



**AGENDA REPORT**  
**March 12, 2019**

**Legislative intent to authorize advertisement of an amendment to the  
Brevard County Code of Ordinances to ban the retail sale of dogs and cats  
at pet stores. District 2**

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**SUBJECT:**

Legislative intent to authorize advertisement of an amendment to the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

**DEPT/OFFICE:**

District 2

**REQUESTED ACTION:**

It is requested that the Board authorize legislative intent and approve permission to advertise an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

**SUMMARY EXPLANATION and BACKGROUND:**

The American Society for the Prevention of Cruelty to Animals defines a "puppy mill" as "a large-scale commercial dog breeding operation where profit is given priority over the well-being of the dogs." According to the Humane Society of the United States, two million three hundred thousand puppies who originated from puppy mills are sold annually from commercial breeding facilities. Meanwhile, an estimated three million dogs and cats are euthanized by shelters every year in the United States.

While not all dogs or cats sold in retail pet stores are the product of puppy mills or kitten factories, it is widely believed that these commercial breeding facilities where dogs and cats are mass-produced in overcrowded and unsanitary conditions continue to exist, at least in part, because of the sale of dogs and cats in pet stores. An effective tool to eliminate the retail market for mill-bred dogs and cats is to require pet stores to utilize an adoption-based business model, which ensures that animals sold by retail outlets are sourced from shelters, animal rescue organizations, and/or hobby breeders. Therefore, the Board finds that prohibiting the retail sale of dogs and cats in pet stores throughout the County will promote community awareness of the plight of animals in puppy mills and kitten factories and, in turn, will foster a more humane environment, as well as encourage consumers to adopt dogs and cats from shelters and rescue organizations, thereby saving

the lives of animals while reducing the cost to the public of sheltering or euthanizing animals.

Attached is the title of an ordinance amendment to Chapter 14 of the Brevard County Code of Ordinances, as well as the proposed ordinance amendment. With this amendment, the Board intends to establish and implement reasonable and necessary regulations to ban the retail sale of dogs and cats in pet stores throughout Brevard County in order to protect the health, safety, and welfare of both animals and pet owners in the County.

In addition to other changes, the term "Hobby Breeder" has been modified to include those breeding no more than 48 offspring per calendar year. When this item came before the Commission in January, this number had been set at 20.

**ATTACHMENTS:**

**Description**

- ☐ **Proposed Ordinance**



Tammy Rowe, Clerk to the Board, 400 South Street • P.O. Box 999, Titusville, Florida 32781-0999

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March 13, 2019

**M E M O R A N D U M**

**TO:** Bryan Lober, District 2 Commissioner

**RE:** Item I.1., Legislative Intent to Authorize Advertisement of an Amendment to the Brevard County Code of Ordinances to Ban the Retail Sale of Dogs and Cats at Pet Stores

The Board of County Commissioners, in regular session on March 12, 2019, approved legislative intent and permission to advertise an ordinance amending Chapter 14 of the Brevard County Code of Ordinances to ban the retail sale of dogs and cats at pet stores.

Your continued cooperation is greatly appreciated.

Sincerely yours,

BOARD OF COUNTY COMMISSIONERS  
SCOTT ELLIS, CLERK

*Tammy Rowe*

Tammy Rowe, Deputy Clerk

/cmw

cc: County Attorney

I,1.  
LOBER  
VERSION  
8:59 PM

**ORDINANCE NO. 2019-\_\_\_\_\_**

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF BREVARD COUNTY, FLORIDA AMENDING CHAPTER 14 OF THE BREVARD COUNTY CODE OF ORDINANCES, "ANIMALS"; CREATING A NEW SECTION IN ARTICLE II OF CHAPTER 14, SECTION 14-64, "RETAIL SALE OF DOGS AND CATS AT PET STORES"; PROHIBITING THE RETAIL SALE OF DOGS AND CATS AT PET STORES UNLESS THE ANIMAL IS FROM AN ANIMAL SHELTER, ANIMAL RESCUE ORGANIZATION, OR HOBBY BREEDER; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES; PROVIDING FOR EXEMPTIONS; PROVIDING FOR AN AREA ENCOMPASSED; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, pursuant to Article VIII, Section (1)(g) of the Florida Constitution and Section 125.01, Florida Statutes (2018), the Board of County Commissioners of Brevard County, Florida (hereinafter the "Board"), has broad authority to enact ordinances not inconsistent with general law or with special laws approved by the vote of the electors; and

**WHEREAS**, at the Federal level, the United States Department of Agriculture is responsible for enforcing the Animal Welfare Act, which establishes minimum standards of care for dogs bred for sale; and

**WHEREAS**, at the State level, Chapter 828, Florida Statutes (2018), deals with animal cruelty, animal sales, and animal protection regulations, but does not explicitly regulate all breeding facilities which may be referred to as "puppy mills" or "kitten factories," where dogs and cats are mass-produced for sale to the public, including through sale at pet stores; and

**WHEREAS**, puppy mills disregard the health of dogs in order to maintain a low overhead and maximize profits;<sup>1</sup> and

**WHEREAS**, the documented abuses endemic to puppy mills and kitten factories include over-breeding; inbreeding; minimal to non-existent veterinary care; lack of adequate and nutritious food, water and shelter; lack of socialization; lack of adequate space; and lack of adequate exercise; and

**WHEREAS**, socialization is critically important for the emotional health of dogs;<sup>2</sup> and

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<sup>1</sup>See, *Avenson v. Zegart*, 577 F.Supp. 958, 960 (D. Minn. 1984).

<sup>2</sup>See, generally, 9 C.F.R. § 3.8(c)(2) (2018); see, generally, American Veterinary Medical Association (AVMA), *Model Bill and Regulations to Assure Appropriate Care for Dogs Intended for Use as Pets*, available at:

**WHEREAS**, dogs and cats, due to their sentience and capability of feeling, perception, and affection, ought to be afforded certain protections not necessarily afforded to non-sentient creatures; and

**WHEREAS**, according to the Humane Society of the United States, there are an estimated ten thousand puppy mills in the United States and, on an annual basis, around two million three hundred thousand puppies who originated from these puppy mills are sold throughout the country, while roughly three million cats and dogs are euthanized by shelters every year in the United States;<sup>3</sup> and

**WHEREAS**, due to poor conditions at these mills, dogs and cats are often sick, subjected to inhumane conditions, and suffer from painful and/or life-limiting congenital disorders;<sup>4</sup> and

**WHEREAS**, consumers unknowingly purchase mill-bred puppies or kittens from places like pet stores believing that the animal is healthy and genetically sound, only to find out that the dog or cat will often face an array of health problems, including communicable diseases and/or genetic disorders, that present themselves immediately or soon after sale, or that do not surface for years, costing the owner hundreds or thousands of dollars in expensive veterinary treatment;<sup>5</sup> and

**WHEREAS**, the DeSoto County Board of County Commissioners recently recognized that Florida has the highest number of consumer complaints submitted to the Humane Society regarding sick puppies purchased from puppy mills;<sup>6</sup> and

**WHEREAS**, Lyndsay Cole, a spokeswoman for the United States Department of Agriculture Animal and Plant Health Inspection Service (hereinafter the “Animal Inspection Service”), explained that a substantial recent drop in citations to research facilities, breeders,

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<https://www.avma.org/KB/Policies/Pages/Model-Bill-and-Regulations-to-Assure-Appropriate-Care-for-Dogs-Intended-for-Use-as-Pets.aspx> (last visited Feb. 28, 2019).

<sup>3</sup>The Humane Society of the United States, *Puppy Mills: Facts and Figures – August 2018*, available at: <https://www.humanesociety.org/sites/default/files/docs/Puppy%20Mill%20Facts%20and%20Figures%20August%202018.pdf> (last visited: Feb. 28, 2019).

<sup>4</sup>The Humane Society of the United States, *Puppy Mills and the Animal Welfare Act*, p. 1, available at: <https://www.humanesociety.org/sites/default/files/docs/puppy-mills-awa-booklet-lores.pdf> (last visited: Feb. 28, 2018).

<sup>5</sup>The Humane Society of the United States, *Puppy Buyer Complaints – A Ten Year Summary 2007-2017*, available at: <https://www.humanesociety.org/sites/default/files/docs/2018-puppy-buyers-complaint.pdf> (last visited Dec. 28, 2018).

<sup>6</sup>DeSoto County Code of County Ordinances, Chapter 4, Article III, Section 4-71, adopted on July 25, 2017, via Ordinance 2017-11, available at: [https://librarystage.municode.com/fl/desoto\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH4ANCO\\_ARTIIIRESADOCARA\\_S4-71FI](https://librarystage.municode.com/fl/desoto_county/codes/code_of_ordinances?nodeId=COOR_CH4ANCO_ARTIIIRESADOCARA_S4-71FI) (last visited Feb. 28, 2019).

exhibitors, and dealers could be attributed, in part, to a shortage of Animal Inspection Service inspectors;<sup>7</sup> and

**WHEREAS**, inspection by the Animal Inspection Service does not ensure compliance with any applicable State statute(s) governing the humane treatment of animals, including, but not limited to, Section 828.12, Florida Statutes, “Cruelty to animals”; Section 828.126, Florida Statutes, “Sexual activities involving animals”; Section 828.13, Florida Statutes, “Confinement of animals without sufficient food, water, or exercise; abandonment of animals”; and, Section 828.16, Florida Statutes, “Contagious diseases”; and

**WHEREAS**, due to a publicly acknowledged shortage of inspectors and due to being tasked with enforcing only certain federal regulations, relying solely upon Animal Inspection Service inspections to ensure the ethical and humane treatment of animals is inadequate; and

**WHEREAS**, neither Brevard County nor the Brevard County Sheriff’s Office has any legal authority upon which to inspect or directly regulate out-of-county commercial breeders or brokers; and

**WHEREAS**, it is routine practice for pet stores operating within Brevard County to source puppies and kittens from out-of-county commercial breeders or brokers; and

**WHEREAS**, while the Board recognizes that not all dogs and cats sold in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as the operator of a puppy mill or kitten factory, it is the belief of the Board that puppy mills and kitten factories continue to exist, at least in part, because of public demand for dogs and cats offered for sale at pet stores, and that the most effective way to stop puppy mills and kitten factories is to discourage the purchase and sale of animals produced at those inhumane facilities; and

**WHEREAS**, even the most ethical and humane treatment of puppies and kittens following procurement from out-of-county commercial breeders and brokers does nothing to disincentive sub-standard unethical and inhumane conditions at out-of-county breeding locations; and

**WHEREAS**, the procurement of puppies and kittens by local pet stores from out-of-county sources subject to nonexistent or ineffective local regulation may actively encourage an abusive industry and incentivize that industry’s inhumane practices; and

**WHEREAS**, the Board has determined that an effective tool to reduce and, ultimately, eliminate the retail market for dogs and cats bred through puppy mills and kitten factories is to

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<sup>7</sup>Karin Brulliard, *The USDA is issuing far fewer citations to zoos, labs and breeders for animal welfare violations*, WASH. POST (Feb. 26, 2019), <https://www.washingtonpost.com/science/2019/02/26/usda-is-issuing-far-fewer-citations-zoos-labs-breeders-animal-welfare-violations/> (last visited Feb. 28, 2019).



require that pet stores utilize an adoption-based business model, which ensures that the animals sold by retail outlets are sourced from shelters or animal rescue organizations, or hobby breeders, encouraging the adoption of homeless pets and reducing the financial and emotional toll on consumers who purchase mill-bred pets with latent physical and behavioral problems; and

**WHEREAS**, this Ordinance does not affect a consumer's ability to obtain a dog or cat of his or her choice directly from an animal rescue organization (including, but not limited to, breed-specific animal rescue organizations) or animal shelter, or reputable hobby breeder where the consumer can directly see the conditions in which the dogs or cats are bred, or can confer directly with the breeder concerning said conditions; and

**WHEREAS**, due to inadequate regulations governing the retail sale of dogs and cats in Brevard County, the Board finds that prohibiting the retail sale of dogs and cats in pet stores in the County will promote community awareness of the plight of animals in puppy mills and kitten factories and, in turn, will foster a more humane environment, as well as encourage consumers to adopt dogs and cats from shelters and rescue organizations, thereby saving the lives of animals while reducing the cost to the public of sheltering or euthanizing animals.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Brevard County, Florida, as follows:

**Section 1. Amendments to Chapter 14 of the Brevard County Code of Ordinances.** Chapter 14 is hereby amended to include the following provisions:

**Section 14-64. Reserved.** is now hereby entitled **Section 14-64. Retail Sale of Dogs and Cats at Pet Stores.** and shall read as follows:

**Section 14-64. Retail Sale of Dogs and Cats at Pet Stores.**

(a) Definitions. The following words, terms, and phrases, when used in this Section, shall have the meanings ascribed to them below or as defined in Section 14-36 of the Brevard County Code of Ordinances, except where the context clearly indicates a different meaning:

Animal rescue organization means a duly incorporated nonprofit organization, properly organized under Section 501(c)(3) of the Internal Revenue Code, devoted to the rescue, care, humane treatment, and adoption of stray, abandoned, or surrendered animals, and does not intentionally or willfully breed animals. The term includes neither any broker nor any entity that obtains dogs or cats from any source for payment or compensation.

Animal shelter shall have the same meaning as defined in Section 14-36 of the Brevard County Code of Ordinances. The term includes neither any entity that willfully causes dogs or cat to reproduce nor any broker. This does not include any entity that obtains dogs or cats from any source for payment or compensation.

Breeder means any person or entity that causes dogs or cats to reproduce, either willfully or through failure to exercise due care and control, regardless of the size or number of litters produced. Any person or entity offering male dogs or cats for stud purposes will be classified as a breeder. This classification will not apply to a hobby breeder, as defined in this Section, or to a pet owner who breeds his or her own pets and keeps all of the offspring.

Broker means any person or entity that obtains dogs or cats, for payment or compensation, from one or more breeders and subsequently transfers said dogs or cats for resale by a pet store. This does not include hobby breeders, as defined below.

Cat means an animal of any age that is a member of *Felis Catus*, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Dog means an animal of any age that is a member of *Canus Lupus Familiaris*, or any genetic hybridization of this species, not under the jurisdiction of the Florida Fish and Wildlife Conservation Commission.

Hobby Breeder means any person or entity that causes or allows the breeding of dogs or cats resulting in no more than forty-eight offspring per calendar year, while permitting consumers access to directly see the condition in which the dogs or cats are bred and raised, or can confer directly with the breeder concerning said conditions. This does not include any person or entity that sells dogs or cats to pet stores. Hobby breeder sales to pet stores are expressly conditioned upon compliance with any and all registration, inspection, and compliance requirements put in



place by the Board, the Brevard County Sheriff's Office, or any other entity lawfully entitled to regulate such activity.

Official certificate of veterinary inspection, which is defined in Section 828.29, Florida Statutes (2018), as may be amended, means a legible certificate of veterinary inspection signed by the examining veterinarian licensed by the state of origin and accredited by the United States Department of Agriculture, that shows:

- (1) the age, sex, breed, color, and health records of the dog or cat;
- (2) the printed or typed names and addresses of the person or business from whom the animal was obtained, the consignor or seller, the consignee or purchaser, and the examining veterinarian, and the veterinarian's license number;
- (3) a list of all vaccines and deworming medications administered to the dog or cat, including the manufacturer, vaccine, type, lot number, expiration date, and the dates of administration thereof;
- (4) that the examining veterinarian warrants that, to the best of his or her knowledge, the animal has no sign of contagious or infectious diseases and has no evidence of internal or external parasites, including coccidiosis and ear mites, but excluding fleas and ticks.

The veterinarian shall be responsible for filling out the official certificate of veterinary inspection in accordance with Florida law.

Pet store means any retail establishment that: (1) has obtained a tax receipt, (2) is open to the public, and (3) sells or transfers, or offers for sale or transfer, dogs or cats, regardless of the age of the dog or cat, or the physical location of the animal. Such an establishment may be a permanent, temporary, or virtual establishment.

Retail sale means a sale, regardless of whether any exchange of consideration for the animal takes place at the same time or location. This term includes, but is not limited to: offering for sale; auctioning; bartering; displaying for sale, adoption, or re-home; exchanging for compensation; giving away; trading; delivering; advertising for sale; or

otherwise disposing of dogs or cats to a person in a pet store or in association with a pet store.

(b) Intent.

- (1) The intent of this Section is to prohibit the retail sale of commercially bred dogs and cats from puppy mills and kitten factories at pet stores. Rather, an adoption-based business model shall be required for the retail sale of dogs or cats at pet stores in Brevard County, whereby all dogs or cats must be sourced from an animal shelter, animal rescue organization, or hobby breeder.
- (2) The Board finds it reasonable and necessary to establish regulations regarding the sale of cats and dogs at pet stores to protect the health, safety, and welfare of both animals and pet owners. Furthermore, the Board finds these regulations will encourage pet consumers to obtain dogs and cats from animal shelters, animal rescue organization, or hobby breeders thereby saving the lives of animals and reducing the cost to the public of sheltering and euthanizing animals.
- (3) The Board intends for this Section to conform with and supplement Chapter 828, Florida Statutes, as may be amended, relating to animal cruelty, animal sales, and animal protection regulations.

(c) Retail Sale of Dogs and Cats at Pet Stores.

- (1) No pet store shall offer dogs or cats for sale in Brevard County, unless the dog or cat was obtained from an animal shelter, animal rescue organization, or hobby breeder.
- (2) Any dog or cat offered for sale in Brevard County must be accompanied by an official certificate of veterinary inspection issued by a licensed, accredited veterinarian. Upon sale, a copy of the certificate must be given to the buyer and the seller must retain one copy of the certificate for at least one year after the date of sale.
- (3) Pet stores shall maintain records that include the name, address, telephone number, and email address of the animal

shelter or animal rescue organization from which each dog or cat was acquired for three years following the date of acquisition from the animal shelter or animal rescue organization.

(4) Any such records shall be made available, immediately upon request, to the County's animal control authority or any other County official(s) charged with enforcing the provisions of this Section.

(d) *Adoption of Shelter and Rescue Animals.* Nothing in this Section shall prevent a pet store, its owner(s), operator(s), or employee(s), from providing space and appropriate care for animals owned by an animal shelter or animal rescue organization, and maintained at the pet store for the purpose of adopting those animals to the public.

(e) *Adoption Fee(s).* Nothing in this Section shall be construed to prohibit an animal rescue organization or an animal shelter from recovering or offsetting costs, including feeding, sheltering, or providing care for an animal by means of an adoption fee.

(f) *Prohibition on Retail Sale in Public Places.* There shall be no retail sale of dogs or cats on any public thoroughfare, public common areas, public parks, or other places of public accommodations, unless such animals are from an animal shelter or animal rescue organization. If applicable, the individual or entity responsible for running the event must obtain any and all applicable permits required by Federal, State, County, or municipal law, rule, or regulation.

(g) *Exemptions.* This Section shall not apply to:

(1) An animal shelter, including, but not limited to, one that operates out of or in connection with a pet store or other retail store.

(2) An animal rescue organization, including, but not limited to, one that operates out of or in connection with a pet store or other retail store.

(3) A hobby breeder as defined in (a), above.

(h) *Enforcement and Penalties.*

- (1) Any pet store found to be in violation of this Section may be subject to any applicable enforcement mechanism(s) available to the County. Such mechanisms may include, but are not limited to: prosecuting a violation of this Section in the same manner as a misdemeanor, as provided in Section 125.69, Florida Statutes (2018), as may be amended; prosecuting a violation of this Section in accordance with Section 1-7 of the Brevard County Code of Ordinances; and other forms of relief as may be granted by a court of competent jurisdiction.
  - (2) Each animal produced, reared, bred, kept, sold, or released in violation of this Section will be deemed a separate offense, and a separate offense will be deemed committed on each day during which a violation occurs or continues to occur.
  - (3) A hobby breeder as defined in (a), above.
- (i) Area Encompassed. This Section shall apply throughout the incorporated and unincorporated areas of the County. A municipal ordinance shall prevail over this Section within the municipality's jurisdiction to the extent of any conflict with this Section.
  - (j) Applicability. This Section shall take effect one month after the date of its adoption. However, any individual or entity with a business tax receipt from the County for the retail sale of dogs or cats, issued on or before the date this Section is adopted, shall be given a twelve-month grace period from the date of adoption before being subject to the regulations provided for in this Section.

**Section 2. Inclusion in Code.** It is the intention of the Board that the provisions of this Ordinance shall become and be made part of the Brevard County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "Ordinance" may be changed to "Chapter," "Section," "Article," or such other appropriate word or phrase in order to accomplish such intentions.

**Section 3. Conflict.** In the case of a direct conflict between any provision of this Ordinance and a provision of County law, rule, or regulation, the more restrictive shall apply.

**Section 4. Severability.** If any provision of this Ordinance or application thereof to any person or circumstance is held invalid, the invalidity shall not affect other provisions or

applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. Effective Date.** A certified copy of this ordinance shall be filed with the Office of the Secretary of State, State of Florida within ten (10) days of enactment. Unless specified otherwise, this Ordinance shall take effect upon adoption and filing as required by law.

**DONE, ORDERED, AND ADOPTED** in Regular Session, this 12th day of March, 2019.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
OF BREVARD COUNTY, FLORIDA

By: \_\_\_\_\_  
Scott Ellis, Clerk of Court

By: \_\_\_\_\_  
Kristine Isnardi, Chair  
(as approved by the Board on \_\_\_\_/\_\_\_\_/\_\_\_\_)



I (1) Legislative Inten  
to Ban Retail Sales  
of puppies & kittens

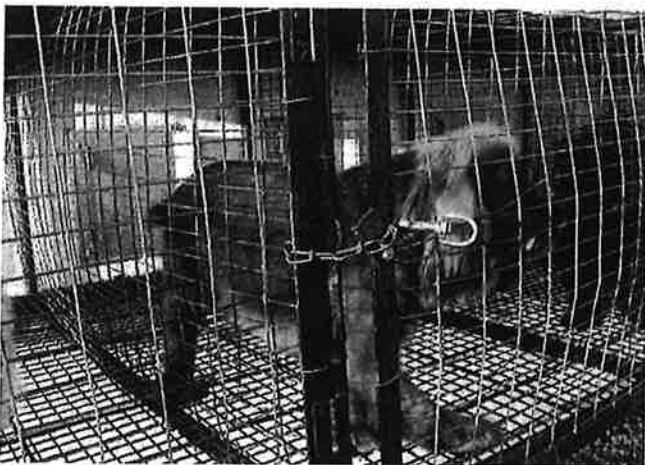
### Dealers Who Sold to Pet Stores in Brevard County

Health certificates, provided in response to a request into the County Sheriff's office, demonstrate that Brevard County pet stores have sourced puppies from the following breeders and brokers with abysmal animal welfare records. The following information about these breeders and brokers was obtained from the USDA before the agency removed inspection reports and additional reports as noted.

This is not a complete list of all breeders and brokers that Brevard County stores sourced puppies from, but merely a sampling of facilities that were identified in health certificates, and that the HSUS has inspection reports and/or photos of from the USDA, including reports received from the Kansas Department of Agriculture.

**Debra S. Deters, Centralia, KS**  
**SOLD TO PUPPIES PLUS**

- A breeder listed in the HSUS Horrible Hundred report of 2016 – a sampling of problem puppy mills in the US.
- This breeder received the following violations from the USDA according to reports:
  - 01/26/16: citations for a shih tzu who was found with a "greenish yellow discharge on the cornea and around the eyelids of the left eye;" the white part of the dog's eye was reddened, and there was a circular area on the cornea that was white in color.
  - 01/14/2016: the USDA gave Roger and Debra Deters an Official Warning for Violation of Federal Regulations. The warning was related to several dogs found in need of veterinary care during a March 2015 inspection, and at least two failed access attempts (July 2015 and November 2015) following the discovery of the dogs who were in need of care.
  - 05/2015: citations for a shih tzu whose entire eye was red in color, a cocker spaniel with a suspicious growth, and another shih tzu who appeared to be unable to put weight on her leg.
  - Numerous housing and sanitation issues were also found during inspections in 2016, 2015 and 2014.
- Photos and violations from the USDA:



USDA, 2012. Citation for broken, loose, or missing wire strands.



*USDA, 2016. Citation for Female  
Shi Tzu with cloudy eye.*



*USDA, 2012. Citation for dog hair  
collecting on enclosure gates & under  
enclosure runs.*



*USDA, 2012. Citation for scratched  
bare wood not impervious to  
moisture.*



*USDA, 2012. Citation for broken, loose, or missing wire strands.*

**Jacob Hochstedler, Hutchinson, KS**  
**SOLD TO PUPPIES PLUS**

- Photos and violations from the USDA:



*USDA, 2016. Citation for enclosure with grime on the walls.*

**Kim Marshall, Farmington, AR**  
**SOLD TO PUPPIES PLUS**

- Photos and violations from the USDA:



*USDA. Citation for distal area between digits three and four that were reddened and slightly swollen.*



*USDA. Citation for no floor in shelter.*

*Kathy Slobe, Verona, MO*  
*SOLD TO PUPPIES PLUS*

- Photos and violations from the USDA:



*USDA, 2011. Citation for dog with buildup on teeth.*

*Brad Grotewold, Lake Mills, IA*  
*SOLD TO PUPPIES PLUS*

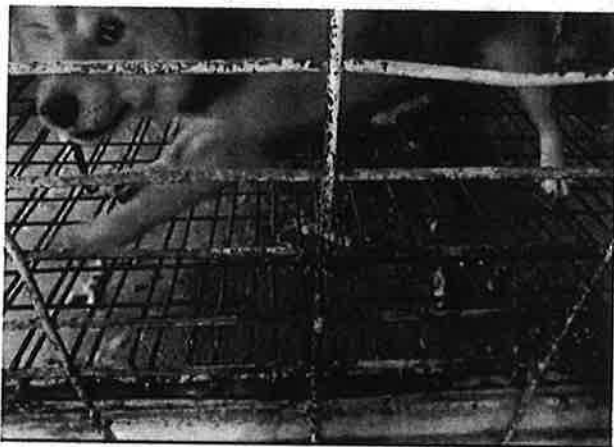
- Photos and violations from the USDA:



*USDA, 2011. Citation for excessive accumulation of feces and food waste on the ground under several elevated enclosures in the furnace room. This pile of waste contains a large number of maggots and flies.*



*USDA, 2011. Citation for rusty cage door in kennel.*



*USDA, 2011. Citation for severely rusty cage front and floor.*



*USDA, 2011. Citation for rusty cage door.*



Linda Baker, Higgins, MO  
SOLD TO PUPPIES PLUS

- This breeder received the following violations from the USDA according to reports:
  - 11/2014: Poodle has an accumulation of dark brown material coating the entire surface of the upper cheek teeth. Teeth and gum problems can be painful, can affect the animals' ability to eat, and can result in tooth loss. The licensee must have the dog examined by a vet. Three dogs all have matted hair on the legs, neck, shoulders and back covering at least 60 percent of the body.

Choice Puppies, Goodman, MO  
SOLD TO PUPPIES PLUS AND PETS AROUND THE WORLD

Formally the Hunte Corporation, which transports about 30,000 puppies yearly and was cited by the Missouri Department of Natural Resources for burying more than 1,000 pounds of dead puppies per year, causing an environmental hazard. Another incident involving a Hunte Corporation trailer carrying puppies to northeast pet stores caught fire off an interstate in Massachusetts, killing all of the estimated 60 dogs inside. The Hunte Corporation, according to Motor Carrier Management Information System reports, had been involved in nine truck accidents between 2000 and 2009. Hunte was also involved in two crashes, one on 2/18/2016 in NY and one on 3/24/2015 in AZ which resulted in the death of a driver. Hunte also had 26 violations based on a 24-month record ending on April 29, 2016.

Maria and Roger Campbell, Newton, KS  
SOLD TO PUPPIES PLUS (the owner admitted to purchasing from this breeder via email)

- A breeder listed in the HSUS Horrible Hundred report of 2013 2014, 2015, and 2017
- On March 21, 2017, the USDA issued an enforcement action/fine of \$8,000
- On July 15, 2016, the USDA filed a complaint against the Campbell's for a number of non-compliances found in 2015 and 2014, including many dogs found in need of veterinary care. The animals in need of care included a dog with a leg injury, dogs with hair loss or skin conditions including patches of pink and scabby skin, dogs with eye disorders, and a dog with an open wound. Also, the complaint listed a number of sanitation issues such as excessive feces and unsafe housing.
- This breeder has a long history of welfare violations, as cited by USDA inspectors, including but not limited to the following:
  - 02/2015: the USDA attempted to inspect the facility, but no one made the kennel available for inspection, which is a violation of the Animal Welfare Act.
  - 07/2014 – 03/2015: the Campbell's were cited for many violations, including eight repeat USDA violations, for dogs with hair loss, open wounds and eye problems; unsafe conditions, and excessive feces.
  - 02/2014: the USDA announced it was entering into a pre-litigation settlement agreement with the Campbell's related to their alleged violations. They were fined \$6,643 in September 2013.
  - 04/2013: two Boxers were very thin with back bones, ribs, and hip bones clearly visible according to the inspector. Both of the dogs were females who were nursing litters of puppies. A bull terrier had hair loss and cloudy eyes. There were additional violations, three of which were

repeat violations, including unsafe housing, dirty feeders, and dogs kept outside in the cold without adequate protection from the weather

- 2012: USDA inspector cited the Campbell's for a dog with a bloody, swollen foot, a dog with eye problems, and keeping medications for use on the dogs that had expired in 2009. The facility had been cited repeatedly for filthy conditions, for keeping dogs in cages that were too small, and for not making the facility accessible for inspections, including numerous other problems. There were more than 200 dogs and puppies noted on the property.
- The breeder received numerous violations according to inspection records obtained from the Kansas Department of Agriculture, which include:
  - 07/2016: it was noted that the outside kennels had bare wire that was subject to rusting and needed to be sealed or painted. The inspector also noted, "bare wire on the flooring may need to be replaced to allow for the comfort of the dogs standing on it." Other issues noted by inspectors included unsanitary water buckets, dog waste stored too close to the kennel, and additional problems with rusty surfaces that could not be properly sanitized.
  - 02/2014: cited for dogs without water, some who did not have adequate space to move around normally, excessive fecal matter, and several nursing mother dogs who were very thin.



## **PET STORE BILL FACTS**

Over 295 localities and two states—California and Maryland—have enacted laws that prohibit the sale of puppy mill puppies in pet stores. These laws effectively cut off the puppy mill to pet store supply chain and drive the pet market towards more humane sources. Those who profit from this supply chain will oppose these efforts and spread misinformation. Below are the facts.

**A PUPPY MILL** is an inhumane commercial dog breeding facility that disregards the health and wellbeing of dogs in order to maintain a low overhead and maximize profits. Dogs are treated as nothing more than breeding machines and puppies as nothing more than agricultural products. Pet stores are a preferred sales outlet because they allow the cruelty at the mills to remain hidden from consumers.

### **MOST PET STORE PUPPIES COME FROM PUPPY MILLS.**

It is well-documented and largely undisputed that the huge majority of pet store puppies come from puppy mills. Pet stores can't source exclusively from small, home-based breeders because they cannot supply pet stores with the constant supply of puppies needed to fill the cages. Plus, responsible breeders won't sell to pet stores because they demand to meet prospective buyers in person to screen them. In fact, over 95% of the American Kennel Club's affiliated breed clubs state in their ethics codes that breeders should not and/or do not sell to pet stores.

### **A USDA-LICENSE SAYS NOTHING ABOUT THE QUALITY OF A BREEDER.**

USDA-licensed breeders can legally keep dogs in cramped, stacked, wire cages only 6 inches larger than their bodies for their entire lives, denying them socialization, exercise and basic veterinary care. The USDA allows for mother dogs to be bred every heat cycle until their bodies wear out and for mother dogs to be killed when they can no longer produce litters. The USDA itself admits that it does a poor job of enforcing these minimal standards. An internal audit revealed that USDA inspectors regularly ignore horrific suffering at commercial dog breeding facilities and allow facilities to continue to operate despite repeat violations of the Animal Welfare Act. The USDA also is actively protecting animal abusers by redacting all pertinent information on breeder inspection reports that used to be available to the public.

### **CONSUMER PROTECTION IS KEY.**

Consumer protection played a huge role in the passage of laws in California, Maryland and over 280 localities across 22 states (as of Sept. 2018) that have prohibited the sale of commercially raised dogs and cats in pet stores. The HSUS receives complaints every day from heartbroken consumers who have purchased sick puppies from pet stores and have spent thousands of dollars caring for them. Pet store puppies are also not properly socialized and have trouble adjusting to family life because prior to purchase they knew nothing but life in a small cage or a cramped display case. Pet stores also mislead consumers about where their puppies really come from and often offer financing that many consider predatory lending.

### **PET STORE LAWS PREVENT PUBLIC HEALTH RISKS.**

According to the Centers For Disease Control (CDC), 118 people across 18 states were infected with an antibiotic-resistant strain of *Campylobacter* in 2017. 21 of the cases were in Florida. The CDC linked this outbreak to contact with pet store puppies, and reported that 26 of those infected had to be hospitalized. It is not surprising that a virus linked to pet store puppies is resistant to common antibiotics, as it is common practice for puppy mills and pet stores to overdose puppies with antibiotics to hide sicknesses.



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

**PET STORE LAWS DO NOT FORCE PET STORES TO GO OUT OF BUSINESS, BUT RATHER REQUIRE THEM TO CHANGE TO A HUMANE BUSINESS MODEL.**

Pet stores do not need to sell puppies to be successful. The vast majority of pet stores, including the two most profitable chains, Petco and PetSmart, do not sell puppies. Petco and PetSmart are vocal that they will never sell puppies, but rather proudly partner with shelters and rescues to offer adoption events at their stores. In 2017, the pet industry was worth \$69 billion and every category within the industry saw a rise in revenue EXCEPT for live animal sales, which declined and is expected to continue declining. Offering quality products and services is the key to a successful pet store.

**PET STORE LAWS ALLOW CONSUMERS TO OBTAIN THE DOG OF THEIR CHOICE.**

According to the pet store industry, only 4% of dogs are obtained from pet stores so it is illogical to think that stopping puppy sales in pet stores will impact consumer choice in any significant way. That number is likely to continue to decline as the public becomes more aware of the problems associated with pet store puppies. Instead, consumers are choosing to adopt from shelters and rescues, and seek out responsible breeders who sell directly to the public.

**THERE IS NO EVIDENCE THAT PET STORE LAWS DRIVE CONSUMERS TO THE INTERNET.**

Pet stores rely heavily on impulse purchases, which is why they position themselves in strip malls and place puppies in the front window. They also cater to buyers who want to interact with a puppy before purchase. These same consumers are unlikely to purchase a puppy sight unseen over the internet. And, even if they did, breeders that sell over the internet are regulated in the exact same way and held to the exact same federal standards as those who sell to pet stores.

**PET STORE LAWS SHRINK THE MARKETPLACE FOR PUPPY MILLS.**

When puppy mills have nowhere left to sell they will cease to exist. Basic principles of supply and demand dictates that if pet stores no longer buy puppies from puppy mills, puppy mills will produce fewer puppies, meaning less breeding dogs will suffer. Even though only 4% of dogs are obtained at pet stores, these stores remain an important sales outlet for puppy mills because all the consumer sees is the cute puppy in the window. The cruelty remains hidden at a faraway mill.

**COMPARING SHELTERS AND RESCUES TO PUPPY MILLS IS ABSURD.**

The vast majority of shelters and rescues are doing the selfless work of rehoming lost, abused and abandoned animals, while puppy mills churn out as many puppies as possible with no regard for the health and wellbeing of their breeding dogs and their offspring, nor the public who will end up with unhealthy pets. In regards to rescues buying at auction, that is something fewer than 1% of rescues engage in, and does not impact pet store laws so long as language is added specifying that rescues "may not source from breeders or brokers for payment or compensation."

**THOSE WHO PROFIT FROM PUPPY MILLS WILL OPPOSE THIS LEGISLATION.**

Usual suspects such as puppy-selling pet stores, commercial breeder groups, and pet industry trade groups oppose prohibiting the sale of puppies in pet stores. Some find it surprising that the American Kennel Club does as well. The more puppies the mills churn out, the more puppy registration fees the AKC can collect. The organization has a shameful record of defending puppy mills and opposing legislation that seeks to regulate them or their sales outlets. Luckily, many breed clubs still oppose puppy mills and recommend that members never sell puppies to pet stores.



## BUSINESS FACT SHEET

Stores can thrive by converting from the outdated and socially unacceptable business model that relies on the sale of mill puppies to a model that focuses on offering quality products and services, and hosting adoption events. Cries from some pet stores that they need to sell puppies to stay in business are baseless, as the huge majority do not do so.

**"I strongly believe that by giving these pet store business owners a different ideology with regards to the industry, you are helping these businesses from a profit standpoint, an educational perspective and setting a new precedent of a more humane peaceful existence for us all...that from someone who was in the same business longer than most" – Anita Bobetich, former owner of Precious Pet Cottage, a puppy-selling pet store, in a letter to Maryland Senators**

### INDUSTRY TRENDS

- According to The American Pet Products Association, Americans spent \$69 billion on their pets in 2017, and every category, including pet food, products, and services, saw an increase *except* live animal sales, which they predict will continue to decline.<sup>1</sup>
- Consultancy EY-Parthenon reported in July 2018 that the pet industry has become a "potentially explosive market" as Americans increasingly humanize their pets, predisposing them to spend more on fancy food, treats, clothing and premium services such as grooming and pet spas, and noted that 78% of people prefer to shop for their pets in brick-and-mortar stores. Plus, live animals sales will likely slow "as people align pet adoption with their social values."<sup>2</sup>
- *Pet Business*' 2018 "Top 25 Pet Retailers in North America" included only one chain that sells puppies, while the rest of the pet store companies are thriving by selling quality products and offering in demand services such as grooming, boarding and training.<sup>3</sup>
- *Entrepreneur* magazine included Pet Supplies Plus on its "2018 Fastest-Growing Franchise Ranking" and "Annual Franchise 500" lists, noting that the company was the top pet supply franchise. Pet Supplies Plus does not sell puppies, but rather focuses on natural pet foods, goods and services, and partner with shelters and rescues.<sup>4</sup>
- Conscientious companies are refusing to do business with pet stores that sell puppies. For example, Honest Kitchen, a healthy pet food company with products in nearly 5000 stores across the country, regularly turns down requests from stores that want to sell their products but also sell puppies.<sup>5</sup>

### SUCCESSFUL PET STORES, IN THEIR OWN WORDS

- PetSmart: *At PetSmart, we never sell dogs or cats. Together with PetSmart Charities, we help save over 1,300 pets every day through adoption.*<sup>6</sup>
- Petco: *We encourage anyone looking to add a new pet to their family to consider adopting a homeless animal, rather than purchasing one... Petco and the Petco Foundation partner with thousands of local animal welfare groups across the country and, through in-store adoption events, help find homes for more than 400,000 animals every year.*<sup>7</sup>
- The owners of Pet Food Express' 60+ stores, in a letter to CA legislators who passed the first statewide prohibition on the sale of puppies in pet stores: *We support AB 485 because we want to see all pet stores operate responsibly. Not only is it the right thing to do, but it's the key to a successful business.*
- The marketing manager for 8 Barkl stores in Maryland testified in support of what is now the second statewide prohibition on the sale of puppies in pet stores: *Adoption events create the busiest times at our stores...and always provide a noticeable boost in our sales for that day. She also said the rescues and shelters the stores partner with recommend Barkl to their adopters, which has increased customer count and sales.*

<sup>1</sup> <https://www.prnewswire.com/news-releases/americans-spent-695-billion-on-their-pets-last-year-more-than-ever-before-300618209.html>

<sup>2</sup> <https://www.consulting.us/news/538/americans-see-their-pets-as-family-and-are-spending-more-cash-on-them>

<sup>3</sup> <http://www.petbusiness.com/March-2018/The-Top-25-Pet-Retailers-in-North-America/>

<sup>4</sup> <https://www.prnewswire.com/news-releases/pet-supplies-plus-earns-status-as-one-of-north-americas-fastest-growing-franchises-300608290.html>

<sup>5</sup> <https://www.thehonestkitchen.com/blog/recognition-for-our-stance-on-puppy-mills/>

<sup>6</sup> <https://www.petsmart.com/adoption/people-saving-pets/ca-adoption-landing.html>

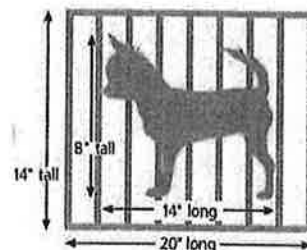
<sup>7</sup> <https://about.petco.com/fact-sheets>



## USDA'S LOW STANDARDS AND POOR ENFORCEMENT

### A USDA-licensed facility may legally:

- ✓ Confine dogs in cages only 6 inches larger than their bodies for their entire lives
- ✓ Provide only coated wire flooring in cages
- ✓ Deny dogs adequate exercise and socialization
- ✓ Keep dogs in frigid or sweltering temperatures for up to 4 hours
- ✓ Breed dogs repeatedly and excessively, without limits
- ✓ Provide no regular veterinary care beyond annual walk-through of facility



The USDA admits that a USDA license means very little. On its website the USDA noted: "We do not 'certify' establishments. . . a USDA license is not a 'seal of approval' but rather a legal designation that a facility has successfully passed its pre-license inspection and is legally entitled to use regulated animals for regulated activities."

**USDA's Enforcement Of Animal Welfare Laws Plummeted In 2018, Agency Figures Show.**<sup>1</sup> This was the heading of a feature story in *The Washington Post* in October 2018 that reported the USDA was issuing significantly fewer written warnings than in previous years and had settled only one complaint. The USDA told the publication this was in part due to "working more closely with alleged violators" rather than taking enforcement actions, a clear indication that the USDA no longer sees its role as a regulator of licensees.

As of January 2019, the USDA continues to protect animal abusers by hiding the names and license numbers on commercial breeder inspection reports from the public. In February 2017, the USDA abruptly removed inspection reports from its website. Some reports have been restored, but breeder names, business names and license numbers are blacked out so neither the public nor state enforcement agents can connect breeders with violations. As such, the public remains in the dark about animal mistreatment at specific commercial breeding facilities.

In 2010 the USDA audited itself, and the Office of Inspector General released a report stating that the enforcement process was ineffective against problem dealers, inspectors did not cite or document violations properly as needed to support enforcement actions, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Photos in the report show horrific cruelty. Recent data indicates this problem remains.

The HSUS's annual Horrible Hundred reports, including the report released in May 2018, have documented instances of breeders with numerous and egregious USDA violations spanning many years who remain licensed.

### Other recent steps in the wrong direction include:

- May 2018: A USDA tech note explained that facilities can now self-report to avoid having certain violations identified in the records, even some critical violations, if they follow certain guidelines.
- April 2018: USDA announced a pilot program that will alert some facilities about upcoming inspections in advance. This allows breeders time to cover up violations or even hide sick or injured dogs.
- April 2018: USDA confirmed to the HSUS that it had not revoked a single dog breeder license in the last year, despite overwhelming evidence of animal mistreatment and poor conditions at many operations.
- January 2018: USDA announced a proposal to allow third party groups to inspect puppy mills. This would have allowed industry groups that have a financial stake in perpetuating puppy mills to be part of the inspection process, which would be like putting a fox in charge of a henhouse. The proposal was abandoned in May 2018 due to widespread opposition.

<sup>1</sup> [https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm\\_term=.9e2ec9b47f39](https://www.washingtonpost.com/science/2018/10/18/usdas-enforcement-animal-welfare-laws-plummeted-agency-figures-show/?utm_term=.9e2ec9b47f39)



*Celebrating 10 years*



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VETERINARY MEDICAL  
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March 8, 2019

Brevard County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, FL 32940

**RE: VETERINARY SUPPORT for Brevard County's Humane Pet Store Ordinance:  
*Prohibiting Sales of Cats and Dogs from Pet Stores and Restricting Outdoor  
Sales***

Dear County Commissioners:

As Florida veterinarians and on behalf of the Humane Society Veterinary Medical Association, we are writing in support of the humane pet store ordinance in Brevard County that would prohibit pet stores in the county from selling dogs and cats. In lieu of these sales, this ordinance would promote partnerships between Florida pet stores and nonprofit rescue groups and municipal shelters for the adoption of cats and dogs from pet shop locations. Additionally this ordinance would prohibit outdoor sales of dogs and cats in public areas such as parking lots.

The framework in which pet sales occur is changing dramatically. A significant majority of pet stores no longer sell live animals obtained from commercial breeding operations. Instead, many operate successfully using a viable business model in which they partner with rescue organizations to offer animals for adoption in their stores and achieve mutually beneficial results.

By severing connections with inherently inhumane commercial breeding enterprises known as 'mills,' pet stores are no longer supporting businesses which often house animals in substandard conditions, provide inadequate veterinary medical care and little to no socialization. As veterinary professionals, we have seen many of these animals in our practices after they have been purchased by Florida families and end up with severe health and behavior problems, causing unanticipated expenses and severe heartbreak for all involved.

Conversely, by partnering with rescue groups and shelters to offer animals for adoption, pet shops are helping to reduce the societal burdens of housing and/or euthanizing so many animals and also creating goodwill among the adopters, many of whom will become loyal customers for their pet supply needs. Furthermore, for those families who still wish to purchase an animal from a breeder, they can work with responsible breeders who typically require that potential customers visit the animals at their breeding facility rather than selling their animals at a pet shop location.

*Celebrating 10 years*



**HUMANE SOCIETY  
VETERINARY MEDICAL  
ASSOCIATION.**

**Page Two: VETERINARY SUPPORT for Brevard County Humane Pet Store Ordinance**

Brevard County's humane pet store ordinance would also prohibit the outdoor sales of dogs and cats. Since the USDA started licensing Internet sellers in 2013, outdoor markets and parking lots have become the last completely unregulated puppy mill sales outlet. Consumers who purchase puppies in parking lots and at other outdoor sites often cannot contact the breeder post sale when medical problems arise, leaving more families with the heartbreak and burden of caring for sick puppies.

Nearly 300 localities in the U.S., including 66 localities in Florida, as well as the states of California and Maryland have passed laws similar to Brevard County's humane pet store ordinance which ban retail sales of dogs and cats at pet shops. Several other states – including Arizona, California, Maryland and Virginia – have passed laws restricting outdoors sales of dogs and cats. Given Florida's history of promoting the humane treatment of animals, we look forward to the passage of Brevard County's humane pet store ordinance which will benefit both Florida families and their animal companions.

Thank you for your humane leadership on this important animal welfare ordinance.

Sincerely,

Hillary Hickam, DVM  
HSVMA Florida Member

Sy Woon, DVM  
HSVMA Florida State Representative

March 4, 2019

Brevard County Commissioners  
2725 Judge Fran Jamieson Way  
Viera, FL 32940



Dear County Commissioners,

As the owner of Pet Pros, with two stores in Brevard County, I am writing in support of the humane pet store ordinance which would prohibit the sale of dogs and cats in pet stores unless sourced from shelters or rescues. This bill will help dry up the market for puppy mill puppies and shift the pet market towards more humane sources like responsible breeders, shelters, and rescues.

Pet Pros operates a humane business model - we do not sell puppies because we believe they should never be treated as products. Additionally, it is impossible to know for certain whether or not the puppy or kitten was bred in inhumane conditions. We are committed to providing only quality products, as we want to ensure the best for our consumers and their pets. We are a friendly pet shop that offers the largest selection of organic and natural pet food. In addition to pet food, we have dog treats, small animal food and toys, bird food and products, as well as cat treats and more. We also provide pet grooming services that are specifically designed to provide a calm, relaxing, safe haven for your pet. In addition to our products and services, we work with many rescue groups to help families save a life and adopt a dog instead of buying one.

Pet Pros is living proof that pet stores do not need to sell commercially-bred dogs or cats to be successful. We are a thriving business that has been in operation for over 20 years. Brevard County's humane pet store ordinance is a step in the right direction and would help lift the burden off shelters and rescues of finding families for homeless pets, many of who are euthanized each year in Florida. This bill would also cut off the puppy mill to pet store supply chain, thereby protecting consumers and animals.

We are proud to say that we support this legislation requiring pet stores to operate responsibly and hope you will too. Our animals deserve better.

Sincerely,

X 

Janet Monaco  
Owner, Pet Pros  
3696 Murrell Rd, Rockledge, FL 32955  
2447 North Wickham Road, Ste 108, Melbourne, FL 32935



# Item **II**

Legislative intent to authorize advertisement of  
an amendment to the Brevard County Code of  
Ordinances to ban the retail sale of dogs and  
cats at pet stores. District 2

**Selected quotes from the  
approved minutes of the  
January 8, 2019, BOCC meeting**

# AKC Claims

- “... [Jacobson’s] store is approved by the American Kennel Club (AKC) and sanctioned by the AKC...

- Page 20, first paragraph

- “... the AKC does not sanction [Jacobson] as an AKC pet store for getting the puppies from Bubba and Earl.”

- Page 21, ninth paragraph

- “Commissioner Lober asked how is it that the AKC sanctions his particular store and what he means by sanctioned.”

- Page 21, 12<sup>th</sup> paragraph

- “Mr. Jacobson stated they recognize and are trying to support legitimate pet industry... they went and inspected different stores and based on their history, their knowledge, and the knowledge of the breeders they deal with, they decide who to support...”

- Page 21, 13<sup>th</sup> paragraph

- “Commissioner Lober... asked what the specific criteria is that AKC verifies...”
  - Page 21, 13<sup>th</sup> paragraph
- “Mr. Jacobson responded they are looking for cleanliness, a credible relationship with a veterinarian clinic...”
  - Page 22, 1<sup>st</sup> paragraph

- “Corrine Williams... is an AKC breeder of merit; AKC does not license breeders... everything she is saying is on the AKC website... as an AKC breeder of merit, it does not mean much, only that she registers her puppies with AKC...”

- Page 34, 4<sup>th</sup> paragraph & page 35, 5<sup>th</sup> paragraph



# Online review Response

A

Annette

1 review

★ 4 months ago

Way way way over prised....why are they charging so much???? They charge show dog prices...they wont budge on the prices eiether knowing where they really come from smh they are only about the money they could care less about those poor puppies getting a good home nor the people wanting them to be their fur babies

Like

**Response from the owner** 4 months ago

Our prices are far below show dog prices, but higher than places that sell puppies indiscriminately with no health tracking. We are the only source of puppies in Brevard County authorized by the AKC to offer the pet protection bundle with all of our puppies because they know our breeders.

- Source: Puppies Plus Google Reviews

- “Commissioner Lober stated... the Board heard... that there is not much involved in having an AKC certification, and that they do not license breeders; he does not know if that is correct or incorrect...”

- Page 36, 1<sup>st</sup> paragraph

- "AKC is not affiliated with and does not license or endorse any breeders, groomers or other service providers, including those listed on AKC Marketplace. AKC has no control over their business practices and is not liable for any dealings between you and any breeders, groomers or other service providers."

- Source: <https://marketplace.akc.org/> (last accessed March 10, 2019)

• "AKC does not sell dogs and makes no warranty or guarantee as to the health, quality, parentage or any value of any dogs.. AKC registration does not indicate the health, quality or value of a dog. AKC registration simply identifies the dog as offspring of a sire and dam that the breeder has registered with AKC."

• Source: <https://marketplace.akc.org/> (last accessed March 10, 2019)

# **AKC Emails**

- “ ... Please inform me whether there is any truth to the shop owner's claims as to the level of involvement AKC has had with his shop including (1) having "approved" his store, (2) having sanctioned his store "as an AKC pet store," (3) having recognized his store goes "above and beyond on the lemon laws," and (3) having inspected his store for "cleanliness" and a "credible relationship with a veterinarian clinic" as these claims appear to be incompatible with the disclaimer that I've quoted from your website.”

- Source: Commissioner Lober's email to AKC dated March 4, 2019

• “It is correct that the AKC does not license, endorse or recommend any breeders, kennels or Pet Stores.”

- Source: AKC’s email to Commissioner Lober dated March 7, 2019



# USDA Claims

# USDA

- **In 2010 the USDA audited itself, and the Office of Inspector General released a report** stating that the enforcement process was ineffective against problem dealers, inspectors did not cite or document violations properly as needed to support enforcement actions, penalties were minimal, and inspectors allowed facilities to operate unimpeded, year after year, despite repeat violations. Photos in the report show horrific cruelty. Recent data indicates this problem remains.

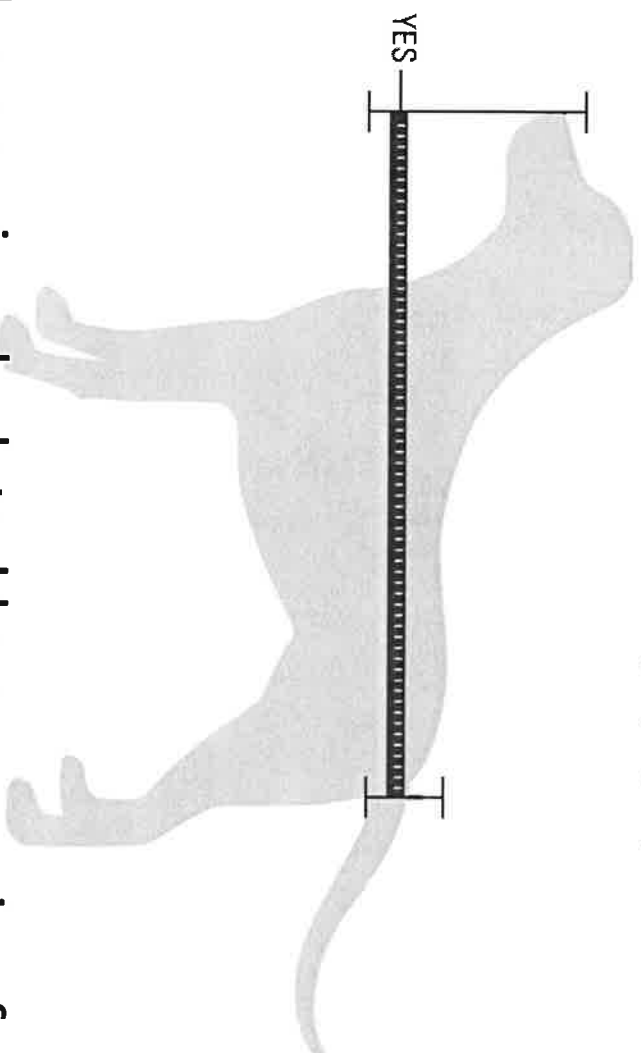
- Source: HSUS

## A USDA-licensed facility may legally:

- Confine dogs in cages only 6 inches larger than their bodies for their entire lives (it's even worse than it sounds as we'll see on the next slide)
- Provide only coated wire flooring in cages
- Deny dogs adequate exercise and socialization
- Keep dogs in frigid or sweltering temperatures for up to 4 hours
- Breed dogs repeatedly and excessively, without limits
- Provide no regular veterinary care beyond annual walk-through of facility

- Source: HSUS

## 9 CFR § 3.6 (c) (1)



- Length of the cage is calculated by measuring from the tip of the nose to the BASE of the tail and adding 6".
- Source: <https://www.law.cornell.edu/cfr/text/9/3.6>

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- Graphic modified from one located at:  
[https://www.agriculture.ny.gov/ai/small\\_animals/minimum\\_space\\_require\\_for\\_dogs.pdf](https://www.agriculture.ny.gov/ai/small_animals/minimum_space_require_for_dogs.pdf) (last accessed March 10, 2019).  
Graphic remains the property of its owner and is used here solely for non-commercial educational purposes.

## Jacobson's Claims re: USDA violations

"This is the process our pups go through before they are made available for sale:

1. All breeders are USDA licensed breeders with no violations..."

- Source: Bill Jacobson's email to Kristine Isnardi dated January 9, 2019

## Jacobson's Claims re: USDA violations

"Our source will not accept puppies from any breeder that has a USDA violations, that is fundamental..."

- Source: Bill Jacobson's email to all five commissioners dated January 15, 2019

## Marla Campbell & Roger Campbell (Kansas)

- “Our source **does** purchase puppies from this breeder, and therefore so do we.”
  - Attachment to Bill Jacobson’s email to all five commissioners dated January 15, 2019
- Since Mr. Jacobson specifically identified and called attention to this one particular breeder, they ought to be pillars of the industry, right?



- Mr. Jacobson stated, "... the USDA began withholding providing names of breeders to those who don't need to know as breeders have been harassed..."

- Source: Bill Jacobson's email to Commissioner Lober's dated March 18, 2019 (8:33 PM)

- Many records are older than I would like as a result of this withholding of breeder names.



STATE OF KANSAS  
BEFORE THE KANSAS DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:

Roger and Maria Campbell  
d/b/a Iris Lane Kennel  
266 90<sup>th</sup> Road  
Newton, Kansas 67114

Case No. 14 AH 10666

RESPONDENTS.

CONSENT AGREEMENT AND FINAL ORDER

This is a final order pursuant to the Kansas administrative procedure act, K.S.A. 77-501 *et seq.* (hereafter "KAPA"); the Kansas pet animal act, K.S.A. 47-1701 *et seq.*; and other such statutes and provisions of Kansas law that may be applicable.

A. PARTIES

The Kansas Department of Agriculture's Division of Animal Health ("KDA"), through its Animal Health Commissioner, William L. Brown ("Commissioner"), and Roger and Maria Campbell d/b/a Iris Lane Kennel ("Respondent"), do hereby affirm that they have agreed to settle the above captioned case without proceeding to an administrative hearing.

B. APPLICABLE LAW

1. Respondent may waive any right conferred upon the Respondent, except as otherwise precluded by the Kansas administrative procedures act, K.S.A. 77-504.
2. Nothing in the KAPA shall preclude the informal settlement of matters that may make other proceedings unnecessary. K.S.A. 77-505.
3. K.S.A. 47-1733 makes it unlawful for any person to act as or be an animal breeder unless such person has obtained an animal breeder license from the Commissioner.
4. An "animal breeder" is a person who operates an animal breeder premises. K.S.A. 47-1701(c). "Animal breeder premises" means any premises where all or part of six or more litters of dogs or cats, or both, or 30 or more dogs or cats, or both, are sold, or offered or maintained for sale, primarily at wholesale for resale to another. K.S.A. 47-1701(f).

5. K.S.A. 47-1709(b) provides, in part:

The commissioner or the commissioner's authorized, trained representatives may make an inspection of each premises for which a license or permit has been issued under K.S.A. 47-1701 *et seq.*, and amendments thereto. . . . The acceptance of a license or permit shall conclusively be deemed to be the consent of the licensee or permittee to the right of entry and inspection of the licensed or permitted premises by the commissioner or the commissioner's authorized, trained representatives at reasonable times with the owner or owner's representative present. . . .

6. The Commissioner, upon a finding that a person has violated or failed to comply with any provision of the Act or any rule or regulation adopted thereunder, may also impose on such person a civil fine not exceeding \$1,000 for each violation. K.S.A. 47-1707(a).

C. ORIGINAL CIVIL PENALTY

As stated in the Order Resolving Consent Agreement And Assessing Civil Penalty issued to Respondent on September 26, 2014 (ORDER), for violations of the Kansas pet animal act, K.S.A. 47-1701 *et seq.* and rules and regulations adopted pursuant thereto, \$6,500 in civil penalties were assessed.

D. SETTLEMENT TERMS

In full settlement, the Commissioner and Respondent hereby consents and agrees to the following terms:

1. Respondent hereby admits the Commissioner has the authority to enforce violations of the Kansas pet animal act, K.S.A. 47-1701 *et seq.*, and rules and regulations adopted pursuant thereto.
2. Respondent admits the jurisdictional statements contained in the ORDER.
3. Respondent stipulates to all findings of fact contained in the ORDER. They are incorporated by reference hereto as a part of this AGREEMENT.
4. Respondent neither admits nor denies the violations of law and/or regulations as set forth in the ORDER.
5. Respondent consents to the assessment of the civil penalty as stated in this AGREEMENT.
6. Roger Campbell is authorized to enter this agreement on behalf of Respondent.
7. By entering into this agreement, Respondent understands, accepts and agrees that Respondent is explicitly agreeing to be bound by all of the terms and conditions herein.

8. Respondent acknowledges that any and all future violations of the Kansas pet animal act, K.S.A. 47-1701 *et seq.*, and rules and regulations adopted pursuant thereto, may result in civil penalties, criminal penalties, and/or an action in district court for an injunction.
  9. The term of this AGREEMENT shall be three years, shall commence on the date this Consent Agreement and Final Order is entered, and shall run continuously until midnight on the date of conclusion.
  10. During the term of the AGREEMENT, KDA inspectors may conduct up to a total of six unannounced inspections of Respondent's premises during regular business hours, as defined by K.A.R. 9-18-2(c), to monitor Respondent's compliance with the AGREEMENT, and Respondent agrees to cooperate fully with the inspectors, to make no attempt to evade or hinder the inspectors' efforts, and to allow full and unrestricted access to the premises. If violations are observed during an unannounced inspection, the inspector may schedule a follow up inspection within a reasonable amount of time in order to ensure violations are corrected. Respondent agrees that any failure to cooperate with inspectors shall void this AGREEMENT and that KDA will commence prosecution of Respondent for the violations described in the ORDER.
  11. Respondent and KDA specifically and expressly agree and acknowledge that this Consent Agreement and Final Order is entered into freely, voluntarily, and with understanding of all terms for the purposes of settling and resolving the issues raised herein without resort to a formal evidentiary hearing.
  12. Respondent voluntarily and knowingly waives any and all rights conferred upon Respondent by KAPA, K.S.A. 77-501 *et seq.*, including the right to a hearing. Respondent voluntarily and knowingly waives the right to an appeal and review of this AGREEMENT and matters leading up to the execution of this AGREEMENT under the Kansas judicial review act, K.S.A. 77-601 *et seq.*
- E. ADJUSTMENT OF CIVIL PENALTY**
1. KDA agrees to reduce the amount of civil penalty set forth in the ORDER that is immediately payable from **\$6,500** to **\$1,500**.
  2. KDA and Respondent agree that the remaining **\$5,000** of the initial civil penalty shall be held in abeyance for the 3 year term of this AGREEMENT, contingent upon Respondent's compliance with the terms and conditions herein. If Respondent remains in compliance by not failing an inspection during the 3 year term of this AGREEMENT, KDA shall dismiss the remaining **\$5,000** of the initial civil penalty.
  3. KDA's adjustment to the civil penalty for the violation(s) stated in the ORDER is based upon the following mitigating factors:
    - a. Respondent is making a good faith effort to revise its operating procedures to

- comply with the Kansas pet animal act.
- b. Respondent has taken corrective action on-site.

**F. DUTIES OF RESPONDENT**

1. Respondent will return this AGREEMENT and **\$1,500 payment within 14 days** from the day this order was mailed. The signed AGREEMENT and payment shall be mailed to: Kansas Department of Agriculture, Legal Section, 1320 Research Park Drive, Manhattan, Kansas 66502.
2. Respondent shall comply with all aspects, conditions, and requirements of the Kansas pet animal act, K.S.A. 47-1701 *et seq.*, and amendments thereto, or rules, regulations, and orders issued thereunder.
3. If at any time during this AGREEMENT, Respondent moves to a new premise, Respondent agrees to furnish KDA with the new address and phone number(s) for such premises within 14 days of moving. Respondent acknowledges that the terms of this AGREEMENT shall apply to any premises owned, occupied, or operated by Respondent

**G. BREACH OF THIS AGREEMENT**

1. Respondent understands and agrees that failure to comply fully with all terms of this AGREEMENT shall constitute a breach of the AGREEMENT.
2. Respondent agrees that if Respondent fails to comply with any term of this AGREEMENT, KDA may immediately collect the civil penalty held in abeyance, and commence prosecution of Respondent for all provable violations by them of the Kansas pet animal act and regulations adopted thereunder, seeking all legal or equitable remedies.
3. Respondent understands and agrees that KDA may, upon discovery of a breach of this AGREEMENT, proceed to enforce the terms of the AGREEMENT pursuant to the Kansas administrative procedure act.
4. If the Commissioner finds Respondent has breached the terms of this AGREEMENT, the Commissioner may proceed to determine if Respondent violated the Kansas pet animal act, K.S.A. 47-1701 *et seq.*, and rules and regulations adopted pursuant thereto, as alleged in the ORDER based solely on the facts as stipulated herein. Respondent shall have the opportunity for a hearing only on the following issues:
  - a. Whether Respondent breached the Consent Agreement, and
  - b. Whether Respondent violated the Kansas pet animal act, and/or regulations as set forth in the ORDER based solely on the stipulated facts herein?

5. Respondent acknowledges that any factual statement, allegation, or legal conclusion contained herein, as well as Respondent's compliance with this AGREEMENT, may be considered by KDA in any future administrative or civil matters in which Respondent is involved.
6. If the Commissioner finds that Respondent breached the AGREEMENT and violated Kansas law and/or regulations as set forth in the ORDER, the Commissioner, or the Commissioner's designee, may impose such conditions or make such orders, including but not limited to the imposition of civil penalties, a definite suspension, an indefinite suspension, or revocation, of any license or permit issued under Kansas pet animal act, or such other action as allowed by law.

#### ORDER

COMES NOW, the Secretary of the Kansas Department of Agriculture and finds that:


1. A settlement conference on October 9, 2014, between staff members of the KDA Division of Animal Health and Respondent resulted in the terms and conditions contained within this Consent Agreement and Final Order and an adjustment to the civil penalty.
2. The AGREEMENT entered into by and between the Commissioner and Roger and Maria Campbell, d/b/a Iris Lane Kennel is the expressed written intent of the parties and the whole agreement between the parties.
3. The AGREEMENT as set forth above is fair, just, and equitable and should become part of this Final Order. The settlement terms, as negotiated and set forth herein, are in the public interest, and proceeding to a hearing in this matter is neither required nor requested.

IT IS ORDERED BY THE SECRETARY OF THE KANSAS DEPARTMENT OF AGRICULTURE that all of the terms and conditions of this AGREEMENT are hereby incorporated and made a part of this order. Upon completion of all terms and conditions of this AGREEMENT, the allegations contained in the ORDER shall be deemed resolved without entry of further order.

IT IS SO ORDERED THIS 4<sup>th</sup> DAY OF October, 2014, IN TOPEKA, SHAWNEE COUNTY, KANSAS.

  
Jackie McCluskey, Secretary  
Kansas Department of Agriculture

Approved by:

  
Holly Fenton, S. Ct. #23954  
Staff Attorney  
Kansas Department of Agriculture  
1320 Research Park Drive  
Manhattan, Kansas 66502  
Tele (785) 564-6718  
Fax (785) 564-6777  
Holly.Fenton@kda.ks.gov

I have read and clearly understand all of the terms and conditions of the Consent Agreement and Final Order set forth above. I am authorized to enter into this AGREEMENT. I attest and affirm that I am the rightful owner of the animals subject to this AGREEMENT.

ON BEHALF OF RESPONDENT:

By: Roger Campbell  
Roger Campbell  
Roger and Maria Campbell  
d/b/a Iris Lane Kennel  
Date 10-27-14

ON BEHALF OF KDA:

By: William Brown, DVM  
William Brown, DVM  
Animal Health Commissioner  
Date 31 Oct 14

CERTIFICATE OF SERVICE

I do hereby certify that on this 17<sup>th</sup> day of November, 2014, I sent a true copy of this Consent Agreement and Final Order by depositing it in the United States mail, postage prepaid, to the following:

Mr's Lane Kennel  
Attn: Roger Campbell  
266 90<sup>th</sup> Road  
Newton, Kansas 67114

Steve Kline  
Staff Person  
Kansas Department of Agriculture

USDA  
OALJ/OHC

Mar 15 PM 3:06

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE  
RECEIVED

In re:

AWA Docket No. 16-0132

MARIA CAMPBELL ROGER

)

16-0133

CAMPBELL, a Kansas general partnership;

)

MARIA CAMPBELL, an individual; and

)

ROGER CAMPBELL, an individual,

)

Respondents,

COMPLAINANT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(AWA or Act), and the regulations thereunder (9 C.F.R. Parts 1 and 2)(Regulations). Therefore the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Maria Campbell, Roger Campbell is a Kansas general partnership (Campbell Partnership) whose business mailing address is 266 90<sup>th</sup>, Newton, Kansas 67114. Maria Campbell and Roger Campbell are the partners in the Campbell Partnership. At all times mentioned herein, respondent Campbell Partnership was a dealer as that term is defined in the Act and the Regulations, and held AWA license number 48-A-1549.
2. Maria Campbell is an individual whose business mailing address is 266 90<sup>th</sup>, Newton, Kansas 67114. At all times mentioned herein, said respondent was a dealer as that term is defined in the Act and the Regulations, and was a partner in the Campbell Partnership.
3. Roger Campbell is an individual whose business mailing address is 266 90<sup>th</sup>,

Newton, Kansas 67114. At all times mentioned herein, said respondent was a dealer as that term is defined in the Act and the Regulations, and was a partner in the Campbell Partnership.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF ALLEGED VIOLATIONS AND GOOD FAITH

4. Respondents reported to APHIS receipt of \$103,047 from the sale of 321 animal in 2013-2014, and \$108,364 from the sale of 299 animals in 2014-2015. The alleged violation herein include numerous and repeated failures to meet the minimum requirements for the provision of veterinary care, and housing and husbandry for dogs. On September 23, 2013, the Campbell Partnership entered into a Settlement Agreement with APHIS and was assessed \$6,643 in civil penalties to resolve alleged violations stemming from inspections on November 27, 2012, February 5, 2013, April 1, 2013, and May 2, 2013.

ALLEGED VIOLATIONS

5. On or about February 10, 2015, and June 29, 2015, respondents failed to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection, in willful violation of the Act and the Regulations, 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.
6. On or about July 7, 2014, and November 17, 2014, respondents failed to make, keep and maintain accurate and complete records of 18 and 4 dogs respectively, in willful violation of the Regulations, 9 C.F.R. §§ 2.75(a)(7)(i), 2.75(c)(7)(v)(C).
7. On or about the following dates, respondents failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or

daily observation of animals, in willful violation of the Regulations, as follows:

- a. January 22, 2014. A female basset bound with no identification was observed to have a cloudy, red, and enlarged right eye, with discharge on the skin. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- b. January 22, 2014. A male pug (048 125 591) was observed limping and holding the left rear leg up as he walked. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- c. July 7, 2014. A female, red and white dachshund (067 370 314) had hair loss on her face, and the area with the hair loss was moist with creamy discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- d. July 7, 2014. A female basset bound with no identification was observed to be squinting and had a cloudy, pink left eye, with discharge around the eyelids. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- e. July 7, 2014. An adult female white Jack Russell terrier (4533242720) had hair loss on her face and the exposed skin was pink and scabby, and she also had dark debris coating several upper-right teeth and a red gum line and cheek, with white discharge. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- f. November 17, 2014. A male black and white Miniature Australian Shepherd with no identification (0516) had a heavy coating of dark brown matter on his cheek teeth on both sides of his mouth extending into the gum line, his gums were red and inflamed with a creamy white discharge at the gum line, and one tooth on the right was loose. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- g. November 17, 2014. An adult female white Jack Russell terrier (012298277) had a red, moist, hairless open wound on the right side of her upper neck

and cheek area and she had not received veterinary medical care. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

- h. March 24, 2016. An adult male brown dachshund (067330814) had a thick buildup of tartar on his premolar and molar teeth, the gums over the teeth were red and receded away from the teeth, there was a creamy discharge at the gum line of some teeth, and there was one loose upper incisor tooth. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).
- i. March 24, 2016. An adult female black and white French bulldog (093577310) was diagnosed with keratitis sicca on January 21, 2016, by respondents' attending veterinarian and prescribed treatment, but respondents failed to follow the treatment plan, and the dog's left eye was red, and had a thick green colored discharge on the cornea and a hazy appearance. 9 C.F.R. § 2.40(b)(2).
8. On or about the following dates, respondents failed to identify the following five dogs on the premises as required, in willful violation of section 2.50(a)(1) of the Regulations. 9 C.F.R. § 2.50(a)(1):
  - a. January 22, 2014. Respondents failed to identify one female basset bound.
  - b. July 7, 2014. Respondents failed to identify two Australian Shepherd dogs and one adult basset bound.
  - c. November 17, 2014. Respondents failed to identify three live dogs.
9. On or about the following dates, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum standards for dogs:
  - a. July 7, 2014. Respondents failed to construct three wire gates bordering enclosures containing six dogs so that the gates closed securely. 9 C.F.R. § 3.1(a).
  - b. July 7, 2014. Respondents failed to ensure that housing facilities for dogs



were free of excessive rust, and specifically, there was excessive rust on the lower portion of six galvanized metal wire divider fencing panels between enclosures housing 14 dogs. 9 C.F.R. § 3.1(c)(1)(i).

c. July 7, 2014. The interior fiberglass wallboard in an enclosure housing two dogs had an area of missing fiberglass with a jagged, sharp edge. 9 C.F.R. §§ 3.1(a), 3.1(e)(2).

d. July 7, 2014. There was a mixture of dirt, grease, and excreta on a fiberglass wallboard and on six metal entryway doors in two shelters housing 13 dogs. 9 C.F.R. § 3.1(e)(3).

e. July 7, 2014. Five enclosures housing five dogs had dried, caked fecal residue and other debris on the majority of the cement flooring. 9 C.F.R. § 3.11(f).

f. November 17, 2014. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair. 9 C.F.R. § 3.1(a), and specifically:

i. The metal clips used to secure the fencing in one enclosure had torn through the bottom of the divider fencing creating a gap between the fencing and the enclosure flooring;

ii. A gap existed between the enclosure fencing and enclosure frame on one enclosure affecting one dog; and

iii. A wire gate did not close securely against enclosure fencing, and there was a gap when dogs jumped on the gate, affecting two dogs.

g. November 17, 2014. There was carpeting in one enclosure with shredded ends. 9 C.F.R. § 3.1(e)(2).

h. November 17, 2014. There was a brown, greasy substance on four metal-

door food receptacles used by eight dogs. 9 C.F.R. § 3.9(b).

i. November 17, 2014. Four enclosures had dried, caked fecal residue and other debris on a portion of the cement flooring, affecting four dogs. 9 C.F.R. § 3.11(f).

j. April 1, 2015. Respondents failed to maintain surfaces and specifically, the carpet squares in three enclosures were torn and had shredded ends, affecting three adult dogs and four puppies. 9 C.F.R. § 3.1(c)(2).

k. April 1, 2015. The expanded metal flooring in one enclosure affecting one dog had a gap in the flooring. 9 C.F.R. § 3.6(a)(1).

l. August 4, 2015. There was a buildup of dried mud on 10 shelters in the outdoor housing facility. 9 C.F.R. § 3.1(c)(3).

m. August 4, 2015. Two shelters housing three boxer dogs in one outdoor enclosure were not as tall as the dogs. 9 C.F.R. § 3.4(b).

n. August 4, 2015. There were weeds higher than three feet around the outside perimeter of five of the outdoor housing facility enclosures. 9 C.F.R. § 3.11(e).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondents, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.62.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APJHS requests that this matter be conducted in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act and

warranted under the circumstances.

Done at Washington, D.C.  
this 15<sup>th</sup> day of July 2016

Kevin Shea  
Administrator  
Animal and Plant Health Inspection Service

LAUREN E. BECKER  
Attorney for Complainant  
Office of the General Counsel  
United States Department of Agriculture  
1400 Independence Avenue, S.W.  
Room 2343 South Building  
Washington, D.C. 20250-1400  
Telephone (202) 720-7753; 202-690-4299 (Fax)  
e-mail: lauren.becker@ogc.usda.gov

# Open & Honest ?

- “I would like to set up a meeting with Vice Chairman Bryan Lober, or any of the commissioners, or staff, along with a veterinarian to offer assistance in the pending ordinance process.”

- Source: Bill Jacobson’s email to all five commissioners dated January 11, 2019

- On February 18, 2019, I emailed Mr. Jacobson and requested the names of the breeders for 11 dogs which were previously referenced by him.

- Source: Commissioner Lober's email to Bill Jacobson dated March 18, 2019 (9:05 AM)

- Mr. Jacobson replied, “I will gladly show you the names at the meeting. I prefer not to send you the names...”

- Source: Bill Jacobson’s email to Commissioner Lober’s dated March 18, 2019 (8:33 PM)

- By then, I will have limited ability to perform any due diligence or to verify anything presented. You specifically asked me to reach out with questions and this is the one and only question I've asked of you...  
**Providing names at the meeting does nothing to protect those breeders** as you'd be releasing their names in an infinitely more public forum than you would by releasing them to me via email. As you're likely aware, the meetings are televised and available, perhaps indefinitely, on the internet...”
- Source: Commissioner Lober’s email to Bill Jacobson dated March 18, 2019 (8:59 PM)

## BCSO conducted site visit on February 12

- This item was on the BOCC agenda the first time on January 8, 2019.
- Mr. Jacobson knew of the BOCC's concerns at that time and knew this item would be coming back to the BOCC.
- On February 12, 2019, BCSO conducted a site visit of Mr. Jacobson's business to ensure statutory compliance with recordkeeping provisions.



## § 119 request to BCSO

- As Mr. Jacobson refused to produce the requested records, I submitted a public records request to BCSO and obtained some of his breeders' names.
- Keep in mind, as even
- First thing's first: Who is Mr. Jacobson's "source?"

Choice  
-P U P P I E S -  
Fruitch (X)

Jefferson City, MO 65102  
P.O. Box 600  
Veterinary Division  
Department of Agriculture  
Certificate of Veterinary Inspection

Faber (1981)

330579 Carmo F 11/04/2018 JAP CHN BLN & WH  
Chup# 056000011796115

PUPPIES PLUS PPAFL  
1700 West New Haven  
Needingburg, FL 32904

[illegible]

Dr. Angelika Verheulstom-Beyers / Address

[illegible]

Well Cook

127 N ROTHILL BLVD  
GOODMAN MO 64608

indicated vaccination (or treatment) were administered by the BREEDER prior to purchase of this dog by Choice Puppies. All information was provided by the BREEDER and that only reasonable assurances for vaccinations and treatments.



United States Department of Agriculture  
Animal and Plant Health Inspection Service

KPLUMLEE  
201602266013501 Insp\_Jd

### Inspection Report

Choice Puppies Inc  
121 N Royal Blvd  
Goodman, MO 64843

Customer ID: 4338  
Certificate: 43-B-0123  
Site: 001  
CHOICE PUPPES INC

Type: ROUTINE INSPECTION  
Date: 15 NOV 2016

#### 3.6(a)(2)(ix)

##### PRIMARY ENCLOSURES.

Many of the primary enclosures had surfaces, especially around the doors, that were discolored brown. These surfaces were made of white plastic that had scratches which apparently were preventing the surfaces from being cleaned and sanitized properly. Surfaces that cannot be cleaned and sanitized properly can harbor organisms that are harmful to the health of the dogs. The applicant must ensure that all surfaces in contact with the dogs can be readily cleaned and sanitized or be replaced when worn or soiled.  
TO BE CORRECTED BY DECEMBER 01, 2016.

#### 3.6(a)(2)(ix)

##### PRIMARY ENCLOSURES.

Two Japanese Chin puppies were together in an enclosure in the bathing area. The floor of the enclosure was made of metal in a mesh pattern. The back legs of one of the puppies repeatedly fell through the flooring openings to a point that most of the leg extended through the opening. The other puppy balanced on the mesh but appeared afraid to walk and would not move even when coaxed. Flooding that allows feet or legs to pass through can result in pain and injury to the dog. The applicant must ensure that flooring surfaces do not allow feet and legs to pass through.  
TO BE CORRECTED BY NOVEMBER 16, 2016.

#### 3.11(a)

##### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

Some wash-downs under primary enclosures housing puppies were being cleaned during the inspection. The employee was using a water hose with a nozzle for this task and water was splashing up into the enclosures and wetting the puppies. Splashing water can contaminate the puppies with fecal matter that can contain harmful organisms, wets the puppy's hair which makes it difficult to protect them from cold temperatures, and can be distressful to the puppies. The applicant must ensure that dogs are not harmed, wetted, or distressed during the

KONNIE PLUMLEE, DVM

Prepared By:

KONNIE PLUMLEE

USDA, APHIS, Animal Care

Date:

21-NOV-2016

Title: VETERINARY MEDICAL OFFICER - 6014

Received By:

(b)(6), (b)(7)(c)

Title: SENT VIA EMAIL

Date:

21-NOV-2016



United States Department of Agriculture  
Animal and Plant Health Inspection Service

KPLUMLEE  
201602266013501 Insp\_Jd

### Inspection Report

process of cleaning.  
TO BE CORRECTED BY NOVEMBER 16, 2016.

This inspection and exit interview were conducted with a facility representative.

#### Additional Inspectors

Michael Tygart, Veterinary Medical Officer

KONNIE PLUMLEE, DVM

Prepared By:

KONNIE PLUMLEE

USDA, APHIS, Animal Care

Date:

21-NOV-2016

Title: VETERINARY MEDICAL OFFICER - 6014

Received By:

(b)(6), (b)(7)(c)

Title: SENT VIA EMAIL

Date:

21-NOV-2016

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TO BE CORRECTED BY DECEMBER 01, 2016.

### **3.6(a)(2)(x)**

#### **PRIMARY ENCLOSURES.**

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TO BE CORRECTED BY NOVEMBER 16, 2016.

### **3.11(a)**

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United States Department of Agriculture    Customer: 4538  
Animal and Plant Health Inspection Service    Inspection Date: 15-NOV-16  
**Animal Inspected at Last Inspection**

Cust No	Cert No	Site	Site Name	Inspection
4538	43-B-0123	001	CHOICE PUPPIES INC	15-NOV-16

Count  
000343  
000343  
Species  
Dog Puppy  
Total

→ 343 Puppies



# Where did Choice obtain the puppies?

- In interest of time, I can't possibly go through all breeders.
- Let's look at one which I believe is representative of many.

Where did Choice obtain the puppies?

Choice -PUPPIES-				HEALTH RECORD
SHIH TZU				USDA# 43-B-123
Chip	ID #	Sex	COLOR	D.O.B.
956000010743192	T030676	female	GLD & WH	11/8/18
Breeder 48-A-2217 DEBRA S. DETERS 810 G ROAD, CENTRALIA, KS 66415				
Sire KS1690865-01 DETERS KASE				
Dam KS1393289-05 SHERRY AMBER ROSE				
AMERICAN CANINE ASSOCIATION 1/16" OPEN FONTANEL INGUINAL				

TYPE	MANUFACTURER	LOT #	EXPIRE
Pyrantel Pamoate	Not Specified	00884J	06/2019
Ivomec	Not Specified	12688	06/2019
Mobivac 1-DAPPV	Merck & Co	02121776B	11/2019
Fontanel Pamoate	Not Specified	00884J	06/2019
Ivomec	Not Specified	12688	06/2019
Fontanel Pamoate	Not Specified	00884J	06/2019

**March 10, 2014**

## Feces buildup beneath kennels...

## Infection...

STATE OF KANSAS  
ANIMAL HEALTH DEPARTMENT  
INSPECTION OF ANIMAL WELFARE LICENSEES

Name & Address of Facility  
Name: Dobbs-Dobbs  
Address: 810 G Rd  
Phone No: 857 3751 Area Code: 785

County: Wm  
License No: 053000RB  
Type: B-10-14  
Initial: ☐  
Route: DP  
Special: ☐  
Expiration Date: 06/15

Facility due for spring cleaning & weather has been extreme this winter and is just beginning to change.

- Trees building beneath kennel's needs to be removed (approx 2-3 lots of build-up)
- Interior due for cubicle/hairball removal underneath pens
- Whelp building set, highest flooring in (8) pens
- Maintenance of exterior building bases - minor areas of rusted ground concrete - Patch to prevent areas underneath building collecting waste
- Interior Maintenance - Minor caulking to seal areas between wall & floor
- replace (2) drain extensions - North side
- observed 1 cocker w/ ear infection, needs observed

Alena Detno Position  
Owner's Signature via server  
4/20/2014



# Debra Deters State of Kansas Inspection September 30, 2015

Rusting... —————  
Opening in cage where dog's  
extremities could get caught... —————

STATE OF KANSAS  
DEPARTMENT OF AGRICULTURE DIVISION OF ANIMAL HEALTH  
INSPECTION OF ANIMAL WELFARE LICENSES  
Name & Address of Facility: Animal Care & Training, Debra  
Name: Debra Deters Date: 9/30/15  
Address: 1480 D License: KB000530  
Phone No: 336-6565 Fax: 785  
City: Empire State: KS

5 in. x 5 in. - a few brackets on each side are missing, bottom of cage on west side missing. These need to be painted / sealed so they can be closed & latched. I will see a divider panel has small be attached as a dog doesn't get caught in it. Repair & replace in outside drum pipe.

Inspector's Signature: Debra Deters  
Facility Signature: Debra Deters  
Date: 9/30/15

# Debra Deters State of Kansas Inspection December 11, 2015

Dog found limping... →

Name: <u>VERA RAY</u>	County: <u>NIU</u>	License No: <u>C8082125</u>
Address: <u>810 E Rd</u>	City: <u>Centerville</u>	Zip Code: <u>64615</u>
Phone No: <u>857-3151</u>	Area Code: <u>785</u>	

Minor maintenance/surface issues

- North Building, south side, tighten clippers
- North Building interior top areas of enclosures check painting to seal exposed wood - not able to work on til spring
- minor paint throughout exterior of kennel to address minor rusting areas

Note - observed one dog limping in North Building no obvious injury present - check dog tomorrow, separate if necessary + seek medical attention

Signature: <u>Debra Deters</u>	Position: <u>1320 Research Blvd</u>	Inspection Signature: <u>Debra Deters</u>
CAJ	1320 Research Blvd	1320 Research Blvd
	Phone: 785-234-2125	Phone: 785-234-2125

Rusting... →

Unclean dog doors... →

STATE OF KANSAS  
DEPARTMENT OF AGRICULTURE DIVISION OF ANIMAL HEALTH  
INSPECTION OF ANIMAL WELFARE LICENSEES

Name & Address of Facility  
Name Duke Dicks  
Address 810 S. R.  
Phone No. 814-036 / Area Code 785

Date 11/29/16 County Nowata License No. AB000068  
Inspected Centerville Zip Code 66745

Inspection of Surfaces - Disinfectant of meat inspection  
cleaning - Disinfectant in the 00001 inspecting  
rooms & dead rooms

Signature Duke Dicks Position Inspector  
Inspector's Signature [Signature]

1380 Rosewood Rd., Newton, KS  
785-444-5141 (open lines only)  
785-444-5141 (open lines only)

# Debra Deters State of Kansas Inspection November 29, 2017

ID numbers for dogs missing... →

STATE OF KANSAS	
DEPARTMENT OF AGRICULTURE	DIVISION OF ANIMAL HEALTH
INSPECTION OF ANIMAL WELFARE LICENSERS	
Name of Address of facility	Name: <u>Debra Deters</u>
Address:	<u>810 G Rd</u>
Phone No:	<u>913-4-0361 Area Code 785</u>
Date:	<u>11/29/17</u>
County:	<u>Neosho</u>
City:	<u>Centerville</u>
Zip code:	<u>645</u>
<p><u>Pls</u> A couple of men showed &amp; used to be around (Outside) A little out on the large flowering woods &amp; outside - around in a couple of acres. Records - Pls a few identification numbers during on dog on hand list. A few holes of deters when &amp; how long left.</p>	
<p>* Debra May stated can hsc for her kennel. Owner Thomas Fidelity Nassari Double D Hocking ground has</p>	
<p>AD</p>	
Signature: <u>Debra Deters</u>	Position: _____
Inspector's Signature: <u>Thomas Nassari</u>	Inspector's Signature: _____

## Mr. Jacobson doesn't even know who is inspecting him.

- In an email to all five commissioners, dated February 22, 2019, Mr. Jacobson stated that, "While we believe our kennels are the best design for sanitary reasons, we are making an adjustment compromise to satisfy the County Health Inspector..."
- In an attachment to this email, he states, "This recent 'violation' is a first, I think perhaps due to confusing our kennel flooring with 'wire cages.'"
- He goes on to state, "WE OWE NO APOLOGIES TO ANYONE" as he blames the inspector for citing him rather than the underlying condition leading to the violation.
- Who actually cited Mr. Jacobson? Best I can tell, this was a USDA violation as we have no Brevard County employees tasked with inspecting pet stores.

### Protect from Injury

- No sharp points or edges
- Floors keep feet and legs from injury (falling through spaces in slats or mesh)
- No openings large enough to allow dog's head or body to pass through



Primary enclosures must have no sharp points or edges which could injure the dogs in the enclosure. Floors must be designed so that they prevent the dog's feet and legs from falling through spaces between slats or mesh. The enclosure must not have any openings large enough for a dog's head or body to pass through.

*Photo: D. Ausen: CFSPH: ISU*

- Source: [https://www.aphis.usda.gov/animal\\_welfare/downloads/breeders/dogs/9-Housing-Part-2-3-2016-SpeakerNotes.pdf](https://www.aphis.usda.gov/animal_welfare/downloads/breeders/dogs/9-Housing-Part-2-3-2016-SpeakerNotes.pdf) (last accessed March 10, 2019). Graphic remains the property of its owner and is used here solely for non-commercial educational purposes.

# Summary

- The AKC readily acknowledges that they do not endorse, in any way, pet stores and that they make no guarantee as to the quality or health of any animal.
- USDA “inspection” is largely meaningless. Objectively horrible breeders with a history of violations from state authorities (in states where such inspections take place) can pass USDA “inspection.”
- We cannot trust the industry to self regulate. They’ve proven, again and again, they do not take humane care of animals and that they’ll lie and mislead to continue operating in a profit above welfare manner.