facilities, provide continuous potable water, provide proper cleaning and sanitization, provide appropriate shelter, and maintain minimum requirements set out for primary enclosures of the animals.

ALLEGED VIOLATIONS

6. On or about the following dates, Respondent willfully violated the requirements and application Regulations as specified below:
 - a. April 7, 2021. Respondent acquired nine puppies that were not born and raised on Respondent's premises and resold said puppies without a valid AWA Class B license. 9 C.F.R. § 2.1(a)(1).
 - b. June 14, 2021. Respondent conducted regulated activity at a site that had not been approved for such regulated activity. 9 C.F.R. § 2.1(b)(1).

7. On or about the following dates, Respondent willfully violated the veterinary care Regulations as specified below:

- a. March 12, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries. Specifically, Respondent failed to store vials of Parvovirus vaccine at the proper temperature. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- b. April 7, 2021. Respondent failed to have an attending veterinarian provide adequate veterinary care to their animals and failed to establish and maintain programs of adequate veterinary that included the use of appropriate methods to prevent injury and disease. Specifically, Respondent failed to obtain veterinary medical care for a cocker spaniel (#16B) with severely matted hair along the entire length of the back of the dog's four legs, top of head, and behind the right and left ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- c. April 21, 2021. Respondent failed to establish and maintain programs of adequate veterinary that included the use of appropriate methods to prevent injury and disease. Specifically, Respondent failed to store the Canine Distemper-Adenovirus Type 2-Parainfluenza-Parovirus vaccine at appropriate temperatures to ensure that all medical products used for the dogs are properly stored at all times. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

d. July 7, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:

- i. A Shih tzu (tag #479) exhibiting signs of severe heat stress including open mouth, raspy breathing, high rate of respiration, tongue extending from the mouth beyond the teeth, and reddened skin as well as unstable and uncoordinated movements with its hind legs and laying sprawled across the floor. The facility representative failed to identify that the dog was in distress. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- ii. A Cavalier spaniel (#492) with a large raw lesion on the inside of its right hind leg, skin irritation along the inside of its left hind leg with hair loss and reddened skin, heavily matted hair with dark material trapped in it, fecal matter along the underside of its tail, wet and dry green ocular discharge located on the lower eyelids and interior section of upper eyelids, and rope-like mats attached to both ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iii. A Cocker Spaniel (tag #309) with an inflamed left ear with yellow liquid coating some of the ear's surfaces and dark brown material coating the underside of the ear, as well as ropes of matted hair on

the dog's head and in front of its left eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

- iv. A Pekingese (tag #460) with multiple lesions across its back that were hairless, red and wet, heavily matted hair along the back of both hindlegs and tail, an engorged tick on the dog's left ear and a small tick on the right side of the dog's muzzle. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- v. A Cavalier spaniel (tag #444) with hairless, scab-like lesions along the top of the rib cage, hips, top of its head, and on its right ear; blood along the gumline, discharge on the lower left eyelid, and heavily matted hair on the back of the dog's hindlegs containing a large clump fecal matter. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vi. A Shiba Inu (#360) with excessively long toenails on all four feet. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vii. A dog ("Misty") by failing to follow the treatment plans and administer medications as prescribed by an attending veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- viii. All dogs at the facility by failing to store vaccines at appropriate temperatures to ensure that all dogs are receiving adequate veterinary care. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

- e. July 9, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:
- i. A Boston terrier (#2) who was observed to be squinting in pain, with infected cornea, severe redness of the sclera, swollen eyelids, a purulent grey discharge, and hairless, reddened lesions beneath the eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - ii. A Wheaton (#139) who was observed to have an extremely swollen leg with a laceration causing a pronounced limp and failing to weight bear on the leg while ambulatory. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - iii. A Bulldog (#9) who was observed to have areas of hair loss and redness on its legs, chin, and neck that were bleeding. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - iv. A Wheaton (#132) who was observed be non-weight bearing on the front right leg. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - v. A Chow (#8) who was observed to have lesioned, reddened and inflamed auricular skin, with a black material attached to the

- opening of the right ear and liquid inside its ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vi. A Bulldog (#333) who was observed to have a large (golf-ball size) abnormal growth between its toes. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - vii. A Chow (#5) who was observed to have a wounded front left leg. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - viii. A Bulldog (#5) who was observed to have a reddened, wet, quarter-sized lesion on the inside of its left ear flap. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - ix. A lame Bulldog (#29) who was observed to hesitate weight bearing on its left hind leg and ambulating with a short, choppy stride. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - x. A Bulldog (#85) who was observed to lack skin and hair on the end of its tail resulting in a large, open area of raw tissue. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - xi. A Wheaton (#126) who was observed to have a large hairless, reddened lesion on the lower left side of its neck. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - xii. A Pug (#5) who was observed to have an abnormal eye condition with a purulent greyish-green discharge around its eyes. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

- xiii. A Chow (#2) who was observed to have a large amount of wet discharge coating the hair around the entire right eye and exposed, reddened skin around the eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - xiv. A Chow (#3) who was observed to have a large amount of wet discharge coating the hair around the entire right eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - xv. At least seven dogs being treated with an eye lubricant that expired in January 2021. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - xvi. All dogs by failing to establish and maintain a complete and accurate program of veterinary care, and specifically, Respondent had no plan for emergency care. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- f. July 23, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injury and disease. Specifically, Respondent failed to store vaccines at appropriate temperatures to ensure that all dogs are receiving adequate veterinary care. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- g. July 28, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to

personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:

- i. A Golden retriever (#142) who was observed to be severely emaciated and in very poor body condition. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- ii. A Cocker spaniel (no I.D.) who was observed to have an enlarged and swollen abdomen and difficulty defecating. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iii. A Cavalier (#296) who was observed to have red lesions on its cornea and a brown ocular discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iv. A Cavalier (#352) who was observed to have a greenish-yellow ocular discharge from both eyes, which then attached to the hair around the upper and lower eyelids. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- v. A Bernese Mountain dog (no I.D.) who was observed to have a greyish ocular discharge from one eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vi. A Bernese Mountain dog (no I.D.) who was observed to have dark red, raw, and scabbed nose. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vii. A Cocker spaniel (#386) who was observed to have a heavily matted hair coat held tightly to its skin along the underside of its

neck and chest. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3),
2.40(b)(4).

h. July 29, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:

- i. A Cavalier (#11) who was observed to have a purulent greenish-grey discharge coating the left upper and lower eyelids with the hair beneath the eye containing large clumps of the discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- ii. A Golden retriever (#88) who was observed to be underweight with a protruding spine and hip bones. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iii. A Pug (#431) who was observed to have two large, round growths located between its toes. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iv. A Pug (#15) who was observed to have a large, round growth with a purulent discharge located between its toes. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

- v. A lame Golden retriever (#882) who was observed to have a large, round lesion on its inner toe. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vi. All dogs by failing to store medical products (Ophthalmic Ointment, Bactracillin G, and Dexamethasone) at appropriate temperatures to ensure that all dogs are receiving adequate veterinary care. 9 C.F.R. § 2.40(b)(2).
- vii. All dogs by failing to store medical products (2 bottles of a topical spray) upright as indicated by their label. 9 C.F.R. § 2.40(b)(2).
- viii. A Shih tzu (#477) who was observed to have excessively overgrown toenails. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- i. July 30, 2021. Respondent failed to have an attending veterinarian provide adequate veterinary care to his animals, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injury and disease. Specifically, Respondent failed to obtain veterinary medical care for a Bernese Mountain dog (no I.D.) who was observed to have a hairless spot approximately four inches wide and six inches long along its right flank, covered in red discharge and yellow scabs, and large hair matts behind both ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- j. August 4, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities,

personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:

- i. A Cocker spaniel (#187) with sustained injuries from a dog fight. Specifically, the dog's entire hind leg was severely swollen and hot to the touch with multiple lacerations and a dark bloody material located on its leg, its eyelid was torn, reddened, and inflamed, had a loose tooth and a large neck laceration. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - ii. A Pomsky (#489) who was observed to have areas of hair loss on its chest, sides, and back. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - iii. All dogs by failing to store penicillin at appropriate temperatures to ensure that all vaccines used for the dogs are properly stored at all times. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- k. August 11, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:

- i. A one-month old poodle puppy (dam #281) who was observed to be completely non-responsive, gasping for breath, and crying. The facility representative removed the pup from the enclosure and moved the pup as it continued to gasp for air and died. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- ii. A lame Samoyed (no I.D.) who was observed to have poor dental health. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iii. A blue merle Cocker spaniel (no I.D.) who was observed to have abnormal eye condition, with reddened and inflamed eyelids, yellow discharge, and a sunken eyeball in one eye and redness and inflammation in the other eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- iv. A tri-colored Cocker spaniel (no I.D.) who was observed to have abnormal eye condition, with grey ocular discharge around the entire right eye and in the hair surrounding the left eye, and redness and inflammation in both eyes. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- v. A black Cocker spaniel (no I.D.) who was observed to have an abnormal eye condition, where the entire surface of the right eye was blue with an ocular grey discharge that attached to the hair surrounding the eye. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

- vi. A Doberman (no I.D.) who was observed to have an abnormal eye condition, where the entire surface of the right eye was cloudy and a lesion on the left eye and was further observed to have hair loss on its head, neck, and abdomen. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- vii. A Husky (#23) who was observed to have an abnormal skin condition, with a large, hairless, fluid filled pocket on its chest and a red lesion on its left shoulder blade. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- viii. A miniature Australian shepherd (#254) who was observed to have heavily thick and knotted matted hair along its lower back. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- ix. A miniature Australian shepherd who was observed to have heavily matted hair located along its back, sides, and hindquarters. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- x. A Welsh Corgi (#377 and #175) who was observed to have excessively overgrown toenails that curve and cause the toes to splay out. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
- xi. All dogs by failing to store the Safeguard Dewormer at appropriate temperatures to ensure that all medical products used for the dogs are properly stored at all times. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

1. August 25, 2021. Respondent failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals. Specifically, Respondent failed to obtain adequate veterinary care for:
 - i. A chocolate poodle (#354) who was observed to be underweight and muscle wasting in its hind legs with a litter of two puppies. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - ii. A toy Australian shepherd (#381) who was observed to have a severely matted hair coat and hair loss on its head punctuated with small, dark red spots and multiple hairless and crusty lesions along its legs and rump. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - iii. An English Springer spaniel (#386) who was observed to have large areas of hair loss on its head replaced by grey, crusty material and lesions on its ears and right hind leg. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).
 - iv. A Pomsky (#248) who was observed to have a dark colored lesion located behind its right eye with a dark-scab like material on its surface with a dark crusty material trapped in the surrounding hair. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

v. A Pomeranian (#467) who was observed to have matted hair with dry, dark fecal material trapped in its hair and coated in wet, light brown waste around its rump and beneath its tail and a large lesion spanning from the dog's shoulders to its hips. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

8. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.50) by failing to identify dogs, as required. Specifically:

- a. April 21, 2021. Respondent failed to identify twelve dogs. 9 C.F.R. § 2.50(a)(1).
- b. July 7, 2021. Respondent failed to identify five adult large breed dogs. 9 C.F.R. § 2.50(a)(1).
- c. July 7, 2021. Respondent failed to identify all live puppies less than 16 weeks of age held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, with an official tag, a distinctive and legible tattoo marking acceptable to and approved by the Administrator, or a plastic-type collar acceptable to the Administrator which has been legibly placed thereon the information required for an official tag. Specifically, Respondent failed to identify:
 - i. Numerous litters of weaned, comingled puppies. 9 C.F.R. § 2.50(a)(2).

- ii. Numerous litters of unweaned puppies containing foster puppies with no relation to the female raising them, including a litter of six puppies from three different dams housed with one female Pomskey. 9 C.F.R. § 2.50(a)(2).
- d. July 9, 2021. Respondent failed to identify a female red Boston terrier. 9 C.F.R. § 2.50(a)(1).
- e. July 28, 2021. Respondent failed to identify one male Bernese Mountain dog, one female Bernese Mountain dog, and one female Cocker spaniel. 9 C.F.R. § 2.50(a)(1).
- f. July 30, 2021. Respondent failed to identify one female Bernese Mountain dog. 9 C.F.R. § 2.50(a)(1).
- g. August 11, 2021. Respondent failed to identify at least sixty-five dogs over the age of sixteen weeks. 9 C.F.R. § 2.50(a)(1).
- h. August 30, 2021. Respondent failed to identify all live puppies less than sixteen (16) weeks of age held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, with an official tag, a distinctive and legible tattoo marking acceptable to and approved by the Administrator, or a plastic-type collar acceptable to the Administrator which has been legibly placed thereon the information required for an official tag. Specifically, Respondent failed to identify approximately twenty-eight (28)

weaned puppies less than sixteen (16) weeks of age that were comingled in three enclosures. 9 C.F.R. § 2.50(a)(1).

9. On or about April 7, 2021, Respondent willfully violated the Regulations (9 C.F.R. § 2.75(a)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the acquisition of the following dogs:

- a. Five hundred and five puppies that were sold;
- b. Two adult English Springer spaniels;
- c. Two five month old Australian shepherds;
- d. One adult Yorkshire terrier;
- e. Four adult Havanese;
- f. Three litters of puppies (approximately 12 puppies);
- g. One adult Soft Coated Wheaton terrier;
- h. All adult German shepherds that may have sired or whelped the following litters (as well as missing acquisition forms for the litters):
 - i. Litter born on 5/2/20
 - ii. Litter born on 12/4/20
- i. All adult Boxers that may have sired or whelped the following litters (as well as missing acquisition forms for the litters):
 - i. Litter born on 3/5/20
 - ii. Litter born on 5/25/20
- j. All adult Eskimos that may have sired or whelped the following litters as well as missing acquisition forms for the litters):
 - i. Litter born on 11/25/19

- ii. Litter born on 11/18/20
- iii. Litter born on 3/12/20
- iv. Litter born on 3/21/20
- v. Litter born on 3/27/20
- vi. Litter born on 3/28/20
- vii. Litter born on 5/4/20
- viii. Litter born on 5/8/20

10. On or about April 7, 2021, Respondent willfully violated the Regulations (9 C.F.R. § 2.75(a)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the disposition of the following dogs:

- a. One adult Soft Coated Wheaton terrier;
- b. All adult German shepherds that may have sired or whelped the following litters (as well as missing disposition forms for the litters):
 - i. Litter born on 5/2/20
 - ii. Litter born on 12/4/20
- c. All adult Boxers that may have sired or whelped the following litters (as well as missing disposition forms for the litters):
 - i. Litter born on 3/5/20
 - ii. Litter born on 5/25/20
- d. All adult Eskimos that may have sired or whelped the following litters as well as missing disposition forms for the litters):
 - i. Litter born on 11/25/19
 - ii. Litter born on 11/18/20

- iii. Litter born on 3/12/20
- iv. Litter born on 3/21/20
- v. Litter born on 3/27/20
- vi. Litter born on 3/28/20
- vii. Litter born on 5/4/20
- viii. Litter born on 5/8/20

11. On or about April 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of dogs as required.
Specifically, Respondent failed to document the breed of 43 puppies and failed to correctly identify the correct breed of at least 13 additional puppies on the disposition form. 9 C.F.R. § 2.75(a)(1)(vii)(A).
12. On or about April 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of dogs as required.
Specifically, Respondent failed to document transport information for three hundred and thirty-six (336) puppies on the requisite disposition form. 9 C.F.R. § 2.75(a)(1)(viii).
13. On or about April 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of dogs as required.
Specifically, Respondent failed to document the required acquisition information for at least 171 adult dogs located on the premises of Site 001. 9 C.F.R. § 2.75(a)(2).
14. On or about April 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of dogs as required.
Specifically, Respondent destroyed acquisition information (cage cards) for five hundred and five (505) puppies. 9 C.F.R. § 2.80(a).

15. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of approximately 150 dogs, as required. 9 C.F.R. § 2.75(a)(1).
16. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of approximately 231 dogs, as required. 9 C.F.R. § 2.75(a)(1)(i).
17. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of approximately 230 dogs, as required. 9 C.F.R. § 2.75(a)(1)(v).
18. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully disclose a description of each animal. 9 C.F.R. § 2.75(a)(1)(vii).
19. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully disclose the date of birth or approximate age of each dog. Specifically, Respondent failed to provide the age or date of birth of approximately 232 dogs. 9 C.F.R. § 2.75(a)(1)(vii)(C).
20. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete disposition records that fully disclosed all required transportation information for 128 puppies. 9 C.F.R. § 2.75(a)(1)(viii).
21. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of dogs as required. 9 C.F.R. § 2.80(a).

22. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of approximately 340 dogs, as required. 9 C.F.R. § 2.75(a)(1).
23. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of approximately 187 dogs, as required. 9 C.F.R. § 2.75(a)(1)(i).
24. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the acquisition of approximately 189 dogs, as required. 9 C.F.R. § 2.75(a)(1)(v).
25. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of approximately 112 dogs, as required. 9 C.F.R. § 2.75(a)(1)(v).
26. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully disclose the identification number of 33 dogs and failing to maintain complete and accurate cage cards containing required information for all litters of puppies. 9 C.F.R. § 2.75(a)(1)(vi).
27. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully disclose the date of birth or approximate age of approximately 189 dogs. 9 C.F.R. § 2.75(a)(1)(vii)(C).
28. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete disposition records that fully disclose all required transportation information for at least 25 puppies. 9 C.F.R. § 2.75(a)(1)(viii).

29. On or about August 11, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records of the disposition of approximately 95 dogs, as required. Specifically, Respondent failed to provide the date and method of disposition on the dogs' cage cards. 9 C.F.R. § 2.75(a)(1)(v).
30. On or about August 25, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully and correctly disclose the name and address to whom 4 dogs were given or sold. 9 C.F.R. § 2.75(a)(1)(iv).
31. On or about August 25, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully and correctly disclose the identification number of seven dogs sold. 9 C.F.R. § 2.75(a)(1)(vi).
32. On or about August 25, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully disclose the date of birth or approximate age of approximately 330 dogs. 9 C.F.R. § 2.75(a)(1)(vii)(C).
33. On or about August 30, 2021, Respondent willfully violated the Regulations by failing to maintain accurate and complete records that fully and correctly disclose the required information for dogs. 9 C.F.R. § 2.75(a)(1).
34. On or about March 11, 2020, October 6, 2020, and December 9, 2020, Respondent willfully violated the Act and the Regulations, 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126(a), by failing to permit APHIS inspectors to conduct an inspection of their records, and/or failing to have a responsible person available to provide APHIS inspectors with access to the facility's records at his Site 001 facility.
35. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to have a copy of the Program of Veterinary Care available for inspection. 9 C.F.R. § 2.126(a)(2).

36. On or about July 7, 2021, Respondent willfully violated the Regulations by failing to have a copy of the Exercise Program for Dogs available for inspection. 9 C.F.R. § 2.126(a)(2).
37. On or about July 14, 2021, Respondent willfully violated section 16 of the Act (7 U.S.C. § 2146) and section 2.126 of the Regulations (9 C.F.R. § 2.126), by failing to notify APHIS of a new site location (site 005), which prevented APHIS from conducting a complete inspection of Respondents' facilities and animals.
38. On or about July 28, 2021, Respondent willfully violated section 16 of the Act (7 U.S.C. § 2146) and section 2.126 of the Regulations (9 C.F.R. § 2.126), by failing to present animals housed on the facility's property to APHIS officials, which prevented APHIS from conducting a complete inspection of Respondent's facilities and animals.
- Specifically, at least 17 adult dogs and 19 puppies were housed in one building and 9 adult dogs in another building. APHIS inspectors also found two dead dogs and one emaciated Golden retriever in these buildings.
39. On or about the following dates, Respondent willfully violated the handling Regulations (9 C.F.R. § 2.131) as specified below:
- a. July 7, 2021. Respondent failed to take appropriate measures to alleviate the impact of climatic conditions that present a threat to an animal's health or well-being, taking into consideration such factors as the animal's age, species, breed, overall health status, and acclimation. Specifically, Respondent housed a Shih tzu (tag #479) in an outdoor enclosure with an inappropriate heat index such that the dog was gasping for breath, had an extremely high respiration rate, reddened skin, tongue extended out of the mouth beyond its teeth and difficulty keeping its hind legs from collapsing. 9 C.F.R. § 2.131(e).

- b. July 28, 2021. Respondent failed to take appropriate measures to alleviate the impact of climatic conditions that present a threat to an animal's health or well-being, taking into consideration such factors as the animal's age, species, breed, overall health status, and acclimation. Specifically, Respondent housed:
- i. A poodle in a transport crate with an inappropriate heat index such that the dog was open-mouth breathing, had a high respiration rate, with its tongue extended out of the mouth beyond its teeth and cried when observed by inspectors. 9 C.F.R. § 2.131(e).
 - ii. A Boston terrier in a sheltered housing building with an inappropriate heat index such that the dog was open-mouth breathing, had a high respiration rate and tongue extended out of the mouth beyond its teeth. 9 C.F.R. § 2.131(e).
 - iii. Numerous puppies under 8 weeks old in a large whelping building with an inappropriate heat index such that the puppies were open-mouth breathing, had high respiration rates and tongues extended out of the mouth beyond the teeth. 9 C.F.R. § 2.131(e).
 - iv. July 29, 2021. Respondent failed to take appropriate measures to alleviate the impact of climatic conditions that present a threat to an animal's health or well-being, taking into consideration such factors as the animal's age, species, breed, overall health status, and acclimation. Specifically, Respondent housed:
 1. At least twelve adult Cavalier spaniels in outdoor enclosures with an inappropriate heat index such that the

dogs were open-mouth breathing, had high respiration rates and tongues extended out of the mouth beyond the teeth. 9 C.F.R. § 2.131(e).

2. Numerous puppies under seven weeks old in sheltered housing enclosures and in a large whelping building with an inappropriate heat index such that the puppies were open-mouth breathing, had high respiration rates and tongues extended out of the mouth beyond the teeth. 9 C.F.R. § 2.131(e).

3. Eight adult dogs in an outdoor enclosure with an inappropriate heat index such that the dogs were open-mouth breathing, had high respiration rates and tongues extended out of the mouth beyond the teeth. 9 C.F.R. § 2.131(e).

40. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. April 7, 2021. Respondent failed to design and construct housing facilities that are structurally sound and maintain housing facilities in good repair as to protect the animals from injury, contain the animals securely, and restrict other animals from entering. Specifically, Respondent housed three adult dogs and thirteen puppies in three enclosures that had an opening in the fence to accommodate a self-feeder, but no self-feeder was present and a puppy was observed placing its head through the opening. 9 C.F.R. § 3.1(a).

- b. April 7, 2021. Respondent failed to construct the interior surfaces and any surfaces of housing facilities that come in contact with dogs in a manner and made of materials free of jagged edges or sharp points that might injure the animals. Specifically, Respondent housed dogs and/or puppies in:
- i. At least four enclosures in a sheltered housing building that had self-feeders attached to the front gate with twisted wire such that the sharp ends of the wire were protruding into the enclosure at the level of the dogs and coming into direct contact with the dogs. 9 C.F.R. § 3.1(c)(ii).
 - ii. A shelter within an outdoor enclosure that did not have a wind or rain break at the entrance, and had a broken metal frame attached to the opening such that there was a sharp point at the level of the dogs. 9 C.F.R. § 3.1(c)(ii).
 - iii. An enclosure with sharp ends of metal screws protruding into the interior of the whelping box and located at the level of the adult dog. 9 C.F.R. § 3.1(c)(ii).
- c. April 7, 2021. Respondent failed to provide for the removal and disposal of animal and food wastes and other fluids and wastes in a manner that minimizes contamination and disease of risks. Specifically, Respondent equipped:
- i. An indoor housing building with two pipes that drain contaminated wastewater, food waste, and solid fecal material from the indoor housing area directly into two covered outdoor enclosures causing

an accumulation of wet fecal material and contaminated liquid waste on the ledge and walls and a buildup of solid fecal material between the wall and the flooring in the back of the enclosures and along one side of the enclosures. 9 C.F.R. § 3.1(f).

- ii. Approximately eight dogs housed in these covered outdoor enclosures are directly exposed to the contaminated water and fecal material. 9 C.F.R. § 3.1(f).
- iii. Sheltered enclosures with a gutter system that drains to the outside of the building resulting in a large pile of fecal material and organic waste. Wastewater and rainwater flow through this pile into an outdoor enclosure housing approximately 11 dogs that were observed standing and walking in the waste and other fluids. 9 C.F.R. § 3.1(f).

- d. April 21, 2021. Respondent failed to store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent failed to keep an open bag of wood shaving bedding and an open bucket of dog food in the whelping building in leakproof containers with tightly fitting lids to prevent contamination and spoilage. 9 C.F.R. § 3.1(e).
- e. July 7, 2021. Respondent failed to design and construct housing facilities so that they are structurally sound and maintain housing facilities in good repair so that they protect the animals from injury, contain the animals securely, and restrict other animals from entering. Specifically, Respondent:

- i. Housed approximately 25 dogs in at least three outdoor enclosures where the dogs have dug underneath the fence such that there are gaps underneath the fence. Many, but not all, the gaps have been covered or filled using boards, wire or concrete blocks, and a decaying dog carcass was found outside one of these enclosures. 9 C.F.R. § 3.1(a).
- ii. Housed an adult female dog and seven puppies in an enclosure that has an opening in the fence to accommodate a self-feeder along the floor, but no self-feeder was present and the opening was large enough to allow a puppy to escape from the enclosure. 9 C.F.R. § 3.1(a).
- iii. Housed two adult dogs and three puppies in two enclosures where the metal fencing between the two enclosures is not secured and is easily moved and one adjacent gate is secured with wire such that there is a gap large enough that the dogs could put their head or leg through. 9 C.F.R. § 3.1(a).
- iv. Housed approximately eight dogs and 97 puppies in thirteen enclosures with gaps in the entrances large enough for the puppies to put their heads and legs through. 9 C.F.R. § 3.1(a).
- v. Housed three adult dogs and approximately fifteen unweaned puppies in three enclosures with carpet bedding that has long, loose strands of material that pose a choking threat to the puppies. 9 C.F.R. § 3.1(a).

- vi. Failed to repair a leaking water pipe in the sheltered facility and only bedding material was placed on the floor to absorb some of the standing water. 9 C.F.R. § 3.1(a).
- f. July 7, 2021. Respondent failed to keep areas used for storing animal food or bedding free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Specifically, Respondent accumulated whelping beds, boxes, bags, buckets, pales, screens and other unused items in a closet in the sheltered building such that the inspector could not enter the closet much further than the doorway and maintained a large pile of soaked wood shaving bedding material to absorb water from a leaking water pipe near the closet door. 9 C.F.R. § 3.1(b).
- g. July 7, 2021. Respondent failed to construct the interior surfaces and any surfaces of housing facilities that come in contact with dogs in a manner and made of materials free of jagged edges or sharp points that might injure the animals. Specifically, Respondent housed dogs and/or puppies in:
 - i. An enclosure in the sheltered building with a metal feeder attached to the front gate with a piece of wire such that the sharp ends of the wire extend into the enclosure. 9 C.F.R. § 3.1(c)(ii).
 - ii. A covered outdoor enclosure with a broken metal door frame and no door that is creating a sharp point at the level of the dogs. 9 C.F.R. § 3.1(c)(ii).
 - iii. A covered outdoor enclosure with at least five screws protruding from the entrance. 9 C.F.R. § 3.1(c)(ii).

- iv. An outdoor enclosure with a long strand of loose wire on the ground and a broken metal fence post. One dog was observed running through the loose wire. 9 C.F.R. § 3.1(c)(ii).
- v. An outdoor enclosure with sharp ends of screws protruding into the enclosure along the door frame and located at the level of the dogs and a broken chain link along the bottom of the fencing. 9 C.F.R. § 3.1(c)(ii).
- vi. An outdoor enclosure with broken chain link located at the bottom of the fencing around the self-feeder. 9 C.F.R. § 3.1(c)(ii).
- vii. An outdoor enclosure with broken chain link located in the corner creating a sharp point at the level of the animals. 9 C.F.R. § 3.1(c)(ii).
- viii. An outdoor enclosure with numerous sharp points from broken wires along the bottom of the fencing and metal screws protruding from the door hinges located at the level of the dogs. 9 C.F.R. § 3.1(c)(ii).
- h. July 7, 2021. Respondent failed to maintain all surfaces of housing facilities, including furniture-type fixtures and objects within the facility, on a regular basis and failed to replace worn or soiled objects. Specifically, Respondent failed to:
 - i. Maintain and/or replace plastic water buckets in approximately seven outdoor enclosures that were chewed around the top edges to

the point where they can no longer be properly cleaned or sanitized. 9 C.F.R. § 3.1(c)(2).

ii. Clean or sanitize plastic water buckets in an outdoor enclosure with a thick buildup of hair and dirt. 9 C.F.R. § 3.1(c)(2).

i. July 7, 2021. Respondent failed to store supplies of food in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent failed to keep an open bag of dog food with flies on the exterior of the bag in the sheltered building in leakproof containers with tightly fitting lids to prevent contamination and spoilage. 9 C.F.R. § 3.1(e).

j. July 7, 2021. Respondent failed to provide for the removal and disposal of animal and food wastes and other fluids and wastes in a manner that minimizes contamination and disease of risks. Specifically, Respondent:

i. Failed to maintain disposal and drainage systems for the sheltered housing building such that the drain on the northwest corner has created a large, thick pile of wet fecal and food waste, hair and straw that has attracted a large number of flies, and the drain on the southwest corner drains into a pipe that lays on top of the ground parallel to the outdoor enclosure housing eight dogs described in Paragraph 40(c)(ii). 9 C.F.R. § 3.1(f).

ii. Failed to remove a decomposing carcass of a dog, that had been killed in a fight, located just a few feet away from the fence as described in Paragraph 40(e)(i). 9 C.F.R. § 3.1(f).

- iii. Kept a trash can without a lid in the whelping building and a large pile of empty sacks in the corner of the whelping building. 9 C.F.R. § 3.1(f).
- k. July 9, 2021. Respondent failed to construct the interior surfaces and any surfaces of housing facilities that come in contact with dogs in a manner and made of materials free of jagged edges or sharp points that might injure the animals. Specifically, Respondent housed dogs and/or puppies in at least four enclosures where cut metal rods used to slide a food bowl into the enclosure create sharp points located at the level of the dogs. 9 C.F.R. § 3.1(c)(ii).
- l. July 9, 2021. Respondent failed to maintain all surfaces of housing facilities, including furniture-type fixtures and objects within the facility, on a regular basis and failed to replace worn or soiled objects. Specifically, Respondent failed to replace a plastic water bucket that is excessively chewed, and hair is trapped along the top edge of the bucket. 9 C.F.R. § 3.1(c)(2).
- m. July 9, 2021. Respondent failed to store supplies of food in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent stored unopened bags of dog food directly beneath a vehicle with an exposed engine such that oil from the engine was dripping on top of the plastic sheet covering the dog food. 9 C.F.R. § 3.1(e).
- n. July 9, 2021. Respondent failed to maintain trash containers in housing facilities and in food storage and food preparation areas leakproof and with tightly fitted lids on them at all times. Specifically, Respondent failed to have a lid on a trash can in a “Building 5.” 9 C.F.R. § 3.1(f).

- o. July 28, 2021. Respondent failed to design and construct housing facilities so that they are structurally sound and maintain housing facilities in good repair so that they protect the animals from injury, contain the animals securely, and restrict other animals from entering. Specifically, Respondent maintained:
- i. A covered outdoor enclosure such that a Pomsky was able to leave the enclosure by itself and was observed outside of the enclosure and had direct access to the road. 9 C.F.R. § 3.1(a).
 - ii. Housing facilities such that a Beagle was observed to jump on top of a shelter and then jump into other enclosures. 9 C.F.R. § 3.1(a).
 - iii. An enclosure in the horse barn with a hole in the stall wall wherein a dog was observed to stick its head, neck and forehead into the next enclosure. 9 C.F.R. § 3.1(a).
 - iv. An enclosure in the horse barn in which the puppies had dug a hole beneath the stall wall and were observed going through the hole into the next enclosure. 9 C.F.R. § 3.1(a).
- p. July 28, 2021. Respondent failed to keep areas used for storing animal food or bedding free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Specifically, Respondent housed:
- i. Seventeen dogs and nineteen puppies in a horse barn wherein each enclosure contained numerous pieces of trash and waste materials, including hay netting, empty bags, wooden boards, metal horseshoes, and countless pieces of shredded cloth, and areas of

the alleyway of the barn are covered in loose hay, unused wooden pallets, and empty bags. 9 C.F.R. § 3.1(b).

- ii. Ten dogs in a building containing a large amount of clutter and waste material including empty bags, pieces of plastic, used wood shavings, hair, and organic material in the alleyway of the building and in unused enclosures as well as an excessively large number of flies in the building. 9 C.F.R. § 3.1(b).

q. July 28, 2021. Respondent failed to maintain trash containers in housing facilities and in food storage and food preparation areas leakproof and with tightly fitted lids at all times. Specifically, Respondent kept an open sack of trash on the floor of a building housing ten dogs. 9 C.F.R. § 3.1(f).

r. July 29, 2021. Respondent failed to provide for the removal and disposal of animal and food wastes and other fluids and wastes in a manner that minimizes contamination and disease of risks. Specifically, Respondent failed to:

- i. Correct disposal and drainage systems for the sheltered housing building such that waste drains into a pipe that lays on top of the ground parallel to the outdoor enclosure housing eight dogs as described in Paragraph 40(c)(ii), such that areas near the liquid waste are covered in green algae. 9 C.F.R. § 3.1(f).
- ii. Maintain the septic system of the house such that wastewater runs down a slope and pools in the corner of an outdoor enclosure

housing approximately nine Bernese Mountain dogs laying in it to stay cool due to the high heat. 9 C.F.R. § 3.1(f).

- s. August 4, 2021. Respondent failed to design and construct housing facilities so that they are structurally sound and maintain housing facilities in good repair so that they protect the animals from injury, contain the animals securely, and restrict other animals from entering. Specifically, Respondent maintained an enclosure housing three puppies constructed of coated wire panels such that one side of the flooring was no longer attached to the bottom of a side panel creating a gap large enough for a puppy's foot to pass through. 9 C.F.R. § 3.1(a).
- t. August 4, 2021. Respondent failed to keep areas used for storing animal food or bedding free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Specifically, Respondent accumulated a large amount of clutter including large piles of wood, rolls of wire, buckets, and pieces of metal, in the housing area adjacent to the dog enclosures. 9 C.F.R. § 3.1(b).
- u. August 4, 2021. Respondent failed to store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent stored a large stack of wood shavings on the floor inside of the kennel. 9 C.F.R. § 3.1(e).
- v. August 4, 2021. Respondent failed to maintain trash containers in housing facilities and in food storage and food preparation areas leakproof and with tightly fitted lids on them at all times. Specifically, Respondent kept open

bags of trash in the housing area containing a majority of the adult dogs and all the puppies. 9 C.F.R. § 3.1(f).

w. August 11, 2021. Respondent failed to design and construct housing facilities so that they are structurally sound and maintain housing facilities in good repair so that they protect the animals from injury, contain the animals securely, and restrict other animals from entering. Specifically, Respondent maintained:

- i. At least two outdoor enclosures in which the dogs have dug holes along the bottom of the fence that are large enough to allow a dog to pass through. 9 C.F.R. § 3.1(a).
- ii. An outdoor enclosure in which the dogs have dug a large hole under the fence covered with a piece of metal livestock panel with openings large enough for the dogs' feet and legs to fall through. 9 C.F.R. § 3.1(a).
- iii. A large plastic shelter in a covered outdoor enclosure that is split apart beneath the access door creating a gap large enough for a dog's neck or leg to become entrapped. 9 C.F.R. § 3.1(a).
- iv. At least two enclosures in the whelping building with gaps along the bottom of the gate that are large enough for a dog to place its head or leg through. 9 C.F.R. § 3.1(a).
- v. An enclosure constructed of tile walls wherein the tile along the back wall is broken exposing the interior materials of the wall. 9 C.F.R. § 3.1(a).

- vi. A water bucket with a broken handle in an enclosure with two dogs. 9 C.F.R. § 3.1(a).
- vii. At least three enclosures with carpet square bedding material that have been damaged and shredded into long strands. 9 C.F.R. § 3.1(a).
- viii. Containers of insecticide in small plastic containers placed, unfastened, on the top ledge of enclosure walls housing approximately fifteen adult dogs and fifty puppies. 9 C.F.R. § 3.1(a).
- x. August 11, 2021. Respondent failed to keep areas used for storing animal food or bedding free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Specifically, Respondent stored:
 - i. Unopened bags of dog food directly next to three lawn mowers and a power washer, and an additional stack of dog food surrounded by a large amount of discarded wood, plastic and other trash on the floor around it. 9 C.F.R. § 3.1(b).
 - ii. A large amount of wood shavings surrounded by numerous piles of dirt, gravel, loose straw, sheets of cardboard and pieces of plastic. 9 C.F.R. § 3.1(b).
- y. August 11, 2021. Respondent failed to construct the interior surfaces and any surfaces of housing facilities that come in contact with dogs in a manner and made of materials free of jagged edges or sharp points that might injure the animals. Specifically, Respondent housed:

- i. Two adult dogs and six puppies in two enclosures with a metal feeder attached to the front gate by a piece of wire such that sharp ends of the wire are protruding into the enclosure. 9 C.F.R. § 3.1(c)(ii).
 - ii. Two dogs in an outdoor shelter with a broken metal door frame without a door creating a sharp point at the level of the dogs. 9 C.F.R. § 3.1(c)(ii).
 - iii. Approximately nine dogs in three covered outdoor enclosures that have screws around the access door such that the sharp ends are protruding into the interior level of the dogs. 9 C.F.R. § 3.1(c)(ii).
 - iv. Four dogs in an outdoor enclosure with the sharp ends of screws along the door frame are protruding into the shelter at the level of the dogs and a broken chain link is located along the bottom of the enclosure fence creating sharp points. 9 C.F.R. § 3.1(c)(ii).
- z. August 11, 2021. Respondent failed to store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent stored an open bag of wood shavings on the floor in the sheltered building and the large barn, and an open bag of dog food on the floor in the large barn. Flies were observed flying in and out of the open food bag. 9 C.F.R. § 3.1(e).
- aa. August 11, 2021. Respondent failed to provide for the removal and disposal of animal and food wastes and other fluids and wastes in a manner that

minimizes contamination and disease of risks. Specifically, Respondent failed to maintain disposal and drainage systems for:

- i. The sheltered housing building such that the drain on the northwest corner has created a large, thick pile of wet fecal and food waste, hair and straw that has attracted a large number of flies, and the drain on the southwest corner drains into a pipe that lays on top of the ground parallel to the outdoor enclosure housing eight dogs described in Paragraph 40(c)(ii). 9 C.F.R. § 3.1(f).
- ii. A large open barn such that a large pool of water near the dog enclosures is not draining properly. 9 C.F.R. § 3.1(f).

bb. August 30, 2021. Respondent failed to store supplies of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation, and specifically, Respondent stored an open bag of wood shavings on the floor in a corner of the kennel. 9 C.F.R. § 3.1(e).

41. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. July 9, 2021. Respondent failed to maintain the floors and walls of indoor housing facilities, and any other surfaces in contact with the animals, impervious to moisture. Specifically, Respondent failed to maintain the walls of at least three enclosures, containing approximately a total of four dogs, wherein small areas of the covering on the walls are torn exposing the wood, that is not impervious to moisture, beneath it at the level of the dogs. 9 C.F.R. § 3.2(d).

42. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. July 7, 2021. Respondent failed to maintain sheltered housing facilities impervious to moisture including outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material such as wire, wood, metal, or concrete, and all walls, boxes, houses, dens, and other surfaces in contact with the animals. Specifically, Respondent failed to maintain a section of the back wall of an enclosure where construction is incomplete exposing wood framing and pieces of fiberglass insulation. 9 C.F.R. § 3.3(e)(1)(iii).
- b. August 11, 2021. Respondent failed to maintain sheltered housing facilities impervious to moisture including outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material such as wire, wood, metal, or concrete, and all walls, boxes, houses, dens, and other surfaces in contact with the animals. Specifically, Respondent failed to maintain a wood-framed window in an enclosure in the sheltered housing building that was chewed and damaged such that the wood was no longer impervious to moisture. 9 C.F.R. § 3.3(e)(1)(ii), 3.3(e)(1)(iii).

43. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. April 7, 2021. Respondent failed to include one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a

normal manner, and to turn about freely, and one or more separate outside areas of shade that are accessible to each animal in each outdoor facility and that are large enough to contain all the animals at one time and protect them from the direct rays of the sun. Specifically, Respondent housed:

- i. 25 dogs in at least five outdoor enclosures that did not have a shelter large enough to allow each dog in the shelter to sit, stand, and lie in a normal manner and to turn about freely. 9 C.F.R. § 3.4(b).
 - ii. Approximately twenty dogs in three outdoor enclosures that did not have a shelter large enough to allow each dog in the shelter to sit, stand, and lie in a normal manner and to turn about freely. 9 C.F.R. § 3.4(b).
 - iii. Approximately twenty dogs in two outdoor enclosures wherein the only shade structures present were rectangular sheets of metal roofing tied onto the corner of the enclosures. 9 C.F.R. § 3.4(b).
 - iv. Approximately 12 dogs in two outdoor enclosures without any shade structures. 9 C.F.R. § 3.4(b).
- b. April 7, 2021. Respondent failed to provide a wind break and rain break at the entrance of outdoor facilities for dogs. Specifically, Respondent housed approximately 23 dogs in three outdoor enclosures with tattered pieces of burlap-type material in the enclosure entrance. 9 C.F.R. § 3.4(b)(3).
- c. April 7, 2021. Respondent failed to maintain outdoor facilities for dogs that contain clean, dry, bedding material if the ambient temperature is below 50

degrees Fahrenheit and dry bedding material when the temperature is 35 degrees Fahrenheit or lower. Specifically, Respondent housed:

- i. Eleven dogs in an outdoor enclosure with only a thin layer of straw covering approximately a quarter of the floor space inside the shelter when the temperature was below 50 degrees Fahrenheit in the previous three days and forecast in the next 12 hours. 9 C.F.R. § 3.4(b)(4).
 - ii. Nine dogs in at least two covered outdoor enclosures without bedding material when the temperature was below 50 degrees Fahrenheit in the previous three days and forecast in the next 12 hours. 9 C.F.R. § 3.4(b)(4).
- d. April 21, 2021. Respondent failed to include one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. Specifically, Respondent housed three dogs in an outdoor enclosure that does not have a shelter large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. 9 C.F.R. § 3.4(b).
- e. July 7, 2021. Respondent failed to include one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. Specifically, Respondent housed approximately 26 dogs in six covered outdoor enclosures with shelters too

small to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. 9 C.F.R. § 3.4(b).

f. July 7, 2021. Respondent failed to maintain building surfaces in contact with animals in outdoor housing facilities such that they are impervious to moisture. Specifically, Respondent failed to:

i. Use water resistant or sealed wood for the framing of the largest shelter in an outdoor enclosure containing eight Golden Retrievers.

9 C.F.R. § 3.4(c).

ii. Use water resistant or sealed wood for a wooden board being used as a barrier under the fence between two outdoor enclosures. 9

C.F.R. § 3.4(c).

iii. Maintain a painted plywood entrance for shelter in an outdoor enclosure containing approximately twelve dogs such that the plywood entrance had a hole and was not sealed or impervious to water. 9 C.F.R. § 3.4(c).

g. August 4, 2021. Respondent failed to include one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. Specifically, Respondent housed:

i. Four dogs in an outdoor enclosure that did not have shelters large enough to allow each animal in the shelter structure to sit, stand,

and lie in a normal manner, and to turn about freely. 9 C.F.R. § 3.4(b).

- ii. Two adults and thirteen puppies in four enclosures without any shelter space. 9 C.F.R. § 3.4(b).
- h. August 11, 2021. Respondent failed to include one or more shelter structures that are accessible to each animal in each outdoor facility and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. Specifically, Respondent housed:
 - i. Two huskies in at least one outdoor enclosure that did not have a shelter large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. 9 C.F.R. § 3.4(b).
 - ii. Four dogs in a large open barn such that none of said dogs have access to a shelter. 9 C.F.R. § 3.4(b).
- i. August 11, 2021. Respondent failed to maintain building surfaces in contact with animals in outdoor housing facilities such that they are impervious to moisture. Specifically, Respondent failed to maintain or replace exposed wood on the floor and/or wood frames in two outdoor enclosures where the paint had been scratched off. 9 C.F.R. § 3.4(c).

44. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. July 28, 2021. Respondent failed to maintain the minimum requirements for primary enclosures for dogs to construct and maintain enclosures so that they enable the dogs to remain dry and clean. Specifically, Respondent removed sections of the plastic flooring in a covered outdoor enclosure such that there

is a section of concrete that is exposed to water and feces when the enclosure is washed. A Golden retriever (tag #801) was observed with excessively wet hair covering both its hind legs, tail and abdomen and the hair was coated in feces, to which the licensee explained that the dog liked to lay on the wet concrete. 9 C.F.R. § 3.6(a)(2)(v).

- b. July 7, 2021. Respondent failed to maintain the minimum requirements for primary enclosures for dogs to construct floors in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor.

Specifically, Respondent constructed 57 enclosures in the whelping building with slatted flooring where the gaps between the slats were wide enough that the legs of puppies fell through the openings. An adult Shih tzu was observed with her legs falling through the gaps in the flooring. 9 C.F.R. § 3.6(a)(2)(x).

- c. July 29, 2021. Respondent failed to construct primary enclosures for dogs such that the interior height was at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.

Specifically, Respondent housed two puppies in the basement under the house in enclosures wherein one puppy had 2.5 inches of space between the top of its head and the top of the enclosure when in a normal position. 9 C.F.R. § 3.6(c)(1)(iii).

- d. July 7, 2021. Respondent failed to ensure that all dogs housed in the same primary enclosure are compatible including housing puppies under four months of age in the same primary enclosure with adult dogs other than the

dam or foster dam. Specifically, Respondent housed a 10-week old puppy in an enclosure with three adult dogs. 9 C.F.R. § 3.6(c)(2).

45. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. July 7, 2021. Respondent failed to provide food receptacles for dogs readily accessible to all dogs and located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Specifically, Respondent maintained self-feeders in at least two enclosures housing five adult dogs such that there was moldy dog food in the feeders caked together underneath and in direct contact with fresh food. 9 C.F.R. § 3.9(b).
- b. July 29, 2021. Respondent failed to provide food receptacles for dogs readily accessible to all dogs and located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Specifically, Respondent failed to locate a self-feeder in an outdoor enclosure housing four dogs so as to minimize contamination as the self-feeder was located with its door open near a water hose spraying water into the air and saturating the food. 9 C.F.R. § 3.9(b).
- c. August 11, 2021. Respondent failed to provide food receptacles for dogs readily accessible to all dogs and located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Specifically, Respondent:
 - i. Maintained self-feeders in at least two enclosures housing two dogs such that the dog food was coated in a greenish-white

substance that was caked together underneath and in direct contact with fresh food. 9 C.F.R. § 3.9(b).

- ii. Maintained food bowls in at least five enclosures, housing approximately five dogs and twelve puppies, that were full of wood shavings such that it was nearly impossible for the dogs to access their food. 9 C.F.R. § 3.9(b).

46. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. April 21, 2021. Respondent failed to provide potable water continuously to a litter of seven unweaned puppies that had spilled their bowl of water that had not been refilled. 9 C.F.R. § 3.10(a).
- b. July 7, 2021. Respondent failed to provide potable water continuously to his dogs as Respondent provided:
 - i. An empty water bowl and no other source of potable water to an adult Shar-pei and seven unweaned puppies in an enclosure in the sheltered housing building. 9 C.F.R. § 3.10(a).
 - ii. An empty water bowl and no other source of potable water to an adult dog and six puppies in an enclosure in the large whelping building. 9 C.F.R. § 3.10(a).
 - iii. A nearly empty water bowl containing mud-brown water with a buildup of brown sediment and debris in an enclosure housing approximately ten dogs. One dog was observed sitting in the water bowl. 9 C.F.R. § 3.10(a).

- c. July 28, 2021. Respondent failed to provide potable water continuously to his dogs as Respondent provided:
- i. No water to approximately two dogs housed in the sheltered housing building and eight dogs housed in the horse barn. 9 C.F.R. § 3.10(a).
 - ii. Water that either had a large amount of dirt in their water receptacle or the water receptacle had a coating of green algae with small pieces of algae floating in the water for approximately 22 dogs in the outdoor enclosures. The dogs were observed standing and sitting in their water receptacles, digging water out of the receptacles and drinking the contaminated water. 9 C.F.R. § 3.10(a).
- d. July 29, 2021. Respondent failed to provide potable water continuously to at least fourteen dogs housed in an outdoor enclosure wherein the dogs were observed to be standing and digging in the water receptacles, containing brown water and had a layer of sediment built up on the inside, and drinking the non-potable water. 9 C.F.R. § 3.10(a).
- e. July 30, 2021. Respondent failed to provide potable water continuously to a Golden Doodle (ID#5) and her five pups by providing an empty waterer and no other available water source. 9 C.F.R. § 3.10(a).
- f. August 11, 2021. Respondent failed to provide potable water continuously to at least five dogs and five puppies whose water receptacles were either empty,

had an excessive amount of wood shavings, or had flies floating in the water.
9 C.F.R. § 3.10(a).

47. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

a. April 7, 2021. Respondent failed to keep clean and in good repair premises where housing facilities are located, including buildings and surrounding grounds, to protect the animals from injury, facilitate the husbandry practices required in this subpart, reduce or eliminate breeding and living areas for rodents and other pests and vermin, and keep premises free of accumulations of trash, junk, waste products, and discarded matter. Specifically, Respondent failed to keep clean and in good repair:

- i. An empty enclosure in the covered outdoor area that had an accumulation of trash, organic material, and dirty discarded food or water bowls inside and a pile of dirt and organic waste material in the aisle outside the enclosure and a dead rat on the ground a few feet away. 9 C.F.R. § 3.11(c).
- ii. An outdoor enclosure, housing four dogs, that had a two to three foot piece of blue plastic caught in the fence extending into the enclosure. 9 C.F.R. § 3.11(c).
- iii. An outdoor enclosure, housing eight dogs, that had a two to three foot piece of white plastic caught in the fence and extending into the enclosure. 9 C.F.R. § 3.11(c).

- iv. An outdoor enclosure, housing ten dogs, that had many small pieces of white and blue plastic caught inside the fence. 9 C.F.R. § 3.11(c).
 - v. An outdoor enclosure, housing eleven dogs, that had many small pieces of white and blue plastic on the ground. 9 C.F.R. § 3.11(c).
- b. April 7, 2021. Respondent failed to establish and maintain an effective program for the control of insects, external parasites affecting dogs that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. Specifically, Respondent failed to establish and maintain rodent control methods:
 - i. On a concrete ledge along the back wall of the covered outdoor enclosures, housing approximately twenty dogs, that had a large amount of rodent feces on its surface. A dead rat was observed on the outside of the sheltered building 9 C.F.R. § 3.11(d).
- c. July 7, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards. Specifically, Respondent maintained:
 - i. Approximately seven feeders affecting approximately twenty dogs such that there was a brown buildup of material on the bottom front edge of the feeder. 9 C.F.R. § 3.11(b)(2).

- ii. Two enclosures, housing two dams and approximately twelve unweaned puppies, that have a dry, brown material smeared on some of the vertical surfaces of the whelping boxes. One of said enclosures had a brown, crusty material with hair trapped in it on the livestock panel across the front of the enclosure. 9 C.F.R. § 3.11(b)(2).
 - iii. Two outdoor enclosures housing approximately fifteen dogs with shelters that contained dried and fresh fecal material on the floors and a dry, brown material smeared on some of the walls. 9 C.F.R. § 3.11(b)(2).
- d. July 7, 2021. Respondent failed to sanitize by removing contaminated material, as necessary to prevent odors, diseases, pests, insects, and vermin infestation, in pens, runs, and outdoor housing areas that cannot be sanitized using the method provided in 9 C.F.R. § 3.11(b)(3), such as gravel, sand, grass, earth, or absorbent bedding. Specifically, Respondent failed to sanitize:
- i. Straw bedding material that was dark in color, compacted together in a solid pile, and moldy in at least four outdoor enclosures housing 32 dogs. In one of said enclosures, accessed by eight dogs, the contaminated straw was peeled up to reveal a colony of ant-like insects. The contaminated straw in another said enclosure, accessed by nine dogs, was observed with gnat-like insects flying out of the contaminated straw. 9 C.F.R. § 3.11(b)(4).

- ii. Absorbent wood shavings that were saturated with urine and feces with no absorbent areas in two whelping boxes accessed by fifteen puppies. 9 C.F.R. § 3.11(b)(4).
- e. July 7, 2021. Respondent failed to keep clean and in good repair premises where housing facilities are located, including buildings and surrounding grounds, to protect the animals from injury, facilitate the husbandry practices required in this subpart, reduce or eliminate breeding and living areas for rodents and other pests and vermin, and keep premises free of accumulations of trash, junk, waste products, and discarded matter. Specifically, Respondent maintained a buildup of dirt, dust and cobwebs along the back wall of the covered outdoor enclosures and on the retaining walls and ledges of the exterior wall. 9 C.F.R. § 3.11(c).
- f. July 7, 2021. Respondent failed to establish and maintain an effective program for the control of insects, external parasites affecting dogs that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. Specifically, Respondent made the practice of leaving the doors of the sheltered building and whelping building open to keep the buildings cool without any screens such that an excessively large number of flies were observed on the walls of the buildings and enclosures, in the water bowls, food bowls, and on the dog food, floors of the enclosures, and the dogs themselves; an excessively large number of flies were also observed inside some of the shelters of outdoor enclosures and gnat-like insects and ant-like insects in the straw bedding. 9 C.F.R. § 3.11(d).

- g. July 9, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards. Specifically, Respondent maintained a buildup of dark colored dirt and grime on the walls of at least two enclosures housing approximately three bulldogs. 9 C.F.R. § 3.11(b)(2).
- h. July 28, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards. Specifically, Respondent housed:
- i. Ten dogs in enclosures with a thick, heavy buildup of hair, spilled food, moldy food, used and unused wood shavings, organic waste and liquids along the front edge of each enclosure that attracted an excessively large number of flies. 9 C.F.R. § 3.11(b)(2).
 - ii. Seventeen dogs and nineteen puppies in horse stalls wherein the entire floorspace of the enclosures consisted of a thick layer of dirt mixed with old dog feces, fresh dog feces, bits of straw, and old horse manure, and the upper half of the horse stalls have an excessively large amount of cobwebs attached to them that have trapped a large amount of dust and dirt. 9 C.F.R. § 3.11(b)(2).

- i. July 28, 2021. Respondent failed to establish and maintain an effective program for the control of insects, external parasites affecting dogs that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. Specifically, Respondent failed to establish and maintain any fly control methods in a building, housing ten dogs and for which Respondent had not presented to APHIS inspectors before, with an excessive amount of flies observed on the gates of the enclosures, on the walls, in food receptacles and on the dogs. 9 C.F.R. § 3.11(d).
- j. August 4, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards. Specifically, during an inspection on August 4, 2021, Respondent's representative stated to APHIS inspectors that the surfaces of the enclosures are sanitized once a month. 9 C.F.R. § 3.11(b)(2).
- k. August 11, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards. Specifically, Respondent housed four dogs in a large barn wherein the floors of the enclosures consisted of gravel, dirt and wood shavings that could not be sanitized. 9 C.F.R. § 3.11(b)(2).

- l. August 11, 2021. Respondent failed to sanitize by removing contaminated material, as necessary to prevent odors, diseases, pests, insects, and vermin infestation, in pens, runs, and outdoor housing areas that cannot be sanitized using the method provided in 9 C.F.R. § 3.11(b)(3), such as gravel, sand, grass, earth, or absorbent bedding. Specifically, Respondent failed to sanitize straw bedding material that was dark in color, compacted together in a solid pile, and moldy in at least two outdoor shelters accessed by six dogs. One of said shelters had blue plastic mixed in with the dirty straw bedding material. 9 C.F.R. § 3.11(b)(4).
- m. August 11, 2021. Respondent failed to establish and maintain an effective program for the control of insects, external parasites affecting dogs that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. Specifically, Respondent made the practice of leaving the doors of the sheltered building and whelping building open to keep the buildings cool without any screens such that an excessively large number of flies were observed on the walls of the buildings and enclosures, in the water bowls, food bowls, and on the dog food, floors of the enclosures, and the dogs themselves as described in Paragraph. 9 C.F.R. § 3.11(d).
- n. August 30, 2021. Respondent failed to sanitize used primary enclosures and food and water receptacles for dogs at least once every two weeks using one of the methods prescribed in 9 C.F.R. § 3.11(b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and

other disease hazards. Specifically, Respondent failed to sanitize a plastic scoop used to place dog food from the food container into the self-feeders as one-third of the interior surface of the plastic scoop was coated with a thick buildup of brown organic residue. A facility representative represented to APHIS inspectors that the scoop was previously used to feed horses and the buildup came from an additive applied to the horse feed. 9 C.F.R. § 3.11(b)(2).

48. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. April 7, 2021. Respondent failed to produce complete and accurate medical records that fully documented the veterinary concerns for a Samoyed with poor dental health at Site 001. Specifically, Respondent failed to produce a medical record that included the date and a description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed. 9 C.F.R. § 3.13(b)(2).
- b. April 21, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that is developed, documented in writing, and signed by an attending veterinarian and addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as vaccinations for contagious and/or deadly diseases of dogs (including rabies, parvovirus, and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by an attending veterinarian, unless otherwise

required by a research protocol approved by the Committee at research facilities. Specifically, Respondent maintained a written program of veterinary care that did not prescribe the dosages for Ivermectin pour-on, Safeguard or Pyrantel. 9 C.F.R. § 3.13(a)(3).

- c. July 7, 2021. Respondent failed to produce medical records that fully documented the identity of a Boston terrier (#270) that had given birth via Caesarian and needed additional treatments at a later date. Specifically, Respondent failed to produce a medical record that included the identity of the dog, including identifying marks or tags, breed, age, or sex. 9 C.F.R. § 3.13(b)(2).
- d. July 7, 2021. Respondent failed to produce medical records that fully documented the veterinary concerns for nine dogs identified during a previous inspection to be in need of veterinary care. Specifically, Respondent failed to produce a medical record that included the date and a description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed. 9 C.F.R. § 3.13(b).
- e. July 9, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as prescribes regularly scheduled visits, not less than once every 12 months, by an attending veterinarian to all premises where animals are kept. Specifically, Respondent kept and maintained a written program of veterinary care that did

not include a provision for regularly scheduled visits by an attending veterinarian. 9 C.F.R. § 3.13(a)(1).

- f. July 9, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as prescribes a complete physical examination from head to tail of each dog by an attending veterinarian not less than once every 12 months. Specifically, Respondent kept and maintained a written program of veterinary care that did not prescribe the frequency of physical examinations conducted by an attending veterinarian for dogs and puppies. 9 C.F.R. § 3.13(a)(2).
- g. July 9, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as vaccinations for contagious and/or deadly diseases of dogs (including rabies, parvovirus, and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by an attending veterinarian, unless otherwise required by a research protocol approved by the Committee at research facilities. Specifically, Respondent kept and maintained a written program of veterinary care that did not:
 - i. Contain a vaccination plan
 - ii. Prescribe a prevention, control, or treatment plan for ectoparasites, blood parasites, and intestinal parasites

- iii. Prescribe a plan to sample and test for heartworm and intestinal parasites. 9 C.F.R. § 3.13(a)(3).
- h. July 9, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as requires preventative care and treatment to ensure healthy and unmatted hair coats, properly trimmed nails, and clean and healthy eyes, ears, skin, and teeth, unless otherwise required by a research protocol approved by the Committee at research facilities. Specifically, Respondent kept and maintained a written program of veterinary care that did not contain a plan for preventative care and treatment to ensure healthy and unmatted hair coats, properly trimmed nails, and clean and healthy eyes, ears, skin, and teeth. 9 C.F.R. § 3.13(a)(4).
- i. July 9, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for at least nineteen dogs. Specifically, Respondent failed to produce complete and accurate medical records that included information on how many times a day treatment should be administered or how many days the treatment should be administered and the dosages of medical products. A few of said incomplete medical records did not list the name of the medical product used. 9 C.F.R. §§ 3.13(b)(2), 3.13(b)(3).
- j. July 23, 2021. Respondent failed to produce accurate and complete medical records for dogs, and specifically, Respondent failed to produce medical

records correctly and accurately documenting the official identification of a two Cavaliers (#444 and #492), one Pekingese (#460), a Shih tzu (#479) and several other dogs 9 C.F.R. § 3.13(b)(1).

- k. July 23, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for four dogs.
Specifically, Respondent failed to produce a medical record that included the problem identified, the date and description of the problem, examination of findings, a plan for treatment and care, and treatment procedures performed for the dogs. 9 C.F.R. § 3.13(b)(2).
- l. July 28, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for a Pomsky (#135) with a broken leg. Specifically, Respondent failed to produce a medical record that included a plan for treatment and care, and treatment procedures performed for the dog. 9 C.F.R. § 3.13(b)(2).
- m. July 28, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for a small, red poodle puppy. Specifically, Respondent failed to produce a medical record that included a plan for treatment and care, and/or treatment procedures performed for the dog. 9 C.F.R. § 3.13(b)(2).
- n. July 29, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as vaccinations for contagious and/or deadly diseases of dogs (including rabies,

parvovirus, and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by an attending veterinarian, unless otherwise required by a research protocol approved by the Committee at research facilities. Specifically, Respondent kept and maintained a written program of veterinary care that did not prescribe:

- i. How often treatment for ectoparasites was to be applied dogs and puppies;
 - ii. Fully how often treatment for blood parasites was to be applied to dogs and puppies;
 - iii. A plan to sample for blood and intestinal parasites. 9 C.F.R. § 3.13(a)(3).
- o. July 29, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for a Samoyed puppy. Specifically, Respondent failed to produce a medical record that included a plan for treatment and care, and/or treatment procedures performed for the dog. 9 C.F.R. § 3.13(b)(2).
- p. July 29, 2021. Respondent failed to produce complete and accurate medical records that fully documented the medical treatments for two Shih tzu (#389 and #479). Specifically, Respondent failed to produce a medical record that included the date and a description of the problem, examination findings, test results, plan for treatment and care, and treatment procedures performed. 9 C.F.R. § 3.13(b)(2).

q. August 11, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as vaccinations for contagious and/or deadly diseases of dogs (including rabies, parvovirus, and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by an attending veterinarian, unless otherwise required by a research protocol approved by the Committee at research facilities. Specifically, Respondent maintained a written program of veterinary care that did not contain complete plans for sampling and treatment of blood parasites and intestinal parasites. 9 C.F.R. § 3.13(a)(3).

r. August 30, 2021. Respondent failed to keep and maintain a written program of veterinary care for dogs that addresses the requirements for adequate veterinary care for every dealer and exhibitor in 9 C.F.R. § 2.40 as well as vaccinations for contagious and/or deadly diseases of dogs (including rabies, parvovirus, and distemper) and sampling and treatment of parasites and other pests (including fleas, worms, coccidia, giardia, and heartworm) in accordance with a schedule approved by an attending veterinarian, unless otherwise required by a research protocol approved by the Committee at research facilities. Specifically, Respondent maintained a written program of veterinary care that did not prescribe:

- i. The name and dosage of products to be used for ectoparasites, blood parasites and intestinal parasites. 9 C.F.R. § 3.13(a)(3).

ii. How often adult dogs and puppies are to receive the treatments. 9 C.F.R. § 3.13(a)(3).

iii. A plan to sample heartworm and intestinal parasites. 9 C.F.R. § 3.13(a)(3).

49. On or about the following dates, Respondent willfully violated the Regulations (9 C.F.R. § 2.100), by failing to meet the Standards, as follows:

- a. July 7, 2021. Respondent failed to transport or deliver for transport in commerce a dog in a primary enclosure, such as a compartment, transport cage, carton or crate that is constructed so that the primary enclosure has a solid, leak-proof bottom or a removable, leak-proof collection tray under a slatted or mesh floor that prevents seepage of waste products, such as excreta and body fluids, outside of the enclosure. Specifically, Respondent contained five dogs in three transport enclosures without absorbent litter such that feces and spilled dog food were located on the floor of one of said enclosures. 9 C.F.R. § 3.15(a)(9).
- b. July 7, 2021. Respondent failed to use primary enclosures for transport of live dogs that were large enough to ensure that each animal contained in the primary enclosure had enough space to turn about normally while standing, to stand and sit erect, and to lie in a natural position. Specifically, Respondent contained five dogs in three transport enclosures, two of which contained two dogs such that the amount of space was insufficient to allow the dogs to turn around and lie in normal positions. One dog was observed lowering his hind

end towards the floor in order to bend his front end in an abnormal position to turn around in the enclosure. 9 C.F.R. § 3.15(e).

- c. July 7, 2021. Respondent failed to provide shade in the animal holding area to protect the dog from the direct rays of the sun. Specifically, Respondent contained five dogs in transport enclosures along the driveway without shade to protect the dogs from direct sunlight. One of said enclosures was a wire crate with no solid top. 9 C.F.R. § 3.19(e)(1).
- d. July 28, 2021. Respondent failed to hold a live dog in an animal holding area of a terminal facility wherein shade is provided sufficient to protect the dog from the direct rays of the sun. Specifically, Respondent contained a poodle in a transport enclosure along the driveway without shade to protect the dog from direct sunlight. The dog was observed exhibiting signs of heat stress and the heat index was 119 degrees Fahrenheit. 9 C.F.R. § 3.19(e)(1).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the Respondent. Respondent shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint and a waiver of hearing. Complainant requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances, including

revocation of AWA license 42-A-1632, and civil penalties as warranted under the circumstances.

Done at Washington DC

this ____ day of _____ 2021

**ANTHONY
SHEA**

Digitally signed by
ANTHONY SHEA
Date: 2021.09.24 13:22:18
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Kevin Shea
Administrator
Animal and Plant Health Inspection Service

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