

To: Michael Pechart, Acting Director  
Dog Law Enforcement Office

Dear Mike:

The Enforcement Committee of the Dog Law Advisory Board has prepared the attached report as requested by you at the board meeting on April 25, 2012.

This committee has performed a thorough analysis of public documents relating to the performance of the Dog Law Enforcement Office (DLEO) over the last eighteen months. Our findings have raised serious concerns about the DLEO's enforcement of the Dog Law and the Commercial Kennel Canine Health Regulations during this period. Since the meeting in April your Office has instituted several changes, many of which we view as encouraging. However, as our analysis indicates, there remain critical areas of the Dog Law and the Canine Health Regulations which this Office is failing to enforce appropriately or, in some cases, at all. We have therefore developed a series of recommendations which, if implemented, we believe will dramatically strengthen the quality and scope of enforcement work performed by the DLEO, and will therefore help it to be substantially more effective in carrying out its statutory responsibilities.

We fully recognize that the DLEO faces many challenges including licensing and revenue generation, stray and dangerous dog issues, and internal operational concerns. Nevertheless, we strongly believe that the primary focus of this Office must remain on Pennsylvania's licensed and unlicensed kennels since in 2011 the licensed for-profit breeding and dealer kennels alone housed more than 475,000 dogs.

We hereby submit the following report and recommendations with the hope that this Office will review and implement these recommendations immediately.

Respectfully submitted,

The Members of the Enforcement Committee  
of the Dog Law Advisory Board

cc: Members, Pennsylvania Dog Law Advisory Board

**SUMMARY OF FINDINGS – DOG LAW ADVISORY BOARD  
ENFORCEMENT COMMITTEE REPORT**

**INTRODUCTION**

- A. Act 119 of 2008 increased requirements for commercial kennels relating to cage size, flooring, vet care, exercise areas and - through regulations it mandated - ventilation, heat index limits, and humidity, ammonia and lighting levels.
- B. It added enforcement tools that were already commonplace for agencies other than Agriculture, such as civil penalties and license revocation based on criminal convictions.
- C. The Act had broad public support and was passed by an overwhelming majority of the Legislature.
- D. The Dog Law Enforcement Office (“DLEO”) also has its pre-Act 119 enforcement tools, such as summary citations and court injunctions to close illegal unlicensed kennels, and its pre-Act 119 regulations applicable to all kennels relating to shelter, maintenance, sanitation, clean food and water, drainage, condition of dogs, cold weather, etc.
- E. DLEO is further charged with enforcing the Rabies Act, requiring dogs be vaccinated for this fatal zoonotic disease.
- F. DLEO imposed what appears to have been close to a general moratorium on all types of enforcement relating to kennels for close to eighteen months, so that this legal framework became almost meaningless.

**I. THE DLEO SHOULD IMMEDIATELY IDENTIFY ALL COMMERCIAL KENNELS, APPLY COMMERCIAL KENNEL STANDARDS TO THOSE KENNELS AND IMPOSE APPROPRIATE SANCTIONS ON KENNELS THAT ARE COMMERCIAL BUT HOLD K LICENSES**

- A. There are 69 former commercial kennels that are now K kennels – not permitted to sell any dogs wholesale or more than 60 dogs a year, and not required to make the improvements required by the commercial kennel provisions of the Dog Law and the Canine Health Regulations.

- B. The Report contains a chart of 31 K kennels that, based on their history and dog numbers, are likely still commercial kennels.
- C. DLEO has done nothing to curb this practice or to sanction kennels that have obtained K licenses but are really still commercial.
- D. At least eight kennels received good faith waivers by pledging to make the required commercial kennel improvements during the extra time they received, then applied for and received K kennel licenses without making those improvements.

**II. THE DLEO MUST CONTINUE TO EMPLOY A FULL- TIME SMALL ANIMAL VETERINARIAN**

- A. Because the health and well-being of dogs is the focus of the kennel provisions of the Dog Law, it goes without saying that a full-time small animal veterinarian is needed as part of the kennel inspection team.
- B. The Report has a list of situations in which a veterinarian is always needed.
- C. The Dog Law veterinarian should also be responsible for ongoing warden training, warden questions, testimony in court and be available to accompany wardens on inspections where problems may be anticipated.
- D. The Dog Law veterinarian should report quarterly to the Dog Law Advisory Board.

**III. THE DLEO MUST COMPLY WITH THE DOG LAW REGARDING FREQUENCY OF INSPECTIONS AND MUST REINSPECT ALLEGEDLY CLOSED KENNELS**

- A. Section 218 of the Dog Law requires that all kennels be inspected *at least* twice a year.
- B. In 2011, 37 of the then-68 commercial kennels were inspected only once
- C. Only 23 were inspected after July 1, 2011, the date upon which the Canine Health Regulations took effect.
- D. Over two-thirds of all commercial kennels went for more than nine months without an inspection, regardless of whether violations were noted at past inspections, and six went for more than a year.
- E. The Report contains a 2011-2012 Inspection Analysis that details this information.
- F. 184 commercial and former commercial kennels have asserted that they have closed operations since the 2009 license year – none have been checked to see if they are operating illegally.

- G. Over 40 kennels were closed for violations before 2009, and at least six are the subject of Commonwealth Court orders enjoining them from operating a kennel - none of these kennels have been checked for illegal operation
- H. Nine commercial kennels were granted waivers until October 9, 2011 - DLEO inspected them right before the waivers expired and not again for six or seven months.
- I. For the kennels that went past their waiver deadlines without making the required improvements, there were no sanctions.

**IV. DLEO HAS FAILED TO ISSUE CITATIONS FOR SUBSTANDARD KENNEL CONDITIONS, CONTRARY TO ITS CITATIONS CHART PROVIDED TO THE BOARD**

- A. The DLEO provided a chart detailing the number of citations issued in 2009-2012 by each warden identified as having cited commercial kennels during these years after questions arose at the DLAB meeting about an apparent reduction in kennel citations.
- B. This Committee was led to believe that the chart related to kennel citations, and that kennel citations had gone down only in proportion to the decrease in commercial kennels.
- C. Actually, no citations were issued for failure to comply with the commercial kennel requirements or Canine Health Regulations in the year from July 1, 2011 through June 30, 2012, and only four were issued for ANY sort of violation by a commercial or former commercial kennel.
- D. At least two commercial kennels during this time period failed to vaccinate dogs for rabies and were not cited, violating the mandate of Section 455.8(d) of the Rabies Act.
- E. In July 2012, inspection reports indicate that two citations were issued to commercial kennels for lack of compliance with commercial requirements, but the PA courts' website database has no record that either of these citations was ever filed.

**V. THE DLEO MUST CONSISTENTLY AND RELIABLY IMPOSE PENALTIES FOR FAILURE TO COMPLY WITH THE DOG LAW AND APPLICABLE REGULATIONS**

- A. No kennel licenses were revoked or refused in 2011 or 2012 to date, regardless of the number of unsatisfactory inspections.
- B. In the same time period, no citations for violations of the commercial kennel law or its regulations were issued.
- C. Where waivers extending compliance time were given, no consequences ensued when the waiver expired and the kennel remained out of compliance.
- D. No kennel situations were referred to HSPO's or other police officers for investigation of animal cruelty from July 2011 until at least May 2012.
- E. Kennels that had previously lost their licenses and appealed were offered favorable settlements that restored their licenses and permitted them to carry on with no further consequences.
- F. Despite the passage of one year, the Canine Health Regulations, effective July 1, 2011, have not been enforced.

**VI. THE DLEO MUST HIRE STAFF WITH THE EXPERIENCE AND COMMITMENT TO PROSECUTE VIOLATORS OF THE DOG LAW EFFICIENTLY AND EFFECTIVELY**

- A. Many warden positions, including supervisory positions, are currently unfilled.
- B. Another cause of lack of enforcement is the lack of a prosecutor with significant experience in criminal law and procedure, such as a former Assistant District Attorney.
- C. The prosecutor should represent the dog wardens in court hearings and should devote the majority of his or her time to DLEO.

**VII. THE CANINE HEALTH REGULATIONS MUST BE MEANINGFULLY IMPLEMENTED AND ENFORCED**

- A. These Regulations were drafted with measurable performance markers for air quality, temperature, humidity, ammonia, lighting, ventilation and flooring.
- B. DLEO is not routinely taking these measurements with handheld devices as part of the inspection process.
- C. Without measurements it is impossible to verify whether Regulation standards are being met.

- D. DLEO is accepting engineer certifications of ventilation system designs prior to ventilation systems being installed, thus it is certifying *theoretical* ventilation systems.
- E. Any 2012 commercial kennel license granted without an engineer's certification was granted by DLEO in violation of Section 28a.2.(b)(2) of the Regulations.
- F. Data loggers were not timely installed, may still not be installed in all areas as required by the Regulations and are not being routinely downloaded and analyzed for every commercial kennel inspection.
- G. Policy on nursing mothers should be revised in consultation with this committee to provide verifiable exercise to nursing mothers.

**VIII. THE FUNDS IN THE DLEO RESTRICTED ACCOUNT CAN BE USED ONLY FOR PURPOSES DIRECTLY RELATED TO THE ENFORCEMENT OF THE DOG LAW**

- A. The Department of Agriculture took A 13 thirteen percent "administrative overhead" from the Account, in 2008 in the amount of \$911,534 and in 2010 in the amount of \$1,022,000.
- B. Salaries in the amount of \$362,046 annually were being paid to non-Dog Law Enforcement employees from the Account with no documentation of related work to support paying 100% of their salaries.
- C. Notwithstanding the Auditor General's Special Performance Audit condemning these practices, the Department of Agriculture's use of Account monies continued at least through 2010, and possibly to the present date.
- D. There was no financial statement in the 2011 Dog Law Annual Report to the Legislature, so Account information has not been presented for that year.

Date: September 25, 2012  
From: The Enforcement Committee of the Dog Law Advisory Board  
To: Michael Pechart, Acting Director of the DLEO  
CC: Members of the Dog Law Advisory Board  
Subject: Recommendations Regarding the Operation of the  
Dog Law Enforcement Office

## **INTRODUCTION**

At the April 25, 2012 meeting of the Dog Law Advisory Board (“DLAB”), Michael Pechart, Executive Deputy Secretary of the Pennsylvania Department of Agriculture and now Acting Director of the Dog Law Enforcement Office (“DLEO”), asked the members of the Board to form committees on various issues and to report back with recommendations. Since that time, the Enforcement Committee has conducted an exhaustive study of the DLEO related to its enforcement of the Dog Law statute and the Commercial Kennel Canine Health Regulations (“Canine Health Regulations”) or (“Regulations) , the enforcement of which is its statutory responsibility.

In summary, the Enforcement Committee has been led by the information it has carefully reviewed to the disturbing conclusion that, through either studied indifference or by design, the DLEO has failed in its enforcement of critical components of the Dog Law and the Canine Health Regulations. Although Act 119 of 2008 which overhauled the Dog Law had broad public support and was passed by an overwhelming majority of the Pennsylvania Legislature, a laxity in

enforcement has allowed thousands of dogs to languish in pre-2008 conditions despite protections in the law that as of today largely exist only on paper. We see a simultaneous moratorium on all types of kennel enforcement – application review, Canine Health Regulation enforcement, citations, cruelty referrals, license revocations and refusals, defending against appeals, injunctions – along with a reduced number of inspections – all of which signal that the DLEO is not discharging its duty as the Dog Law requires.

It is the purpose of this report to share our recommendations as well as the underlying facts and concerns that serve as the basis for those recommendations. This memorandum includes the following exhibits:

1. Exhibit A: Most Serious Enforcement Lapses
2. Exhibit B: DLEO Citation Chart
3. Exhibit C: Analysis of Commercial Kennel Notice of Violations/Waivers  
Expiring 10/9/11
4. Exhibit D: Commercial Kennels: What Happened (through 9/1/12)
5. Exhibit E: Draft Canine Health Regulation Inspection Checklist
6. Exhibit F: 2011-2012 Commercial Kennel Inspection Analysis
7. Exhibit G: DLEO-Approved Exercise Plan for Nursing Mothers



**I. THE DLEO SHOULD IMMEDIATELY IDENTIFY ALL COMMERCIAL KENNELS, APPLY COMMERCIAL KENNEL STANDARDS TO THOSE KENNELS AND IMPOSE APPROPRIATE SANCTIONS**

At the April 25, 2012 meeting of the DLAB, the members were informed by Lynn Diehl, then Director of DLEO, that the number of commercial kennels had dropped from over 300 in 2009 to 52 in 2012. Upon closer inspection, however, it appears that a large number of commercial kennels (as many as 69) may have simply revamped their applications for the purpose of “passing” as a K kennel to avoid the more stringent requirements of the commercial, or CK, designation. Commercial kennels must meet additional requirements including the doubling of cage size, the use of solid flooring in cages, inclusion of an attached outdoor exercise area, semi-annual veterinary exams, ventilation requirements and heat index limits. Pursuant to the Dog Law, a kennel must be licensed as commercial if it sells even one dog to a pet store or dealer, or if it sells or transfers 60 or more dogs in a year. It appears that many commercial kennels, faced with making significant upgrades to their facilities, might have taken the opportunity to masquerade as a K class in order to avoid doing this.

Even a cursory review of the spreadsheet attached hereto as Exhibit D<sup>1</sup> will reveal that scores of kennels applied for and were granted non-commercial licenses even though they likely fell within the definition of a commercial kennel. The DLEO granted such licenses notwithstanding the fact that these kennels almost certainly failed to qualify for non-commercial

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<sup>1</sup> The information contained in this Exhibit and elsewhere in this report was derived from public sources including but not limited to: Kennel inspection reports on the Department of Agriculture website; Dog Law Enforcement Annual Reports to the Legislature (which have since been removed from the site except for 2011); the June 2011 Report of the PA Auditor General regarding the Dog Law Restricted Fund; independent sites posting commercial kennel requirement waiver information and general PA kennel information; citation and court records on the Administrative Office of PA Courts (AOPC) website; Right to Know Law requests by our Committee and various animal welfare organizations; kennel applications, information provided by the Department of Agriculture; information gleaned from presentations, observations, comments and discussions at Dog Law Advisory Board meetings and Canine Health Board meetings since December 2006 and from other public meetings and hearings involving Dog Law matters, newspaper articles, blogs; and the *Allentown Morning Call* database of kennel inspection reports (including owner names).

licenses. In so doing, the DLEO necessarily ignored its own records which disclosed the number of dogs sold by and present at these kennels each year.

Dogs can be bred twice a year and produce between 1-12 pups in a litter. The average litter size is between five to eight pups. Because pups are generally sold when they are approximately eight weeks old, the population of pups in a breeding kennel changes approximately every two months. To produce and sell fewer than 60 puppies per year, thereby potentially qualifying as a non-commercial kennel, no more than approximately 20 female dogs and 10-15 puppies should be found on site at any inspection. A greater number of female dogs or puppies present at any given time suggests that the kennel is producing and selling or transferring more than 60 puppies a year and is by definition a commercial kennel.

By way of example, if a kennel has 20 breeding females and is able to successfully produce only 15 litters of 5 pups in one year, for a total of 75 pups, it must be licensed as a commercial kennel unless it retains at least 16 pups, holds many females without breeding them, or otherwise does not sell or transfer 60 dogs. It strains credulity to believe that a breeding kennel would keep large numbers of dogs without breeding them or that it would retain large numbers of puppies without selling them, since either course of action would result in significant financial loss.

In 2012, of the 69 kennels that changed their designation from commercial to K, more than half had over 20 adult dogs or over 15 puppies, or both, at one inspection. One such kennel had 119 adult dogs and one had 35 pups.

Some of the most notable examples are:<sup>2</sup>

Kennel 01	119 adult dogs and 16 pups	Kennel 16	35 adult dogs and 13 pups
Kennel 02	116 adult dogs and 16 pups	Kennel 17	35 adult dogs and 8 pups
Kennel 03	68 adult dogs and 27 pups	Kennel 18	32 adult dogs and 12 pups
Kennel 04	65 adult dogs and 17 pups	Kennel 19	31 adult dogs and 8 pups
Kennel 05	57 adult dogs and 11 pups	Kennel 20	30 adult dogs and 11 pups
Kennel 06	52 adult dogs and 8 pups	Kennel 21	29 adult dogs and 23 pups
Kennel 07	47 adult dogs and 35 pups	Kennel 22	29 adult dogs and 23 pups
Kennel 08	46 adult dogs and 23 pups	Kennel 23	28 adult dogs and 18 pups
Kennel 09	45 adult dogs and 30 pups	Kennel 24	28 adult dogs and 12 pups
Kennel 10	40 adult dogs and 19 pups	Kennel 25	25 adult dogs and 18 pups
Kennel 11	40 adult dogs and 15 pups	Kennel 26	25 adult dogs and 3 pups
Kennel 12	39 adult dogs and 14 pups	Kennel 27	24 adult dogs and 24 pups
Kennel 13	38 adult dogs and 17 pups	Kennel 28	24 adult dogs and 19 pups
Kennel 14	39 adult dogs and 8 pups	Kennel 29	23 adult dogs and 21 pups
Kennel 15	36 adult dogs and 15 pups	Kennel 30	27 adult dogs and 21 pups
		Kennel 31	23 adult dogs and 4 pups (records incomplete)

Many of the kennels noted above<sup>3</sup> actually had a higher number of dogs and/or pups on site at an inspection than did the admittedly commercial kennels. Note, for example, the canine populations and transfer/sales records of the following commercial kennels: Barnes Puppy Love had 39 adults dogs and 8 pups on the premises and sold 124 dogs in 2011; Bide-a-While Kennel had 25 dogs and 9 pups on premises and sold 143 pups in 2011; Spring Pond Kennel had 77 adult dogs and 26 pups on premises and sold 354 dogs in 2011; Tait's Basset Kennel had 26 adult dogs and 17 pups on the premises and sold 105 dogs in 2011.

The large number of dogs coupled with the K class license is particularly problematic for the Celtic Farms and Jenloren's Kennels. Both these kennels had their licenses refused for repeated Dog Law violations, and both entered into settlement agreements in which they were

<sup>2</sup> The names of these kennels have been redacted in the publicly disseminated version of this report. The names will be made available to the Acting Director of DLEO.

<sup>3</sup> Nearly all of these kennels sold more than 60 dogs in the year before their conversion to K kennels, a significant number had sold over 100 (one of them sold 381) and the conversion frequently coincided with their deadline to make improvements after the expiration of a waiver.

required to be K kennels, limiting the number of dogs they could keep and sell. If these kennels are in fact operating as commercial kennels, they are most likely in breach of these settlement agreements, and in violation of the law. Further, if these kennels are operating as commercial kennels but they applied for K status, their license applications may have also contained misrepresentations of fact.

The owner of one former commercial kennel, Silver Hill, was convicted of animal cruelty in 2010 and his license was refused. His wife now runs Golden Acres, a K kennel located on the same property as Silver Hill, in the same kennel building with the same dogs. Thus, Husband “closed” Silver Hill as a commercial kennel, Wife “opened” Golden Acres as a K kennel, but nothing changed except the kennel designation, the kennel name and the transfer of the license from Husband to Wife.

Additionally, three former commercial breeding kennels became dealer kennels, which are prohibited from breeding any dogs. In 2012, at least one of these kennels, Dishong’s, had 113 dogs over the age of three months at its August 29, 2012 inspection. The number and age of the animals should at a minimum raise an eyebrow and cause further scrutiny since it is inconsistent with a dealer kennel status, an entity that buys and sells pups but may not breed.

Many commercial kennels appear to have taken inappropriate advantage of the “good faith” waivers offered to them, ostensibly for the purpose of giving them more time to comply with the new law. Many kennels sat on their hands during the waiver period, doing little or nothing to comply, and then switched their designation from commercial to non-commercial at or near the expiration of the period. This tactic may have been premised on a misstatement to authorities in the waiver application that the kennel owner was making a good faith effort to comply, but could not because of a circumstance beyond his control. Nonetheless, no penalty was assessed and the kennels were permitted to be relicensed as non-commercial kennels. Under the Dog Law Section

211(a) (2), material misrepresentations about something relevant to the license are grounds for license revocation or refusal.

**In light of all the above, this committee RECOMMENDS the following:**

- **Within sixty days of receipt by the DLEO of these recommendations, the DLEO shall conduct an unannounced inspection at each of the kennels identified above in this memorandum, recording the number of adult dogs and pups, and scrutinizing kennel records. The DLEO veterinarian shall accompany the wardens on each inspection and shall note his or her opinion as to whether females without current litters produced litters in the recent past. Additionally, if a kennel is found to be a commercial kennel, it shall be noted whether it is or is not in compliance with the commercial kennel provisions of the Dog Law and the Canine Health Regulations. Thereafter, it is recommended that the kennels referenced in this memorandum be subject to at least six random, unannounced inspections per year.**
- **Pet store records must be scrutinized by wardens on a regular basis. The Director of Enforcement should establish a method to record, maintain and track the data obtained from pet store records, including but not limited to the number of puppies purchased, the identity of the sellers, and the dates of the transactions. This data should be utilized as a factor in determining the kennel class of any breeder.**
- **All broker and dealer records, both in-state and out-of-state, should be inspected, maintained and utilized to determine sales and kennel class of breeding kennels.**
- **Amend the Kennel License Renewal Application to require the following certification of each kennel owner for the two year period prior to the application: "I hereby certify that [name] Kennel has not sold any dog to a pet store or dealer within the last 12 months.**
- **Amend the Kennel License Renewal Application to require the following certification by each kennel owner: "I hereby certify that [name] Kennel sold or transferred [# of] dogs during (prior calendar year), and [# of] dogs from January 1, [current year] to the date of this certification."**
- **For any non-commercial kennel that is determined by the DLEO to be a commercial kennel (regardless of the owner's certification), a citation shall be immediately filed. The kennel owner must immediately obtain a commercial license and comply with commercial standards within thirty days of the issuance of the citation. Failing such compliance, the DLEO shall issue the appropriate additional citations or notices of violation and requests for the imposition of civil penalties. Citations should additionally be issued for the false statements to authorities made in the former kennel application and, if appropriate, in the certification.**
- **If it is determined that a material misstatement or misrepresentation was made in the license application or that any material misstatement or misrepresentation was made**

**to the DLEO or its personnel regarding a matter relevant to the license, the kennel license shall be revoked.**

- **If during a kennel inspection it is noted that a kennel has incomplete records regarding dogs sold, it should be immediately cited under section 207(c). Failure to maintain complete records makes it impossible to determine compliance.**

## **II. THE DLEO MUST CONTINUE TO EMPLOY A FULL- TIME SMALL ANIMAL VETERINARIAN**

It is vital for effective enforcement of the Dog Law that the DLEO continue to employ a full-time veterinarian with a specialty in small animal medicine. Because the health and well being of the dogs is at the heart of the kennel provisions of the Dog Law, it goes without saying that an expert in the field of animal health (i.e., a small animal veterinarian) is needed to make determinations, on a daily basis, as to the condition of those dogs.

A veterinarian is trained to notice the subtle differences in behavior and appearance of dogs which may be related to conditions in need of further evaluation. A lay person, even with training, has the potential to overlook these subtleties and is not accredited in this field of medicine. The DLEO veterinarian should also be responsible for ongoing warden training in addition to being available to wardens for questions, testimony in court and to accompany wardens on inspections where problems may be anticipated. The veterinarian should play a key role during inspections, including having the ability to examine any dog he or she deems necessary during a kennel inspection as well as the ability to order further veterinarian exams on kennel dogs.

**In light of all the above, this committee RECOMMENDS the following:**

- **A full-time veterinarian with a small animal focus shall be employed by the DLEO,**
- **A process should be established for the veterinarian to accompany wardens on a random selection of kennel inspections, involving many types of kennels in various counties. The input of the veterinarian should be considered in determining the identity of the kennels to be inspected.**

- **As one of the most highly skilled employees of the DLEO, the veterinarian should be given the confidence and latitude to attend any inspections he or she, in his or her professional opinion, believes would be of benefit in the enforcement of the Dog Law and Canine Health Regulations.**
- **The DLEO veterinarian should have the right to physically examine any dog during a kennel inspection that he or she deems necessary and the number of dogs examined shall be noted on the inspection report**
- **The veterinarian should be present at the following:**
  - **All enforcement actions involving execution of a warrant;**
  - **Removal of dogs as a result of enforcement actions. The veterinarian shall have direct involvement regarding the handling of dogs and other aspects of their well-being;**
  - **Inspections of kennels with poor inspection history, including but not limited to those receiving a Notice of Violation, a citation, or those kennels under revocation or suspension;**
  - **Opening inspection for new kennels housing 50 or more dogs;**
  - **Complaint inspections, especially when the complaint relates to the health of the dogs;**
  - **Inspections of kennels with infectious disease issues;**
  - **Actions involving illegal unlicensed kennels;**
  - **All inspections of kennels for which vet checks have been previously ordered.**
- **Whenever possible, the veterinarian shall be available to testify in court during cases of animal cruelty when DLEO has referred such potential issues to the police or to a humane society police officer.**
- **The veterinarian should be invited into all conference calls, meetings or discussions involving supervisors and/or wardens where poor kennel conditions and pending enforcement activities are discussed, and should he or she should attend such meetings whenever possible.**
- **DLEO shall provide a quarterly report to the DLAB which contains the following information, broken down by type of kennel license:**
  - **Number of kennel inspections in which veterinarian was present;**
  - **Number of veterinarian checks ordered;**
  - **Approximate number of dogs examined per inspection;**
  - **Any quarantines posted**
  - **For any kennel closing, the disposition of the dogs.**

### **III. THE DLEO MUST COMPLY WITH THE DOG LAW REGARDING FREQUENCY OF INSPECTIONS AND MUST REINSPECT ALLEGEDLY CLOSED KENNELS**

As a review of Exhibit F reveals, the history of commercial kennel inspections from 2011 to 2012 demonstrates a failure of DLEO to comply with the law it is charged to enforce. Section 218 of the Dog Law requires that all kennels be inspected *at least* twice a year. This is not happening. The failure of the DLEO in this regard makes it impossible to monitor the performance of the kennels under the law, and fails to provide the dogs with mandated safeguards. The failure to inspect semi-annually pursuant to the Dog Law must be immediately cured.

In 2011, 37 of the then-68 commercial kennels (more than half) were inspected only once. Only 23 of the 68, about one third, were inspected after July 1, 2011, the date upon which the Canine Health Regulations took effect. Of those 23 kennels, *none* was required to comply with the Canine Health Regulations

One hundred and eighty-four commercial and former commercial kennels have asserted that they have closed operations from the 2009 license year to present. Remarkably, DLEO appears to have simply taken the kennels at their word, without verifying that dogs are no longer being bred, kept, or sold on the premises. In light of the involuntary nature of the “closing” of many of these kennels, the failure to verify kennel status and assess facts independently is quite troubling. Over twenty percent of the kennels that closed had a history of unsatisfactory inspections. Some kennels that closed simply reopened under different names with a non-commercial designation, or closed in lieu of a license revocation or refusal, only to reopen as a non-commercial kennel. Nearly 100 commercial kennels closed in late 2009 because they did nothing to comply with the new law during the one-year grace period, did not have waivers, and ran out of time to make the necessary structural improvements to their kennels. When many of those kennels were relicensed, it was as K kennel without the commercial improvements.



In addition to these kennels, over 40 kennels had their licenses revoked, refused or surrendered them in lieu of enforcement. Many kennels were also found to be operating as illegal unlicensed kennels and closed rather than getting licensed – at least six are the subject of Commonwealth Court orders that enjoin them from operating a kennel. There is no evidence that these kennels have been checked to see if they are still operating.

Many commercial kennels went for more than a year without being inspected. Keepsake Labradors, for example, was not inspected for seventeen months. Four other commercial kennels went for more than a year without being inspected; another ten went for more than 11 months without an inspection. Over two-thirds of all commercial kennels went for more than nine months without an inspection, regardless of whether violations were noted at past inspections.

Eleven open commercial kennels held waivers providing additional time to comply with the commercial requirements, until October 9, 2011. Instead of inspecting these kennels immediately upon the expiration of the waiver period, DLEO inspected them right before the waivers expired. Thus, the kennel was not considered to be out of compliance with the law while the waiver was in effect. Nine commercial kennels with a 10/9/11 waiver expiration had their properties inspected *immediately prior* to the expiration, and received no further inspection for the rest of the calendar year and in some cases, no inspection until the second quarter of 2012. For example, one kennel was inspected on 9/29/11 and not again until 4/20/12; another was inspected on 9/26/11 and not again until 4/24/12, and finally a third was inspected 9/26/12 and not again until 5/7/12.

Amazingly, when these kennels were inspected again in April and May 2012, they were *still* not in compliance with the commercial kennel law or regulations. Four of these 11 kennels switched to K kennel status after their waivers expired and one closed. (See Exhibit C, which

contains an analysis of the waiver expirations.) It seems that the kennels received a wink and a nod to continue their business as usual.

**In light of all the above, this committee RECOMMENDS the following:**

- **All Kennels must be inspected at least twice a year as required by law, with participation by the DLEO veterinarian whenever possible at his or her discretion.**
- **No kennel should go for more than eight months without an inspection.**
- **All kennels with a waiver should be inspected within ten days following the expiration of the waiver.**
- **Inspections of specific kennels should not fall within the same time frame each year, but should be staggered. For example, XYZ kennel should not be inspected each February and August, but rather should be staggered at various months in the first and second halves of the year. The object, of this policy is to prevent the owner from anticipating the inspection and staging a presentation.**
- **Kennels with a non-passing inspection must be reinspected within 14-21 days. Time is particularly of the essence if the violations involve issues which have an adverse effect on the health and welfare of the dogs.**
- **Kennels that have closed should continue to be monitored for a period of at least one year following the alleged closing.<sup>4</sup> Dog license and rabies validations should be checked. Pet shop records and internet sales should be monitored to determine whether the kennel continues to do business. Kennels closing with a large number of dogs on site should be a high priority for follow-up. If a kennel is determined to have 26 or more dogs on site, Section 218 of the Dog Law permits a full formal inspection.**
- **When an illegal unlicensed kennel is discovered or when a kennel is discovered that has been previously licensed and has closed voluntarily or involuntarily, an injunction should be immediately sought in the Commonwealth Court against the kennel owner, to obtain a court-ordered closure, with authority to periodically inspect, together with large monetary penalties in the event of any future violation. Unlicensed kennels against which injunctions were previously issued to cease operations should be inspected to determine whether they are in compliance with the court order. If not, contempt proceedings should be immediately commenced.**

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<sup>4</sup> Section 218 of the Dog Law authorizes such inspection: "State dog wardens and other employees of the Department are hereby authorized to inspect all licensed kennels, all dogs within the Commonwealth and all unlicensed establishments which are operating as a kennel". Section 901 of the Dog Law permits wardens to enter upon the premises of any person for the purpose of investigation, and also permits inspection by search warrant in the event that entry is refused.

- **At a closing inspection, DLEO personnel should be aware of signs or the absence of signs of actual closing, including sales of larger number of dogs than in years past, few dogs left on date of closing inspection, dismantling of kennels, closing before expiration of waiver or indications that the kennel owner is moving. The absence of these signs should cause DLEO to follow up in 60 days or less.**
- **Any kennel that has changed its name or failed to register its name, must forthwith register the fictitious or new name with the Commonwealth, as required by Section 802 the Dog Law.**

**IV. DLEO HAS FAILED TO ISSUE CITATIONS FOR SUBSTANDARD KENNEL CONDITIONS CONTRARY TO ITS STATEMENTS AT THE APRIL 25, 2012 DOG LAW ADVISORY BOARD MEETING**

Following questions at the April 25, 2012 DLAB meeting regarding an apparent reduction in citations issued to commercial kennels, the DLEO provided a chart in late June detailing the number of citations issued by DLEO in 2009, 2010, 2011 and year-to-date 2012, by each warden identified as having cited commercial kennels during these years.

The Chart states:

- “The number of citations does not reflect only those issued to commercial kennels;”
- ”Information listed is the number of citations, number of misdemeanors issued and number of inspections;” and
- “The total number of citations and misdemeanors issued was divided by the total number of inspections to arrive at the citation/misdemeanor rate.”

These notations, in addition to the Board’s discussion of this issue, led members of this committee to believe that the DLEO’s chart related to kennel citations, and that kennel citations had gone down in proportion to the decrease in the number of commercial kennels. The committee reviewed the information provided and has determined the chart is misleading, since no

citations were issued for failure to comply with the commercial kennel requirements or Canine Health Regulations in the year from July 1, 2011 through June 30, 2012, and only four were issued for ANY sort of violation by a commercial or former commercial kennel.<sup>5</sup>

Based on inspection reports and online court records, the four commercial kennels below and no former commercial kennels were cited for violations of the Dog Law from July 2011 through June 2012. None of these citations related to failure to comply with the commercial kennel law or regulations as detailed below:

- Sporting Valley, 8/31/2011, failure to vaccinate for rabies and sanitation, guilty plea
- Stoney Brook, 2/24/2012, no shelter, no water, excrement, guilty plea
- End O Lane, 3/16/2012, refusal of entry to inspect, found guilty after hearing
- JR's, 5/9/2012, excrement, sanitation (unclean exercise area), guilty plea.

At least two commercial kennels during this time period failed to vaccinate dogs for rabies and were not cited, in direct violation of Section 455.8(d) of the Rabies Act, which states; *“It shall be the duty of every police officer or state dog warden or the designated municipal animal control officer to issue a citation to every person who owns a dog or cat which is not vaccinated...”* These kennels were:

- Rocky View, 9/13/2011 inspection
- Martin’s Double E, 10/4/2011 inspection

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<sup>5</sup> Misdemeanor charges were initiated against one kennel owner on 12/13/11, resulting in ARD for violations of the commercial kennel law and of the regulations applicable to all kennels for failure to keep the kennel in a sanitary condition. Misdemeanor charges were based on a prior guilty plea in April 2011 to citations reflecting poor kennel conditions and dog health, and on Dog Law Section 903(b)(2) classing new violations as misdemeanors if occurring within a year of prior convictions.

In July 2012, inspection reports indicate that two citations were issued to commercial kennels for lack of compliance with commercial requirements, the first ever:

- Garden Spot Puppy Haven – new commercial kennel, former K kennel – after 4<sup>th</sup> unsatisfactory inspection for 2012 and issuance of NOV - 7/11/12, lack of ventilation
- Mountain View (Howard, Centre County) – after 3<sup>rd</sup> unsatisfactory inspection for 2012 and issuance of NOV – 7/16/12, lack of ventilation.

Of concern to this committee is that in its review of court records in the Administrative Office of PA Courts (AOPC) website database, the committee found no record that the two commercial-kennel-related citations noted in the reports were ever filed with the administrative authority, which is of course required for the court to act on them.

Inspection reports for Plantation Delight, a commercial kennel now closed, also indicate a citation was issued based on an inspection on 7/11/12. This was after seven consecutive unsatisfactory inspections in which this kennel failed to comply with both the commercial kennel law and regulations, as well as with regulations applicable to all kennels. However, the citation, actually a criminal complaint filed 9/10/12, was for the owner's illegal transfer of 47 puppies under eight weeks old, an illegal act for any person, not only a kennel owner, under Dog Law Section 603(b).

The Committee's review found no evidence that 204 kennel citations were issued during the first 5 ½ months of 2012, or that 616 kennel citations were issued in calendar year 2011, as stated in the Chart. The conclusion of this committee is that these citation counts are not for kennels, but include non-kennel violations including individual dogs without licenses or vaccinations or running loose. This was not the discussion or information requested, and masked the lack of kennel citations. With respect to kennels, DLEO has been ignoring illegal behavior

rather than enforcing kennel laws and regulations. This approach must change.

**In light of all the above, this committee RECOMMENDS the following:**

- **A policy be implemented immediately and communicated to all dog wardens and staff veterinarians that when substandard kennel conditions, compliance violations or issues involving the health and welfare of dogs are observed at an inspection, either citation(s) or Notices of Violation followed by assessment of penalties are to be issued, rather than issuing warnings or taking no action. The DLEO is charged by statute with protecting the health and welfare of the dogs in kennel environments and it is therefore imperative that the Office use its powers of its office to enforce the law and safeguard kenneled dogs.**
- **A policy be implemented that citations indicated in an inspection are filed with the appropriate Magisterial District Judge within 10 days.**

**V. THE DLEO MUST CONSISTENTLY AND RELIABLY IMPOSE PENALTIES FOR FAILURE TO COMPLY WITH THE DOG LAW AND APPLICABLE REGULATIONS**

Kennel owners have learned that they may evade the legal kennel requirements with virtual impunity. An examination of inspection reports leads to the conclusion that kennel owners have likely realized that although they lost their battle against enactment of the law, they are usually free to ignore it. In spite of the number of enforcement remedies available to DLEO, for the last eighteen months, none has been used. *Not a single kennel license was revoked or refused in 2011 or 2012 through the present date, regardless of the number of unsatisfactory inspections. In the same time period, no citations for violations of the commercial kennel law or its regulations were issued* (although one kennel owner was charged with misdemeanors based on prior convictions). Where waivers extending compliance time had been given, no consequences ensued when the waiver expired and the kennel was not yet in compliance. Few kennel situations were referred to the humane society police officers (“HSPO’s”) or other police officers for investigation of animal cruelty.

*Furthermore, it appears that all license revocations and refusals that were pending in January 2011 were settled or abandoned, regardless of merit.* Kennels that had previously lost their licenses and appealed were offered favorable settlements that restored their licenses and permitted them to carry on with no further consequences.

Despite the passage of more than one year, the Canine Health Regulations, effective July 1, 2011, have largely not been enforced. Devices to monitor temperature and humidity, as required by the Canine Health Regulations to have been installed by July 1, 2011, sat in boxes for up to nine months or longer—until the DLAB learned of this at its April 2012 meeting and made an issue of it. Certificates from engineers as to the functioning of commercial kennel ventilation systems, due May 30, 2011, were not required by that date, or for nearly a year. A contorted and totally illogical interpretation of the Regulations was offered by the DLEO, suggesting that the regulations were satisfied even if no ventilation system was in place and functioning as long as an engineer certified that, in theory, the system which existed solely on paper could work. And, as discussed above, if all else failed, the kennel owners knew that they could simply apply for a non-commercial license which would be granted without scrutiny.

Although the Canine Health Regulations went into effect on July 1, 2011, less than a handful of commercial kennel inspection reports even mention the Regulations for the duration of the calendar year. The inspection report form itself still does not even include a checklist or space for most of the commercial regulatory requirements, hindering the dog warden's ability to inspect for compliance, and preventing the public from viewing the results. In fact, inspection reports from July 1, 2011 through December 31, 2011 not only contain no information about compliance with commercial kennel regulations, they summarily state that “the kennel was in compliance with all provisions of the Act and its Regulations on the date and time of inspection.” This statement is apparently made while disregarding actual compliance or noncompliance with the Canine Health

Regulations. To date, civil penalties have not been imposed on any kennel for Canine Health Regulation noncompliance and no injunctive relief has been sought.

Finally, it must be noted that records in the DLEO's Kennel Inspection Report database appear to have been changed to obscure problematic kennel histories. For example, kennels that reopened after a revocation or a refusal to license are marked as having 2012 licenses on reports during the prior years in which they were closed or suspended. The former status of "Closed: Enforcement Related" is no longer being used. Silver Hill Kennel was under revocation but the closing status showing on line for this kennel is "Voluntary Closing." Plantation Delight is erroneously noted as having closed voluntarily, preventing the public from learning of the years of severe violations and failures that in fact led to its closure.

**In light of all the above, this committee RECOMMENDS the following:**

- **When any aspect of a kennel inspection is unsatisfactory, the kennel will be advised of its status and an unannounced re-inspection will occur within 21 days. If the unsatisfactory condition has not been corrected, either a citation or a Notice of Violation will be issued immediately, providing a reasonable time for compliance. A third inspection should take place the day after the compliance period expires. If the unsatisfactory condition persists, the DLEO has discretion to pursue either the criminal or civil route. We recommend the civil enforcement route in most cases, with the imposition of a *significant* civil penalty until the condition is corrected. We believe that this method may be more effective with the added benefit of assisting the Office financially. Under no circumstances, however, should DLEO issue a Notice of Violation and then a citation, as the citation prevents penalties from being assessed on the Notice of Violation. See Section 903(g) of the Dog Law.**
- **All kennels with violations of the Rabies Act must be cited as required by Section 455.8(d) of the Act.**
- **All Kennel Inspection Reports shall note under "Inspection Action" that the kennel received a Notice of Violation or Citation, with the date thereof. The follow-up inspection report shall note the date of service or mailing of the NOV or citation.**
- **The discovery of an unlicensed kennel shall be noted on the Kennel Inspection Report and posted online with the Kennel owner's name as the name of the Kennel.**
- **License revocations or refusals should be shown in the kennel database under "Status." If a kennel license is reissued at a later date, the revocation or refusal will**



be stated on the inspection reports under “License year—class” for the relevant year(s).

- **The database may not be altered as a result of a term in a settlement agreement or other agreement between the DLEO and a Kennel or its owner.**
- **For all kennels closing in connection with or in lieu of an enforcement action, the status of the kennel shall be noted on the database as “Closed: Enforcement Related”**
- **The Dog Law Enforcement Office shall make an annual report to the General Assembly setting forth the citations/Notices of Violation issued for kennel violations, including unlicensed kennels, and shall provide the disposition for each such citation or Notice of Violation.**
- **No case involving revocation or refusal of a license for a conviction of animal cruelty may be settled. To the contrary, the Dog Law requires that a license be revoked if a licensee is convicted of animal cruelty.**

**VI. THE DLEO MUST HIRE STAFF WITH THE EXPERIENCE AND COMMITMENT TO PROSECUTE VIOLATORS OF THE DOG LAW EFFICIENTLY AND EFFECTIVELY**

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To effectively enforce the Dog Law and accompanying regulations, it is vital that DLEO have the means to carry out inspections, that it conducts the required inspections and that it follows through on sanctioning those who fail to comply with the law. This means that the Office must have a sufficient number of competent and knowledgeable dog wardens to inspect kennels and a legal staff that is able to effectively prosecute violators.

The legal representation for Dog Law matters has gone from an experienced criminal law attorney who devoted approximately eighty percent of his time to Dog Law matters, to attorneys who are less experienced and have horse racing hearing responsibilities that consume most of their time. Clearly, the amount of Dog Law legal activity and representation has been greatly reduced. This is not the fault of assigned attorneys, but it is a situation that must be fixed if the Dog Law is to be properly enforced. Wardens need to have confidence when they go to court, obtain search

warrants or need legal guidance that an experienced criminal law attorney is available to work with them.

**In light of all the above, this committee RECOMMENDS the following be implemented:**

- **The DLEO should hire an experienced prosecutor such as one who has experience as an Assistant District Attorney. He or she should report to and be supervised by the Governor's Office Law Enforcement Agency liaison counsel, and receive continuing education training from the Pennsylvania District Attorney's Association and/or another provider of criminal law and procedure training.**
- **The prosecutor should participate in the ongoing training of wardens, should represent dog wardens at kennel citation hearings for commercial kennels (and non-commercial kennels alleged to have falsified data to obtain a non-commercial license) and at hearings regarding illegal unlicensed kennels. The prosecutor should also appear at any other hearings in which the kennel owner is represented by an attorney appearing at the hearing as well as in any administrative hearing arising out of an enforcement action.**

#### **VII. THE CANINE HEALTH REGULATIONS MUST BE MEANINGFULLY IMPLEMENTED AND ENFORCED**

The Canine Health Regulations were adopted in November 2010 to implement commercial kennel provisions of the 2008 Dog Law (Act 119). Intended by the Legislature to assure the physical well-being of dogs housed in commercial kennels, the Regulations were drafted with measurable performance markers for air quality, temperature, humidity, ammonia, lighting, ventilation and flooring. It has become apparent that there has been an almost complete failure to measure these performance standards. Without measurements it is impossible to verify whether the standards in the Regulations are being achieved. By failing to conduct objective measurements in accordance with the Regulations, the DLEO has allowed a wide-spread skirting of the Regulations.

Members of the Dog Law Advisory Board have been advised by DLEO that 47 of the 52 remaining commercial kennels are in full compliance with the Regulations and the statute. This seems highly unlikely. From our analysis of the inspection reports, it appears the DLEO is not taking measurements. Without measurements as a routine part of the inspection process, it is impossible for the DLEO to know whether or not the kennels are compliant.

In fact, inspection reports indicate that the DLEO is, at best, only checking three of the myriad requirements of the Regulations: Certification of Ventilation System (that a written certification under the signature of an engineer has been received), Inspection of Ventilation System (that some kind of ventilation system is installed), and Flooring for Nursing Mothers (that nursing mothers are on flooring that is at least 50% solid). Commercial kennel inspection reports before 7/1/12 make no mention of temperature, humidity, ammonia, lighting levels or heat index to name just a few of the measurements that are apparently ignored during inspections. After 7/1/12, a few inspection reports indicate that data loggers had been installed and were showing temperature and humidity violations. No action was taken because the violations were not happening at the time of the inspection, as required by Section 28a.4(b)(8). In two instances—Garden Spot Puppy Haven and Mountain View, inspection reports indicate citations for inadequate or non-existent ventilation systems. However, and as addressed elsewhere in this report, those citations were never filed with the court according to court records. Therefore, even when wardens found ventilation systems to be inadequate or non-existent, no action was taken despite notations on the inspection reports to the contrary.

While wardens check whether any ventilation system is installed, from inspection reports there appear to be virtually no measurements taken with kestrels or other hand held devices to validate that the installed system performs to the level of the engineer's certification and meets the requirements of the Regulations. Worse, the DLEO is accepting engineer certifications of ventilation system designs prior to ventilation systems being installed. It was never the intent of the Regulations that kennels be permitted to submit an engineer's certificate for a *theoretical* ventilation system. To the contrary, an engineer's certificate is required to attest to the efficacy of the system—a system designed to provide relief to dogs from oppressive heat and humidity. The Enforcement Committee has asked several times to see the certifications but none has been provided.

In addition to accepting certifications on yet-to-be-installed ventilation systems, the DLEO is not requiring that systems, once installed meet the performance standards of the Regulations. From inspection report analysis, it appears that dog wardens are not routinely using kestrels to measure the temperature, humidity or air flow where the dogs are housed. Thus, a kennel that has its system certified before it is installed can install a poorly performing system, fail to meet the specific temperature and humidity standards set forth in the Canine Health Regulations, and still pass its inspection. Because the Regulations require evidence in addition to data loggers to implement remedies for non-compliance, DLEO's failure to take independent measurements with handheld devices will preclude any sort of penalty for non-compliance. Thus, even when the data loggers indicate multiple or even egregious failures, DLEO will be unable to do anything about it.

The Regulations further require that a certification by an engineer be part of all commercial license applications made after the certification due date of May 30, 2011. All commercial kennel licenses granted for 2012 without an engineer's certification were granted by DLEO in violation of Section 28a.2. (b)(2) of the Regulations.

The DLEO has repeatedly indicated that if the dogs look "OK" measurements are not needed. This is a fallacy, and is a position that violates the requirements of the Regulations. Measurable performance standards were specifically adopted to get away from subjective assessments that are unreliable and unlikely to hold up in court. *Objective measurements are critical to successful regulatory enforcement.*

The Regulations require the DLEO to provide data loggers for every space where a dog is kept, housed or present in a commercial kennel. As of the last meeting of the DLAB on April 25, many commercial kennels had yet to be provided by the DLEO with the required data loggers. Also, as of that date, wardens were not downloading the data from these devices and, in fact, most did not yet have the laptops with software to do so. While it is our understanding that the DLEO has made progress in ordering more laptops with software for downloading data, we continue to be unaware of the extent to which data is being downloaded and analyzed. Clearly, unless the data loggers are downloaded and analyzed with regularity, their efficacy is rendered nil. Data loggers should be downloaded and subsequently analyzed in connection with every inspection by every warden for every commercial kennel.

Data loggers, and *only* data loggers, serve to evidence whether kennels are failing to comply with requirements to consult with a veterinarian to protect dogs in mechanical failures lasting more than four hours. The absence of data loggers for most of the past year has rendered

any effective monitoring impossible.

Finally, the current policy of exercise for nursing mothers is ineffective, unenforceable, and unenforced. An example of an approved exercise plan is the enclosed in this report. Many similar plans accepted by the DLEO are woefully inadequate and fly in the face of the intent of the law to provide all adult dogs with unfettered access to an exercise area. While the law requires these dogs to be exercised separately from non-nursing dogs, in practice nursing mothers are confined to a primary enclosure with her puppies for months at a time without any verifiable exercise whatsoever. These plans often rely on the signature of the kennel's own veterinarian to validate them, but this does not make the plan any more enforceable or feasible, and the veterinarian in the employ of the kennel may not be willing to criticize his client's plans. Therefore it is our recommendation that the policy be revised, with the help of this sub-committee, to provide nursing mothers with the exercise to which they are entitled.

**In light of all the above, this committee RECOMMENDS the following:**

- **All certifications that were issued prior to a ventilation system being installed shall be considered to be preliminary. For each such certification, the engineer should be required to submit a supplementary recertification indicating that he has inspected the installed equipment, that it is the same system specifications which were previously certified, and that it is in full working order. The engineer must also certify that the system is meeting the standards set forth in the Regulations.**
- **At each inspection a kennel owner must verify that there have been no modifications physically made to the kennel that require the kennel to be recertified under the Regulations. Additionally, the warden shall determine whether the number of dogs kept requires recertification. Any recertification accepted by the DLEO must be based on installed equipment.**
- **All kennels lacking an engineer's certification pursuant to the Regulations should immediately be given notice that its license shall be revoked if a certification of installed equipment is not received within 30 days.**
- **No license shall be renewed in the absence of a valid re-certification of an installed ventilation system that meets the standards set forth in the Regulations.**

- **Measurements should be taken everywhere a dog is kept, housed or present at every inspection. These measurements must be noted on the inspection form. These readings must include but are not limited to temperature, humidity, a calculated heat index (when temperatures are greater than 85F), ammonia, lighting and air flow.**
- **Kestrels, used by USDA inspectors, or similar hand-held instruments should be used by wardens as a routine part of each inspection so that they can conveniently measure temperature, humidity and air flow and calculate heat index when necessary with one device. Data logger information alone cannot be the basis of enforcement actions whereas information gained by warden with a Kestrel during an inspection can.**
- **Citations or Notices of Violation should be issued when the heat index (HI) in a kennel exceeds 90HI at any time. The wardens must stay for four hours if the heat index is greater than 85HI and should then issue a citation if it does not decrease within that time.**
- **Humidity levels must be checked even when temperatures are not above 85F. The Regulations require that at temperatures below 85F humidity level must be between 30- 70%. In temperatures greater than 85F a heat index must be calculated as mentioned above. The warden should cite or issue a Notice of Violation to kennels whenever measurements are outside these parameters.**
- **Any time a kennel cannot reduce the heat index to less than 85HI for more than four hours it must consult with its veterinarian and keep detailed records. For ventilation failures greater than 24 hours the kennel must demonstrate that it notified the DLEO as required. If this cannot be demonstrated, a citation should be issued. The warden should analyze the downloaded data to determine if there were times when the kennel owner should have made these contacts.**
- **Data should be downloaded from all data loggers at each inspection and analyzed. Kennels found to be in violation of the Regulations should be given repeat inspections, especially in hot weather when they would be most likely to be out of compliance with the Regulations.**
- **Data loggers are required to be in every room a dog is kept, housed or present. It is the obligation of the DLEO to provide these data loggers. The DLEO must provide kennels with the required data loggers for all rooms in order to verify that the standards in the Regulations are met.**
- **DLEO should purchase for each warden who inspects commercial kennels a Gas Alert Extreme Ammonia Detector (as contemplated in the Regulatory Analysis form for the Regulations) which is reusable and produces instant results. Ammonia readings must be measured everywhere a dog is kept, housed or present and documented on the inspection report. In the long run, the Gas Alert Ammonia Detectors are the most cost-effective option, given the number of readings that wardens should be taking. Disposable dosimeter tubes only allow for a single reading, take an hour to develop and cost vastly more over time if wardens are taking the readings at each inspection that they should be to verify compliance. Wardens must**

issue citations or an NOV to any kennel where the ammonia is outside the acceptable range of 15ppm at the time of inspection, as required by the Regulations.

- **Wardens must verify that each kennel has a working carbon monoxide detector as stipulated in the Regulations in each room where dogs are kept housed or present. This is especially important of any kennel on a farm where vehicles are present, as any vehicle is a carbon monoxide emitting device.**
- **Training sessions with an engineer familiar with the requirements of the Regulations should be held to teach wardens how to take measurements and how to verify that ventilation systems are working effectively, lighting standards are being met and other required measurements are taken correctly.**
- **Enforce the flooring provisions of section 28a.8**
- **Enforce the lighting provisions 28a.7**
- **Enforce ventilation provisions and auxiliary ventilation provisions requiring that volumetric airflow per dog standards are being met.**
- **DLEO should work with the enforcement committee to revise the policy of exercise for nursing mothers to ensure that the mothers receive adequate and verifiable exercise.**

**VIII. THE FUNDS IN THE DLEO RESTRICTED ACCOUNT CAN BE UTILIZED ONLY FOR PURPOSES DIRECTLY RELATED TO THE ENFORCEMENT OF THE DOG LAW**

The Enforcement Committee recognizes that many of its recommendations require the expenditure of resources, which the DLEO may argue it does not have. In light of the economic climate in which the Commonwealth finds itself, however, it is more important than ever to safeguard resources that have been specifically earmarked to serve and protect the dogs of the this state.

The Restricted Account (“Account”) that funds the activities of the DLEO is fully funded from the revenues derived from the sales of dog and kennel licenses and revenue that result from collection of civil penalties. In calendar year 2011, that amount was approximately \$6 million. By following the recommendations of the Board regarding strategies to significantly increase sales of



licenses, it is expected that that revenue stream will be greatly enhanced. Historically, however, the Pennsylvania Department of Agriculture has essentially invaded the Account to pay salaries of employees outside the DLEO, when their services are at best tangentially related to the enforcement of the Dog Law. As reported in the June 2011 Special Performance Audit of the Auditor General<sup>6</sup>, and the Financial Statement accompanying the 2010 Dog Law Annual Report to the Legislature, the Department took 13 percent “administrative overhead” from the Account; in 2008 this amounted to \$911,534 and in 2010 this amounted to \$1,022,000. The Auditor General also found that salaries in the amount of \$362,046 annually were being paid to non-Dog Law Enforcement employees from the Account without documentation that work related to Dog Law enforcement supported paying 100% of their salaries.

This practice must stop. Many warden positions, including supervisory positions, are currently unfilled due to budgetary shortfalls, and the full time job of the one Dog Law veterinarian appears to be in jeopardy. Grants to nonprofit animal shelters to house stray dogs have been severely reduced; contracts with shelters to pick up and shelter strays, a vital aspect of the dog safety net, were terminated at the end of 2011; and the wardens that remain have been forbidden to work overtime. This deliberate depletion of the Account makes effective enforcement of the Dog Law impossible.

A Special Performance Audit of the Auditor General condemned these practices, stating that all salary and administrative overhead charges must properly provide real benefit or value to the DLEO. Notwithstanding the edict of the Auditor General, the Department of Agriculture’s use of Account funds continued at least through 2010, and possibly to the present date.

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<sup>6</sup> <http://www.auditorgen.state.pa.us/Reports/Departmental.html>, (auditing a period from 7/1/02 through 6/30/08).

**In light of all the above, this committee RECOMMENDS the following:**

- **DLEO should solicit written agreement from the Department of Agriculture to immediately cease and desist from its practices and to reimburse DLEO for all funds inappropriately diverted.**
- **Failing such agreement, the DLEO should take appropriate legal action to put a halt to the practice and to recoup funds improperly diverted for the past ten years.**
- **Going forward, the DLEO should utilize civil penalties when kennels are out of compliance. With the use of this enforcement strategy kennels are subject to fines that repeat daily until they come into compliance. This enforcement mechanism is a win-win. Either the kennels become compliant or the DLEO is able to fine them until they do, raising revenue to aid in future enforcement efforts.**

Respectfully submitted,

The Members of the Enforcement Committee of the Dog Law Advisory Board

## Most Serious Individual Enforcement Lapses

- 1) Silver Hill / Golden Acres Kennel - John & Nancy Zimmerman
- 2) Celtic Farms –Attorney Paul Ober
- 3) Forest Ridge – Paul Haug
- 4) Garden Spot Puppy Haven, formerly B & R Puppies – Betty Stoltzfus
- 5) Plantation Delight – Sandra Reynolds
- 6) Martin’s Double E Kennel – Erla & Edwin Martin
- 7) Turkey Hill - Marlin Zimmerman
- 8) Amos Zimmerman, Amos W. Zimmerman and Shady Oak (Clifford Nolt )
- 9) Keepsake Labradors – Judy McCormick
- 10) Dishong’s – Tom Dishong
- 11) Pampered Pups – Jason McDowell
- 12) Whispering Spring – James Burkholder

### 1. Silver Hill and Golden Acres Kennels (John and Nancy Zimmerman)

Summary: Zimmerman, although convicted of animal cruelty, was able to “settle” his license refusal appeal in August 2011 with his wife licensed to operate the same kennel with the same dogs on jointly held property, defying the law on mandatory refusal of licenses for cruelty convictions, and the bar on a convicted animal abuser having a financial interest in any kennel. DLEO changed its official public record, the Kennel Inspection Report website database, to remove evidence of the license refusal and make it appear that the Zimmerman kennel voluntarily closed in 2009. Nancy Zimmerman was permitted to license as a non-commercial kennel (under another name), so that she does not have to meet commercial requirements including those for veterinary care. Despite the much lower standards, the kennel has failed two inspections in the year since it reopened. Vet checks have been ordered at all inspections except the most recent, where the Dog Law vet was not present. In 2011 there were 123-125 adult dogs at the kennel, and in 2012 there have been 119 adult dogs plus 15-16 puppies, even though its license permits only retail sale of no more than 60 pups a year. Despite the kennel’s dog numbers and history, was issued a non-commercial license for 2012 before it was even inspected. No enforcement action of any kind has been taken against this kennel, and those who have brought these issues to the Department’s attention have been ignored.

John Zimmerman is an Old Order Mennonite married to Nancy Zimmerman and the two live on a farm in Narvon, Lancaster County which they own as tenants by the entireties (both co-own 100% of the property) and which includes a dog kennel, licensed through 2009 as a commercial kennel with over 500 dogs during a year (CK6), and through 2010 as a USDA dealer (wholesale) kennel.

Although only John held the PA kennel license for Silver Hill Kennel, both John and Nancy held the USDA license, some USDA inspection reports show Nancy present for inspections, and Nancy is listed in sales records as a breeder of dogs from Silver Hill Kennel.

DLEO refused the 2010 license of Silver Hill Kennel on 7/22/10, based on John Zimmerman’s criminal conviction of two counts of animal cruelty on 6/17/10, and also his continuing violations of the Dog Law and regulations. Zimmerman had done none of the required work to meet the space, exercise and flooring requirements for commercial kennels that went into effect on 10/9/09, and his kennel also had sanitation violations. Nancy Zimmerman was not charged as her name was not on the kennel license.

Section 211 of the Dog Law mandates refusal of a kennel license when the licensee has been convicted of animal cruelty.

John Zimmerman appealed the 6/17/10 cruelty conviction by the Magisterial District Judge, and on 12/9/10 the Lancaster Court of Common Pleas came to the same result and convicted John Zimmerman of animal cruelty. He appealed again and the Superior Court affirmed his conviction on 10/7/11.

By this time, unbelievably, Silver Hill Kennel was open and operating again, the very same kennel on the same property with the same dogs, with the license now held in the name of Nancy Zimmerman and the kennel name changed to Golden Acres.

John Zimmerman had also appealed the refusal of 2010 kennel license for his Silver Hill Kennel.

Under circumstances that are not clear, and which did not involve the administrative law judge hearing the case, Nancy Zimmerman was granted intervener status in the license refusal appeal.

The hearing on this appeal was repeatedly delayed, and DLEO granted Zimmerman a stay allowing him to continue operating Silver Hill Kennel and selling dogs until this appeal was decided.

On 8/19/11, DLEO entered into a Settlement Agreement with John and Nancy Zimmerman. John Zimmerman dropped his appeal of the license refusal, and DLEO granted a non-commercial dog kennel license to his wife Nancy Zimmerman d/b/a Golden Acres Kennel.

DLEO agreed not to take any action on violations up to the date of settlement, even though a Notice of Violations had been issued in April 2011 which would have resulted in substantial civil monetary penalties since the kennel had never fixed the violations.

Defying the statutory language of Section 211(a)(11) of the Dog Law, the Agreement does not bar John Zimmerman from having a financial interest in his wife's kennel.

Nor did the Agreement require John to transfer ownership of the kennel dogs to his wife - since the dogs are considered personal property under Section 601(a) of the Dog Law, John retains ownership of them, again defying Section 211(a) (11).

Defying the statutory language of Section 802 of the Dog Law that "it is unlawful for any person dealing in and with dogs, to use a false or fictitious name unless such name is registered with the Commonwealth," Nancy Zimmerman was not required to register the Golden Acres name, either in the Agreement or as part of the licensing process. Nothing in the Golden Acres inspection reports indicates that it was formerly Silver Hill.

John Zimmerman himself does not agree to anything in the Agreement except to withdraw his appeal of the license refusal, so the Agreement requires Nancy Zimmerman to attempt to enforce the Dog Law against her own husband.

This Agreement effectively permits any licensee convicted on animal abuse charges to remain in business as a practical matter by simply having his or her spouse or other relative intervene to secure the license.

DLEO, in what seems explainable only as an attempt to hide this situation from the public, reported these events differently on its Kennel Inspection Report website database. The database states that John Zimmerman's kennel, Silver Hill, closed voluntarily in 2009, even though the kennel was open throughout 2009; was open but without a license renewal (due to failure to pass inspection) until July 2010, and then operated under suspension from July 2010 when its license was refused until August 2011 when DLEO issued Nancy Zimmerman the license.

The Department could not have lost the license refusal appeal, given the mandatory language in the statute and the fact it has never lost such an appeal (based on its Annual Reports to the Legislature), so it gained nothing by settling the appeal. In fact, given the language mandating a license refusal for a conviction of cruelty, it is questionable whether

DLEO even had authority to settle such a case.

This Agreement benefitted only the Zimmermans, rather than the public or the Department.

Since the Agreement, even though Nancy Zimmerman was issued a non-commercial license and the kennel has thus avoided the cage size, exercise, flooring, ventilation, temperature and veterinary care requirements for commercial kennels, it has failed two inspections since it reopened. Vet checks have been ordered at all inspections except the most recent, where the Dog Law vet was not present.

In 2011 there were 123-125 adult dogs at the kennel, and in 2012 there have been 119 adult dogs plus 15-16 puppies, even though the license permits only retail sale of no more than 60 pups a year. Nonetheless the kennel was issued a non-commercial license for 2012 before it was even inspected.

No enforcement action of any type has been taken against this kennel.

## **2. Celtic Farms Kennel**

- 16 unsatisfactory inspections from 6/18/09 through 1/31/12
- Violations of the regulations applicable to all kennels – cold, dirty, dilapidated, standing water, cage sizes too small, moldy food, lack of records including rabies vaccination record, dog health issues
- Kennel housed dogs in barrels in violation of a Dog Law provision applicable for all dogs, not just kennels
- 6 citations were filed against Celtic as a result of his 9/18/09 inspection
- 3 citations were filed against Celtic as a result of his 12/1/09 inspection
- A courtroom observer states Celtic was found not guilty at first hearing because dog warden could not identify owner in court - since he was not present during any kennel inspection - and charges were dismissed at second hearing related to corporate ownership of the kennel – neither result addressed actual kennel conditions
- Was a commercial kennel in 2009, had applied for a K kennel license in 2010
- 2010 license refused on 10/12/10 after 3 unsatisfactory inspections, refusal was appealed
- Refusal not reflected in kennel inspection database, which states Celtic was a “2012 K3” in 2010 and 2011
- Sold 96 dogs in 2010, records state sold 34 dogs in 2011
- Notices of Violation served on 2/25/11 for multiple violations
- Settlement Agreement on 4/18/11 required Celtic to withdraw appeal and totally rebuild kennel by end of 2011
- DLEO agreed to take no action on violations up to the date of settlement including the Notice of Violations
- Agreement also required Celtic to be a K3 kennel, not a commercial kennel
- Kennel not competed by end of 2011, inspections remained unsatisfactory, but no enforcement action taken
- No satisfactory inspection until 5/15/12, first since 2008
- 57 adult dogs and 11 pups 1/13/12, 52 adult dogs and 11 pups 5/15/12, so likely still a commercial kennel.

## **3. Forest Ridge Kennel**

- history of unsatisfactory inspections and citations
- switch from CK6 to K6 in 2010, so either not permitted to breed (dealer-type kennel which should have had dealer license) or not permitted to sell more than 60 puppies a year
- 7/20/10 inspection found 3 adult dogs and 113 pups on premises; sold 495 dogs in 2010
- switch to K5 in 2011; 2 inspections in 2011
- 2/18/11 had 3 adult dogs and 115 pups, 7/7/11 had sold 125 dogs and had 56 adult dogs and 45 pups
- no 2012 inspection until 7/26/12

- not inspected for over a year despite size and history; 47 adult dogs and 35 pups on premises 7/26/12
- having this number of adult dogs makes it very unlikely that this is a dealer kennel
- this kennel given its history and numbers is likely a commercial kennel
- No enforcement or compliance action of any type has been taken against this kennel.

#### **4. Garden Spot Puppy Haven formerly B & R Puppies**

- The only commercial kennel that opened after 2009; was formerly a K kennel
- Kennel Inspection Report database shows 3 kennels on North Moscow Road , Parkesburg, Chester County
  1. B & R Puppies, a K3 that "Closed-Enforcement Related" in 2009
  2. Garden Spot Puppy Haven , a K3 opening at same address in 2010 and closing on 1/6/11
  3. Garden Spot Puppy Haven, a CK4 commercial kennel opening down the road in 2010 and still open
- All are/were owned by Betty and John Stoltzfus
- B & R had unsatisfactory inspections with multiple problems and citations in 2007 and 2008
- Betty pled guilty in 2009 to interfering with a Dog Law Enforcement Officer by hiding dogs and selling puppies under 8 weeks of age
- These violations connect to B & R telling Horizon Organic Milk that their dog kennel was closed
- From the 4/13/09 Newsweek magazine article describing the situation: "NEWSWEEK visited one farm where a sign identified it as producing Horizon Organics dairy products, which are sold by upscale retailers like Whole Foods Market and in big-box stores like Wal-Mart. That farm, B&R Puppies in Parkesburg, Pennsylvania, was recently licensed to hold up to 250 dogs a year; inspection reports from 2007 and 2008 cited conditions as "unsatisfactory" because of squalid cages, sick dogs, pests and failure to vaccinate for rabies. When NEWSWEEK informed Horizon of B&R's puppy business, the company sent a representative to investigate. Upon finding breeding dogs at the farm, Horizon suspended its dealings with the farm. In a statement, Horizon said the farmer promised to "[close] that operation and [find] appropriate and humane homes for all of the dogs." Indeed, late last week farm owner John Stoltzfus told NEWSWEEK he'd already found new homes for the dogs "so we can still send milk to Horizon"."
- John Stoltzfus "dismantled his dog breeding operation" according to a Newsweek followup article on 7/20/09
- But the Stoltzfuses soon began breeding dogs again
- Caught by dog wardens on 8/2/10, Betty Stoltzfus pled guilty to operating an unlicensed kennel, failure to vaccinate for rabies which had also been a problem at B & R, and unsanitary conditions
- She re-named the kennel Garden Spot Puppy Haven, and re-licensed it, but closed it on 1/6/11
- She opened Garden Spot Puppy Haven commercial kennel, down the road, on 8/17/10
- Presumably Horizon Organic Milk is not aware the Stoltzfuses have a dog kennel even larger than before
- Garden Spot Puppy Haven has not registered its fictitious name as Section 802 of the Dog Law requires
- This commercial kennel was unsatisfactory at its opening inspection
- It was only inspected once in 2011, on 3/21/11, despite its history
- It had 4 unsatisfactory inspections in 2012, for violations of both commercial kennel and general requirements
- An Notice of Violations was issued on 6/11/12 requiring compliance by 7/1/12
- A citation was noted as issued on 7/11/12 for lack of ventilation, but it was not filed with the court

#### **5. Plantation Delight**

- 5 satisfactory and 6 unsatisfactory inspections during 2008-2010
- 5 inspections all unsatisfactory between May and December 2011
- 2 unsatisfactory inspections on 4/13/12 and 6/7/12

- Permitted to continue operating without a 2012 license or satisfactory inspection
- Never licensed for 2012 because the kennel closed on 7/11/12
- Failed to the end to comply with commercial kennel law and regulations, as well as regulations for all kennels
- No enforcement action of any type was taken against this kennel during 2011 or 2012
- Kennel Inspection database labels it "Closed-Voluntarily," rather than "Closed- Enforcement Related"
- Plantation Delight Doggie Daycare at same location is still licensed as a BK3
- This is the largest class of boarding kennel allowing more than 26 dogs at any time
- This boarding kennel boarded 630 dogs in 2011, 233 dogs through 6/20/12

#### **6. Martin's Double E Kennel**

- Six 2011 inspections were all unsatisfactory except for the 3rd on 5/31/11 – included dog health issues
- A summary citation was filed based on 4/25/11 inspection; kennel owner pled guilty
- At 10/4/11 inspection, scheduled before waiver expired on 10/9/11, multiple violations found
- Charges filed based on 11/ 8 /11 inspection for violations of commercial law and regulations for all kennels
- These were misdemeanors because of guilty plea in the last year; owner entered ARD program 7/3/12
- No inspection for 4 months after 12/13/11 inspection despite poor condition of kennel and dogs on that date
- Unsatisfactory inspection on 4/18/12
- Again failed to comply with commercial kennel law and regulations, as well as the regulations for all kennels
- NOV issued on 6/11/12 requiring compliance by 7/1/12
- Kennel has not been inspected since 4/18/12 and no penalties have been assessed under the NOV
- Sold 470 dogs in 2011, 151 by 4/18/12
- Permitted to continue operating without a 2012 license or satisfactory inspection
- Permitted to continue operating even though owner charged with misdemeanors for kennel's conditions

#### **7. Turkey Hill Kennel**

- License not revoked in 2011 despite three unsatisfactory inspections based on standards for all kennels
- Turkey Hill has a waiver from commercial kennel standards until 10/9/12
- Sold 613 dogs in 2011
- After a satisfactory inspection on 8/5/11 (its 4<sup>th</sup> in 2011, 1<sup>st</sup> 3 unsatisfactory), not inspected again until 1/27/12
- This was an unsatisfactory inspection with same concerns about ventilation as in 2011
- Licensed for 2012 despite this unsatisfactory inspection and past history
- No enforcement action of any type has been taken against this kennel
- Those who have brought these issues to the Department's attention have been ignored.

#### **8. The Zimmerman Kennels**

- Amos M. Zimmerman is the President of the PA Professional Dog Breeders Association
- Its website states that "all Association members pledge to follow all Pennsylvania law [and] Regulations."
- He owns Amos M. Zimmerman Kennel, his son owns Amos W. Zimmerman Kennel, and his son-in-law owns Shady Oak Kennel
- Each applied and was approved for a two-year waiver of commercial kennel requirements, expiring on 10/9/11.
- Each was responsible to comply with the commercial kennel regulations by 7/1/11.
- Amos M. Zimmerman Kennel was inspected 9/29/12, Amos W. Zimmerman Kennel and Shady Oak Kennel on 9/26/11 - none of these inspections checked for compliance with the regulations.

- All of these kennels were issued 2012 commercial licenses before any 2012 inspection
- They were not inspected again until 4/20/12, 4/24/12 and 5/7/12, so DLEO gave them at least 7 extra months to comply
- Surprisingly, at these inspections not only had these kennels not installed or certified ventilation systems, or put in proper flooring for nursing mothers, to comply with the commercial kennel regulations, they had not even complied with the law itself
- Cage sizes were too small, Amos W. had stacked cages, flooring was not solid, there were no exercise areas
- No enforcement action of any kind was taken against these kennels
- After the Dog Law Advisory Board learned at its 4/25/12 meeting that most commercial kennels were not in compliance, the Enforcement Committee urged that Notices of Violations be issued to those that were not
- On 6/11/12, NOVs were issued to these three kennel owners, requiring compliance by 7/1/12.
- No followup occurred on 7/1, no civil penalties were assessed, and these kennels were not inspected again until 8/16/12
- A total of 500 adult dogs and over 300 pups are kept in these three kennels
- Were these kennels perhaps told that they would not be inspected again until they were ready? [OK w group?]

#### **9. Keepsake Labradors**

- license revoked 12/1/09 for repeat multiple violations of the regulations applicable to all kennels
- 5 unsatisfactory inspections in 2010 – continued violation of these regulations plus of commercial kennel requirements
- 93 dogs present at 11/4/2010 inspection and citations issued
- NO inspections in 2011 or until 4/4/12, a period of 17 months
- Kennel has since closed

#### **10. Dishong's Kennel**

- Had been a breeding kennel supplying pet stores, some of which were owned or co-owned by Mr. Dishong
- Switched from a CK6 commercial kennel to a K6 kennel in 2010 and to a DK6 dealer kennel in 2011
- A K kennel cannot sell even one dog wholesale (such as to a pet store) not can it sell more than 60 pups a year
- A dealer kennel cannot breed dogs at all so it should not have any adult dogs beyond personal pets
- This kennel had 55 adult dogs and 39 pups on 3/11/10, and 48 adult dogs and 23 pups on 10/7/2010
- With 62 different pups present at two inspections it was probably still a commercial kennel
- As a dealer kennel in 2011, it had 42 dogs over 3 months old and 11 puppies on 4/5/11, and 90 dogs over three months and 3 pups on 9/21/11
- Despite this abundance of dogs over the typical sale age of 8 weeks, Dishong's was issued a 2012 dealer license
- On 3/28/12, 54 dogs over three months and 29 pups were present; on 8/29/12 113 dogs over three months and 9 pups were present
- No enforcement or compliance action of any type has been taken against this kennel

#### **11. Pampered Pups**

- Commercial kennel in 2009 and sold 331 pups
- Took no action to comply with commercial kennel requirements and switched to K4 in 2010
- 71 pups at 3/10/10 inspection, 90 pups at 6/3/10 inspection, 63 pups at 10/20/10 inspection, total 224



- Despite there being at least 224 pups on premises in 2010, records state only 51 pups were sold
- 43 pups at 2/15/11 inspection, 34 at 4/25/11 inspection, 43 at 10/13/11 inspection, total 120
- In 2011, also had between 55 and 63 adult dogs in kennel
- Despite there being at least 120 pups on premises in 2011, records state only 47 pups were sold
- 2012 license issued before 3/8/12 inspection, so no check of dog numbers
- At 3/8/12 inspection, had 68 adult dogs and 27 pups on premises
- No enforcement or compliance action of any type has been taken against this kennel since 2009

## **12. Whispering Spring**

- Sold 326 dogs in 2009 and 269 dogs in 2010
- Waiver approved until 7/1/11
- Took no action to comply with commercial kennel requirements and switched to K5 in 2011
- Had 181 dogs and 74 pups at 9/23/10 inspection and 142 dogs and 63 pups at 1<sup>st</sup> 2011 inspection 2/11/11
- 4 inspections 2/11/11, 8/25/11 (unsatisfactory), 10/19/11 and 12/19/11 (unsatisfactory)
- 2012 K5 license issued despite dog numbers, history and unsatisfactory inspection on 3/27/2012
- 116 adult dogs and 16 pups at 3/27/12 inspection
- Report states 93 dogs sold in 2011, and that “includes more than just dogs in which ownership was transferred” but kennel records incomplete
- Had 89 adult dogs and 11 pups at 8/15/12 inspection, kennel records again incomplete
- No enforcement or compliance action of any type has been taken against this kennel

DLEO CITATION CHART

NAME	2009			2010			2011			2012 YTD(6/11/12)		
	Citations	Misd.	Inspect	Citations	Misd.	Inspect	Citations	Misd.	Inspect	Citations	Misd.	Inspect
Aguirre, Orlando	45	1	167	112	0	124	95	2	93	32	0	38
Allwein, Matt	0	0	0	5	0	36	14	0	126	1	0	48
Andrews, Kathy	114	2	117	147	2	109	102	0	99	12	0	41
Buhl, Diane	41	2	56	66	3	22	38	0	17	0	0	0
Coleman, Bonnie	105	0	69	188	0	63	84	0	44	25	0	19
Delenick, Drew	2	0	14	0	0	0	0	0	0	0	0	0
Dommyer, Kristen	38	9	141	13	5	81	10	0	61	2	0	18
Horst, Megan	37	5	180	19	0	113	14	1	124	2	0	62
Loughlin, Joe	73	1	193	25	0	119	11	0	94	8	0	21
Lucas, Ned	3	0	17	1	0	12	12	0	20	0	0	7
Penn, Kristen	91	0	0	15	5	62	27	2	18	6	0	2
Rudisill, Kenneth	203	0	0	171	0	87	159	0	81	91	0	40
Siddons, Maureen	46	0	242	65	0	275	48	2	253	20	0	115
Warminsky, Cole	39	0	158	5	0	69	0	0	78	0	0	0
Wharry, Thomas	141	3	67	102	0	35	2	14	66	5	0	42
<b>Total</b>	978	23	1421	934	15	1207	616	21	1174	204	0	453
<b>Total Citation &amp; Misdemeanor</b>			1001			949			637			204
<b>Citation/ Misdemeanor Rate</b>			70%			79%			54%			45%
<b>% Drop in Citation/ Misd. Rate</b>			2009 to 2010			2010 to 2011			2011 to 2012 (YTD)			
<b># of C-Kennels</b>			-8%			25%			9%			
<b>% Drop of C-Kennels</b>			310			119			67			48
			62%			44%			28%			

Wardens listed are those who have issued citations to commercial kennels since 2009. Doesn't take into account the wardens who assist with inspections, only those who issued the citation or misdemeanor. Number of citations does not reflect only those issued to commercial kennels. Information listed is the number of citations, number of misdemeanors issued, and number of inspections. The citation/misdemeanor rate the total number of citations and misdemeanors issued divided by the total number of inspections. This rate gives an approximate rate at which citations and misdemeanors are issued during inspections throughout the year. The drop in Cit/Misd rate identifies at what percentage the rate of citations and misdemeanors issued from one year to the next. The drop in C-kennels identifies at what percentage the amount of commercial kennels is dropping from one year to the next.

**ANALYSIS OF  
JUNE 2012 NOTICE OF VIOLATIONS ISSUED  
AND WAIVER EXPIRATIONS – OCTOBER 2011**

**Status as of 9/21/12**

**NOTICE OF VIOLATIONS ISSUED JUNE 12, 2012**

Notices of Violation were issued to 15 noncompliant Commercial Kennels on 6/12/12 notifying them of a 7/1/12 deadline to meet the standards of the Canine Health Regulations, the Commercial Kennel section of the Dog Law Statute, or both. As of the date of this report (9/21/12), not all NOV inspection reports were posted for review. Absent were reports for Martin's Double E, Tait's Basset and SOS Kennels. Warriors Mark is still noncompliant in meeting the Canine Health Regulation requirements.

The inspection dates span seven weeks beginning July 3, 2012 through August 20, 2012. Whether this span of time will be increased based on the absentee inspections still needs to be determined. There were large gaps in time between some inspection dates. For instance, no inspections were completed between July 6 and July 23, over a two-week period. Other inspections were conducted a little over a week apart, while 3 large CK-6 kennels owned by members of the same family were inspected all in one day with Mike Pechart in attendance.

A Notice of Violation is a serious step toward ensuring that compliance is met. The span of almost two months for these inspections (3 of which are an unknown status) to be conducted and gaps of week(s) between inspections presents questions as to whether DLEO truly intended to enforce the NOV's, or whether some kennels were given additional time to be in compliance without penalty. With a diligent effort and the utilization of two teams, all 15 kennels should have received an inspection within a *maximum* timeframe of three weeks *or less*. Commercial Kennels receiving the Notice of Violation were noncompliant for all but a year, as the Canine Health Regs were effective July 1, 2011. No kennel was penalized for being noncompliant with the Canine Health Regs up to the time the NOV's were issued and for the second half of 2011 these regulations were all but ignored. That is a difficult concept to accept from a government entity charged with enforcement of the law and regulations under its jurisdiction.

**KENNELS WITH WAIVER EXPIRATION OF 10/9/11**

Fourteen open commercial kennels held waivers that expired 10/9/11. In assessing the inspection history of these kennels, many similarities were found. Across the board, a concerted effort on the part of DLEO was made to inspect the kennels immediately prior to the waiver expiration, which could only equate to purposely not wanting to find them out of compliance when the waiver expired. Inspections were conducted beginning 9/12/11 and were all concluded prior to the waiver expiration, even if it meant going back to reinspect for other violations found. Only one kennel continued to have documented issues for the remainder of 2011.

Shady Oak received a passing inspection on 9/26/11 and was not inspected again until 5/7/12, over 7 months later. At the time of the May 2012 inspection, the structural changes required by the waiver were still not completed. Additionally, no ventilation system or certification existed. The kennel was not cited and only written and verbal warnings were given. No penalties for noncompliance were issued. Similarly, the same scenario applies to other family members with kennels, Amos W. and Amos M. Zimmerman.

All kennels inspected prior to the waiver expiration, yet after the effective date of the Canine Health Regulations, were absent any mention of the Canine Health Regulations much less an indication of the compliance status. Yet the language contained in the Remarks section of the majority of these inspection reports stated that: "The kennel was in compliance with **all** provisions of the Act and **its regulations** as of the date and time of this inspection."

The same is true of Sporting Valley, a kennel with a waiver expiring in October 2012. This kennel received an inspection on 4/26/12 and still no mention of the Canine Health Regulations within the inspection report, 10 months after their inception. However, language in the Remarks section of the report states "The kennel was in compliance with all provisions of the Act and its regulations as of the date and time of this inspection."

This statement is not true, is misleading and technically falsifies the inspection report. The inspection reports for Garden Spot and Mountain View Kennels indicated a citation was issued, however, none could be found as of the date of this report on the Unified Judicial Portal containing such information. A number of inspection reports indicated the action as "Other." A search was conducted on the Unified Judicial website for citations but none were located for the six inspections so marked.

Nelson Z. Hoover received an inspection on 12/30/11 with no penalty for noncompliance with Commercial Kennel standards. This inspection was the basis for a license change to a K-3 status for the 2012 license year. Pine Tree received an inspection in February 2012 to change the kennel license to a "K" status, also without incurring any noncompliance penalty. Kennels like Weaverland were able to finish the 2011 license year without penalty and close in 2012.

In essence, DLEO violated the intent of the waivers as structured by the Pennsylvania legislature and provided these kennels with the ability to conduct business as usual for an additional two years, not comply with the commercial standards, and receive no penalty for doing so. Below is the inspection history for the kennels affected by the issuance of a NOV or waiver expiration in October 2011.

**Key:**

- WVR** = **10/9/11 Wavier Applied to this Kennel**
- NOV** = **6/12/12 Notice of Violation Issued to this Kennel**

Kennel	WVR	NOV	Inspection Date		Status / Comments
Bushong Valley	✓		2/14/2011	CK-5	Passing Inspection
			9/26/2011	CK-5	Unsatisfactory inspection. Housekeeping and pests; sanitation; vet checks ordered; no mention of Canine Health Regs in report.
			10/6/2011	CK-5	Passing Inspection. Remarks section states "This kennel was in compliance with PA kennel regulations as of the date and time of this inspection." However, there is no mention of the Canine Health Regulations or a specific compliance status.
			3/26/2012	CK-5	Closing inspection. No penalties for noncompliance at waiver expiration. Kennel was in operation approximately 6 months without consequences.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Country Side / Sunny Acre Puppies	✓		5/11/2011	CK-5	Passing Inspection
			9/23/2011	CK-5	Unsatisfactory Inspection - Verbal and Written Warning. One violation for uncoated metal strand flooring. No mention within report of Canine Health Regs.
			10/5/2011	CK-5	Passing Inspection. Remarks section states " The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of this inspection." However, no mention of Canine Health Regs or inspection for compliance.
			1/17/2012	K-2	Passing Inspection - conversion to a K kennel status. No apparent penalty for noncompliance with Canine Health Regs or Commercial Kennel standards.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Evergreen		✓	2/24/2011	CK-6	Passing Inspection
			1/31/2012	CK-6	Unsatisfactory Inspection with regard to nursing mother flooring. Verbal and Written Warning
			5/11/2012	CK-6	Unsatisfactory Inspection with regard to nursing mother flooring. - same violations as last inspection - Verbal and Written Warning.
			7/3/2012	CK-6	Passing Inspection

Kennel	WVR	NOV	Inspection Date		Status / Comments
Fairmont Acre Kennel	✓	✓	1/21/2011	CK-5	Passing Inspection with Vet check
			9/30/2011	CK-5	Passing Inspection. No mention of Canine Health Regs. Inspection Remarks state: "Kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of the inspection."
			4/24/2012	CK-5	Unsatisfactory Inspection. Verbal and Written Warning. No certification received for some sections of the kennel.
			7/3/2012	CK-5	Passing Inspection. No mention of sections of Canine Health Regs that were inspected.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Garden Spot		✓	3/21/2011	CK-4	Passing Inspection
			2/8/2012		Unsatisfactory Inspection - Verbal and Written Warning. 10 months since last inspection. Written and Verbal Warning. Many violations; no certification or ventilation system.
			5/29/2012		Unsatisfactory Inspection - Verbal and Written Warning. Still some violations; no mention at all within the inspection whether the Canine Health Regs were in or out of compliance. Checkbox not used.
			7/6/2012		Unsatisfactory Inspection - Verbal and Written Warning. Violations related to ventilation system either not being used or improperly used as required per data logger readings.
			7/11/2012		Unsatisfactory Inspection - Citation Issued. Violations related to ventilation system either not being used or improperly used as required per data logger readings.
			8/7/2012		Passing Inspection
					<i>Note: As of 9/21/12 no confirmation that a citation was filed could be found on the PA Unified Judicial Website. No docket exists at this time from the 7/11/12 inspection.</i>

Kennel	WVR	NOV	Inspection Date		Status / Comments
Nelson Z. Hoover	✓		1/27/2011	CK-4	Passing Inspection
			9/20/2011	CK-4	Passing Inspection. Kennel remarks state "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of the inspection." No mention of Canine Health Regulations and "Other" is marked N/A.
			12/30/2011	CK-4	Passing Inspection. Kennel remarks state "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of the inspection." No mention of Canine Health Regs. Sections of the Act which were covered under the waiver still show N/A as though the waiver is still in place. No penalty for noncompliance.
			6/26/2012	K-3	Passing Inspection. Downgraded to "K" status. Approximately 7 months since last inspection.
Kennel	WVR	NOV	Inspection Date		Status / Comments
L and R		✓	3/2/2011	CK-4	Passing Inspection
			3/5/2012	CK-4	Unsatisfactory Inspection - Verbal and Written Warning. One year since last inspection. Certification not received; complete ventilation system not installed
			6/1/2012	CK-4	Unsatisfactory Inspection - Action is "Other." Certification not received; complete ventilation system not installed
			7/9/2012	CK-4	Passing Inspection
Kennel	WVR	NOV	Inspection Date		Status / Comments
Martin's Double E	✓	✓	1/31/2011	CK-6	Unsatisfactory inspection. Verbal and Written warning - many violations including sanitation
			4/25/2011	CK-6	Unsatisfactory Inspection with many violations. Action states: Citation Issued. Citation filed 6/14/11 based on unsanitary conditions - kennel owner pled guilty.
			5/31/2011	CK-6	Passing Inspection with Waiver; vet check ordered.
			10/4/2011	CK-6	Unsatisfactory Inspection. Written and Verbal Warning. Violations of non-CK Regs, poor conditions, rabies violation, no mention of Canine Health Regs

<p><b>Martin's Double E Continued</b></p>			<p>11/8/2011</p>	<p>CK-6</p>	<p>Unsatisfactory inspection - Action: "Other." Majority of items previously covered by waiver still not completed. Cruelty referral made. Included a notation that certificate for ventilation system has not been received.</p>
			<p>12/13/2011</p>	<p>CK-6</p>	<p>Unsatisfactory inspection - Verbal and Written Warning. Majority of items previously covered by waiver still not completed. A notation made that certificate for ventilation system has not been received. Condition of Dogs violation; rabies violations.</p>
			<p>4/18/2012</p>	<p>CK-6</p>	<p>Unsatisfactory Inspection. Verbal and Written Warning. No certification received for parts of the kennel. No system installed. Commercial Kennel structural changes previously affected by the waiver are still not done.</p>
			<p>??</p>	<p>CK-6</p>	<p><i>As of 9/21/12 No Additional Inspection Report Has Been Posted. Additionally, a 2012 kennel license has not been issued. However, the kennel has continued to operate with multiple substandard kennel inspections. With condition of dogs and sanitation being an issue, waiting 3 months for a follow up inspection (12/13/11 to 4/18/12) is not acceptable. With no further inspection report posted, the span of time is again too long based on past history of this kennel.</i></p>
					<p>Misdemeanors were filed on 12/13/11 based on the 11/8/11 inspection. Charges were for lack of compliance with Commercial Kennel structural changes and unsanitary conditions. ARD (Accelerated Rehabilitative Disposition) was placed on this kennel owner for 12 months for all charges. Standard legal practice between the DA's office and the plaintiff party (Dog Law) would typically include discussion and agreement of such settlement of charges filed. At the conclusion of the 12 months, if no further charges are filed before the court, the record of misdemeanor charges recorded is expunged from the Court records and the charges are deemed satisfied and no longer exist.</p>



Kennel	WVR	NOV	Inspection Date		Status / Comments
Meadow View		✓	2/17/2011	CK-5	Passing Inspection with vet checks. Waiver which expired 10/9/10 still used in this inspection.
			2/21/2012	CK-5	Unsatisfactory Inspection - Written and Verbal Warning. One year since last inspection. Written certification not received. No statement regarding installation of ventilation system.
			6/28/2012	CK-5	Unsatisfactory Inspection; Action - Other. Written certification not received. No statement regarding installation of ventilation system.
			7/23/2012	CK-5	Passing Inspection - no indication of what was inspected for Canine Health Regs
Kennel	WVR	NOV	Inspection Date		Status / Comments
Mountain View		✓	6/14/2011	CK-4	Passing Inspection
			2/16/2012	CK-4	Unsatisfactory Inspection - Verbal and Written Warning. For certain areas of the kennel, a written certification was not received
			6/4/2012	CK-4	Unsatisfactory Inspection - Action "Other." Violations other than Canine Health Regs. Written certification was not received.
			7/16/2012	CK-4	Unsatisfactory Inspection - Citation Issued. Violations related to ventilation system either not being used or improperly used as required per data logger readings
			8/20/2012	CK-4	Passing Inspection - no indication of what was inspected for Canine Health Regs
<p><i>Note: As of 9/21/12 no confirmation that a citation was filed could be found on the PA Unified Judicial Website. No docket exists at this time from the 7/16/12 inspection.</i></p>					

Kennel	WVR	NOV	Inspection Date		Status / Comments
Pine Tree Kennel	✓		5/16/2011	CK-6	Passing inspection
			9/22/2011	CK-6	Passing Inspection. Vet check issued. Inspection remarks section states "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of this inspection." No mention of Canine Health regs.
			2/16/2012	K-4	Passing inspection as a K Kennel. Approximately 4 1/2 months since last inspection. No penalty for noncompliance with Commercial Kennel statute or regulation.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Rockvale Kennels	✓		3/14/2011	CK-5	Passing inspection
			10/3/2011	CK-5	Passing Inspection. Kennel Remarks state "The kennel was in compliance with the PA Dog Law Statute and all PA kennel regulations as of the date and time of this inspection." No mention of Canine Health requirements or status.
			3/23/2012	K-4	Downgrade - Passing inspection as a K-4 Kennel. Approximately 6 months since last inspection. No penalty for noncompliance with Commercial Kennel statute or regulation.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Shady Oak	✓	✓	4/25/2011	CK-6	Passing Inspection.
			9/26/2011	CK-6	Passing Inspection. Remarks section states: "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of this inspection." No mention of the Canine Health Regs which were effective 7/1/12.
			5/7/2012	CK-6	Unsatisfactory Inspection - Verbal and Written Warning. Eight months since last inspection. Structural Commercial Kennel changes covered by waiver are not completed; no ventilation system installed; no certification received.
			8/16/2012	CK-6	Passing inspection. M. Pechart attended the inspection. No indication on inspection as to what was inspected related to the Canine Health Regs.

Kennel	WVR	NOV	Inspection Date		Status / Comments
SOS		✓	3/16/2011	CK-3	Passing Inspection
			2/14/2012	CK-3	Unsatisfactory Inspection - Verbal and Written Warning. Last inspection was 11 months ago. Certain areas of the kennel did not have a certification or ventilation system.
			6/5/2012	CK-3	Unsatisfactory Inspection - Action "Other". Certification received but complete ventilation system not installed.
			??	CK-3	As of 9/21/12 No Additional Inspection Posted
Kennel	WVR	NOV	Inspection Date		Status / Comments
Stoney Brook		✓	2/16/2011	CK-4	Passing Inspection
			2/24/2012	CK-4	Unsatisfactory Inspection - first inspection in over a year. Action - Citation Issued. Many violations/sanitation; no certification received. No ventilation system installed. Note: two citations were filed on 5/16/12 for failure to keep kennel in sanitary conditions. Kennel owner pled guilty. No charges filed for failure to meet CK standards.
			5/9/2012	CK-4	Unsatisfactory Inspection - Verbal and Written Warning. Written certification not received.
			7/6/2012	CK-4	Passing Inspection with vet checks ordered.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Sunnyside Sociables		✓	2/7/2011	CK-3	Passing Inspection
			1/31/2012	CK-3	Unsatisfactory Inspection - Verbal and Written Warning. One violation - space of enclosures for adult dogs. Canine Health Regs are marked Satisfactory, no information as to what was inspected.
			5/18/2012	CK-3	Unsatisfactory Inspection - Verbal and Written Warning. One violation - space of enclosures for adult dogs. Canine Health Regs are marked Satisfactory, no information as to what was inspected.
			7/3/2012	CK-3	Passing Inspection

Kennel	WVR	NOV	Inspection Date		Status / Comments
Tait's Basset		✓	4/18/2011	CK-4	Unsatisfactory Inspection. Multiple violations - Verbal and Written Warning.
			6/3/2011	CK-4	Passing Inspection
			2/23/2012	CK-4	Unsatisfactory Inspection - Verbal and written warning. No certification of ventilation system and no ventilation system installed.
			5/8/2012	CK-4	Unsatisfactory Inspection - Verbal and written warning. No certification of ventilation system and no ventilation system installed.
			??	CK-4	<i>As of 9/21/12 No Additional Inspection Posted</i>
Kennel	WVR	NOV	Inspection Date		Status / Comments
Warriors Mark		✓	5/4/2011	CK-3	Passing Inspection
			2/23/2012	CK-3	Unsatisfactory Inspection - Verbal and Written Warning. Approx 10 months since last inspection. No certification and no ventilation system installed.
			5/22/2012	CK-3	Unsatisfactory Inspection - Verbal and Written Warning. No certification and no ventilation system installed.
			8/1/2012	CK-3	Unsatisfactory Inspection - Action to be taken "Other". No certification and no ventilation system installed.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Weaverland Kennel	✓		2/16/2011	CK-6	Unsatisfactory Inspection due to wire coating.
			2/24/2011	CK-6	Passing Inspection
			9/28/2011	CK-6	Passing Inspection. Seven months since last inspection. The remarks section state "The kennel was in compliance with the PA Dog Law Statute and all PA kennel regulations as of the date and time of this inspection." No mention of Canine Health Regs.
			1/25/2012		Closing Inspection. Four months of operation without penalty for noncompliance with Commercial Kennel standards.

Kennel	WVR	NOV	Inspection Date		Status / Comments
Amos M. Zimmerman	✓	✓	3/7/2011	CK-6	Passing Inspection
			9/29/2011	CK-6	Passing Inspection. No mention of Canine Health Regs. Remarks section states: "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of the inspection."
			4/20/2012	CK-6	Unsatisfactory Inspection. Verbal and Written Warning. Structural changes from Waiver not completed; No certification received; No ventilation system installed.
			8/16/2012	CK-6	Passing Inspection with M. Pechart in attendance. No detail regarding what was inspected for Canine Health Regs.
Kennel	WVR	NOV	Inspection Date		Status / Comments
Amos W. Zimmerman	✓	✓	2/7/2011	CK-6	Passing Inspection
			9/26/2011	CK-6	Passing Inspection. No mention of Canine Health regs. Remarks section stated "The kennel was in compliance with all provisions of the Act and it's regulations as of the date and time of the inspection."
			4/24/2012	CK-6	Unsatisfactory Inspection. Verbal and Written Warning. 7 months since the last inspection. Structural changes still not completed; No certification received; Ventilation system not installed.
			8/16/2012	CK-6	Passing Inspection with M. Pechart in attendance. No detail regarding what was inspected for Canine Health Regs.

**DRAFT CANINE HEALTH REGULATION INSPECTION CHECKLIST  
(TO BE PROVIDED)**

**EXHIBIT E**

COMMERCIAL KENNEL INSPECTION ANALYSIS

EXHIBIT F

COMMERCIAL KENNEL NAME	# of 2011 INSPECTIONS	INSPECTIONS BEFORE 6/30/11 ONLY	INSPECTIONS AFTER 6/30/11	CLOSING INSPECTION?	WAIVER UNTIL AT LEAST 10/9/11?	OTHER FACTORS	FIRST 2012 INSPECTION	GAP BETWEEN INSPECTIONS
Amos M. Zimmermann	2		9/29/2011		Yes		4/20/2012	> 6 months
Amos W. Zimmermann	2		9/26/2011		Yes		4/24/2012	nearly 7 months
Arndt's Happy Tails	2	1/3/2011 3/29/2011	0				2/22/2012	nearly 11 months
Barnes Puppy Love	1	5/19/2011	0				2/23/2012	> 9 months
Belleville Lane	1	5/17/2011	0	Yes			N/A - closed	> 10 months
Bide-a-White	1	4/13/2011	0				2/24/2012	> 10 months
Bushong Valley	2		9/15/2011		Yes		3/26/12 - closing	> 11 months
C & L	1	2/22/2011	0				2/13/2012	> 11 months
CDKI	1	3/15/2011	0				2/16/2012	> 11 months
CJ Hackett's	1	3/28/2011	0				1/23/12 - closing	> 10 months
Clover Creek	2		7/28/2011	Yes			N/A - closed	> 9 months
Grove Puppy's	1	4/27/2011	0				2/7/2012	> 6 months
Covered Bridge	2		9/15/2011		Yes		3/29/2012	> 10 months
Deep Run	1	4/14/2011	0				2/17/2012	> 10 months
Edgewood	3		10/21/2011 11/2/2011	Yes			N/A - closed	> 9 months
End-o-Lane	2	5/23/2011	0				3/1/2012	> 11 months
Eva & Nelson Weaver	1	3/8/2011	0				2/27/2012	> 11 months
Evergreen (formerly Nolt)	1	2/24/2011	0				1/31/2012	> 11 months
Fairmont Acre	2		9/30/2011		Yes		4/24/2012	> 6 months
Fisher's	1	3/9/2011	0				2/14/2012 - switch to K3	> 11 months
Garden Spot	1	3/21/2011	0				2/8/2012	> 10 months
Glenwood	1	3/22/2011	0				2/13/2012	> 10 months
Green Meadow	1	2/16/2011	0				1/31/2012	> 11 months
Hill Top Farm	1	2/17/2011	0				2/24/2012	> one year
Jack's Mountain	3		7/5/2011	Yes			N/A - closed	> 11 months
JR's	1	3/8/2011	0				2/24/2012	> 17 months
Keepsake Labradors	0	11/4/2010	0				4/4/12 - closing	> 10 months
Kimbertal Breeding	0	4/11/2011	0				2/13/2012	> 10 months
L & M	2		7/19/2011	Yes			5/23/12 - reopened	> 10 months, but closed
L & R	1	3/2/2011	0				3/5/2012	> one year
Lion's Den	1	4/20/2011	0				2/8/2012	> 9 months
Maple Lane	1	4/5/2011	0				2/15/2012	> 10 months

COMMERCIAL KENNEL NAME	# of 2011 INSPECTIONS	INSPECTIONS BEFORE 6/30/11 ONLY	INSPECTIONS AFTER 6/30/11	CLOSING INSPECTION?	WAIVER UNTIL AT LEAST 10/9/11?	OTHER FACTORS	FIRST 2012 INSPECTION	GAP BETWEEN INSPECTIONS
Martin's Double E	6	2/17/2011	10/4/2011 11/8/2011 12/13/2011		Yes	repeat unsatisfactory conditions	4/18/2012	within 6 months
Meadow View (Ronks)	1	4/21/2011	0				2/21/2012	> one year
Millwood	1	5/9/2011	0				2/22/2012	> 10 months
Mt. Rock	1	6/14/2011	0				2/10/2011	> 9 months
Mountain View (Howard)	1	1/4/2011 5/10/2011 5/25/2011	0				2/16/2012	> 8 months
Mt. Hope	3		0				2/17/2012	> 8 months
Nelson Z Hoover	3		9/20/2011 12/30/2011	No	Yes		6/26/2012 - switch to K3	within 6 months
Plantation Delight	5		7/28/2011 8/1/2011 12/2/2011	No	No	repeat unsatisfactory conditions	4/13/2012 7/11/12 - closing	within 6 months
Pleasant Valley	2		10/3/2011	No	No, but inspection rpt. says Yes		2/16/12 - switch to K2	within 6 months
Pine Tree	2		9/22/2011	No	Yes		2/16/12 - switch to K4	within 6 months
Rockvale	2		10/3/2011	No	Yes		3/23/12 - switch to K2	within 6 months
Rock Run	2		8/30/2011	Yes			N/A - closed	
Roundmeadow Labradors	2	4/20/2011 5/23/2011	0				2/15/2012	> 8 months
Salisbury	1	2/25/2011	0				2/17/2012	51 weeks
Sandy Hill	2	3/2/2011 3/21/2011	0				2/24/2012	> 11 months
Shade Mountain	1	3/23/2011	0				2/21/2012	> 10 months
Shady Oak	2		9/26/2011		Yes		5/7/2012	> 7 months
Slate Hill	1	4/28/2011	0				2/16/2012	> 9 months
SOS	1	3/16/2011	0				2/14/2012	> 10 months
Speicher's	4		8/18/2011 9/16/2011	No	No	complaint, violations, recheck	2/28/2012	> 5 months
Sporting Valley	4		8/31/2011 10/11/2011		Yes		3/28/2012	within 6 months
Spring Pond	1	2/28/2011	0				2/27/2012	one year



COMMERCIAL KENNEL NAME	# of 2011 INSPECTIONS	INSPECTIONS BEFORE 6/30/11 ONLY	INSPECTIONS AFTER 6/30/11	CLOSING INSPECTION?	WAIVER UNTIL AT LEAST 10/9/11?	OTHER FACTORS	FIRST 2012 INSPECTION	GAP BETWEEN INSPECTIONS
Stoney Brook	1	2/16/2011	0				2/24/2012	> one year
Stoney Hill	1	6/10/2011	0				2/17/2012	> 8 months
Sunny Acre Puppies	3		9/23/2011 10/25/11	No	No	repeat unsatisfactory conditions	1/17/12 - switch to K2	within 6 months
Sunnyside Socialbles	1	2/7/2011	0				1/31/2012	51 weeks
Tait's Bassett Kennel	2	6/2/2011	0				2/23/2012	> 8 months
TLC	1	3/19/2011	0				2/1/2012	> 10 months
Turkey Hill	5		8/5/2011 12/12/2011		Yes	repeat unsatisfactory conditions	1/27/2012	within 6 months
Walker's	1	5/12/2011	0				2/21/2012	> 9 months
Walnut Grove	1	3/17/2011	0				2/17/2012	11 months
Warriors Mark	1	5/4/2011	0				2/23/2011	> 9 months
Weaverland	3		9/28/2011		Yes		1/25/12 - closing	within 6 months
Weber's Golden Retrievers	2		9/12/2011		Yes		4/10/2012	> 6 months
Williams Run	1	4/20/2011	0				2/2/2012	> 9 months
Willow Spring	1	4/13/2011	0				2/3/2012	> 9 months

## Blackhorse Animal Hospital

5081 Lincoln Highway  
Kinzers, PA 17535  
717-442-0252

4240  
CK6(09)  
CK5(10)  
CK4(11/12)

Matthea B. Stoltzfus  
246 Millwood Rd  
Gap, PA

"Exercise Plan" Nursing Mothers

- Cage Runs are of sufficient size to qualify as exercise area under USDA guidelines
- Nursing mothers are to be exempt from "exercise" requirements for at least the first 3 weeks of litter life or until puppies are close to weaning age. After that dogs may be leash walked daily or turned out into maternity exercise lot or other run on a daily basis.

Sincerely  
Willard Stoltzfus, VMD

Willard L. Stoltzfus, VMD Douglas S. Wagner, DVM Chris Neville, DVM Courtney S. Rhodes, VMD

Darren Remsburg, DVM Caroline M. Catona, DVM