

Investigative and Enforcement Services

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Settlement Agreement

RESPONDENT:

Kimberly Coleman
299 NE 400
Clinton, MO 64735

CASE NUMBER **MO09062-AC**

DUE ON OR BEFORE May 30, 2010
CONTACT Deirdre Jarvis
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DATE	CITATION	DESCRIPTION
4 OCT 2007	9 CFR 2.126	<u>Access and Inspection of Records and Property:</u> On this date at 10:30 am, there was no facility representative available to complete an inspection of the facility.
20 FEB 2008	9 CFR 2.40(b)(2)	<u>Attending Veterinarian and Adequate Veterinary Care (Dealers and Exhibitors):</u> There were outdated medications present during the inspection that need to be removed/disposed.
	9 CFR 2.75(a)(1)	Also present were 2 bottles of "worm" medication without labels.
	9 CFR 3.1(a)	<u>Records: Dealers and Exhibitors:</u> No current list of animals at the facility was available on this date. Also, an accurate system must be kept to identify all puppies at the facility.
	9 CFR 3.1(c)(1)(ii)	<u>Housing Facilities, General:</u> There were various sections of walls/thresholds of kennels that had been damaged by the dogs. These are in need of repair.
	9 CFR 3.1(f)	<u>Housing Facilities, General:</u> There were gaps at the bottom of kennels that could cause an animal to become trapped or injured. These need to be secured/repared.
	9 CFR 3.2(c)	<u>Housing Facilities, General:</u> There were accumulations of waste material located throughout the facility/buildings that needs to be collected and removed.
	9 CFR 3.4(b)(4)	<u>Indoor Housing Facilities:</u> The west kennel indoor building does not have adequate light to conduct an inspection or properly clean enclosures. Lighting needs to be added to provide night/day cycles for the health of the animals.
	9 CFR 3.6(a)(2)(i)	<u>Outdoor Housing Facilities:</u> The bedding provided for the dogs was contaminated and dirty. The level of the bedding was minimal approximately 1 inch on average and there were areas of bare concrete in the enclosures. The dogs need to be provided with dry, clean, temperature appropriate bedding.
	9 CFR 3.6(c)(1)	<u>Primary Enclosures:</u> The pen in the hutch type building has been chewed and damaged by the dog in it and needs to be repaired/replaced to fix the 4 inch opening that could cause injury or the dog could escape.
	9 CFR 3.6(c)(1)(iii)	<u>Primary Enclosures:</u> There were numerous pens that did not provide adequate/required space (square feet) for animals. They need to be provide with necessary space, minus the food areas.
		<u>Primary Enclosures:</u> There were numerous pens that did not provide adequate/required head space (6 inches above tallest dog) for animals. SEE CONTINUATION SHEET

PENALTY

\$8,250 .00

TERMS

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent:

Date:

Continuation Sheet for Kimberly Coleman – MO09062-AC

Date	Citation	Description
20 FEB 2008 Continued	9 CFR 3.11(d)	<u>Cleaning, Sanitation, Housekeeping, and Pest Control; Pest Control:</u> In the outdoor portion of the kennel building there were accumulations of bird fecal matter in and around the enclosures. This needs to be corrected to keep birds out and prevent the introduction of insect pests carried by the birds.
17 JUN 2008	9 CFR 2.126(a)(1)	<u>Access and Inspection of Records and Property:</u> There was no facility representative available to conduct an inspection on this dated at 9:30 am.
23 SEPT 2008	9 CFR 3.6(a)(2)(xii)	<u>Primary Enclosures:</u> The flooring in the sundowner building is sagging down and created a gap between the flooring and the partition. This needs to be secured/repared to prevent sagging or bending between the supports.
	9 CFR 3.11(a)	<u>Cleaning, Sanitation, Housekeeping, and Pest Control; Cleaning of Primary Enclosures:</u> The inside portion of the enclosures attached to the barn have several days accumulation of fecal and food waste. Primary enclosures as well as under the primary enclosure need to be cleaned more frequently to prevent pests, odor, and disease.
22 JAN 2009	9 CFR 2.126(a)(1)	<u>Access and Inspection of Records and Property:</u> There was no facility representative available to conduct an inspection on this dated at 9:45 am.
2 APR 2009	9 CFR 3.1(e)	<u>Housing Facilities, General:</u> In the sundowner building there was a large container used to store food that did not have a lid. Food and bedding storage must have tight fitting lids to protect from contamination and/or pests. There were rodent droppings outside of container along the floor.
	9 CFR 3.6(a)(2)(i)	<u>Primary Enclosures:</u> There is an enclosure that continues to have a damaged chain link fencing with a sharp point and an edge that could cause injury to the dogs.
	9 CFR 3.6(c)(1)(ii)	<u>Primary Enclosures:</u> Inside the whelping building there are enclosures that do not provide the required 6 inches of space between the top of dogs head (tallest in enclosure) to the top of the enclosure when dogs are in the standing position.
	9 CFR 3.6(c)(1)(i)	<u>Primary Enclosure:</u> Two primary enclosures that housed 4 dogs each, do not have the required floor space for the size dogs inside and provide the minimum floor space overall.
	9 CFR 3.6(a)(2)(xi)	<u>Primary Enclosures:</u> Inside the sundowner building, there are 4 enclosures that do not provide sufficient space for the enclosed dogs to lie in a comfortable normal position. In 2 of these enclosures there are 5 adult dogs and the other 2 enclosures had 4 adult dogs. They need to be able to sit, stand, turn about freely and lie in a comfortable position.
	9 CFR 3.8(a)	<u>Exercise for Dogs; dogs housed individually:</u> In two enclosures within the whelping building, there are dogs individually house that must be provided with exercise regularly, since there pens provide less than two times the required floor space.
	9 CFR 3.8(b)	<u>Exercise for Dogs; dogs housed in groups:</u> In the whelping building, in 2 enclosures that house 4 dogs, there is not 100 percent (per calculations) of the required floor space for dogs housed in groups.
	9 CFR 3.11(d)	<u>Cleaning, Sanitization, Housekeeping, and Pest Control:</u> In the sundowner building, there were excessive amounts of rodent droppings throughout this building. Rodent dropping were also observed around the uncovered food storage container.
	9 CFR 3.11(a)	<u>Cleaning, Sanitization, Housekeeping, and Pest Control:</u> The enclosures in the barn have excessive accumulations of fecal matter that covers approximately 50 to 75 percent of the total surface area and does not allow dogs an area that they can avoid contact with fecal matter. In the small shed-like building, again the fecal matter covers approximately 50 to 75 percent of the floor space. There is also an

20 JUL 2009	9 CFR 2.126(a)(1)	excessive accumulation of thick hardened excreta in the enclosures. <u>Access and Inspection of Records and Property:</u> At 9:45 am on this date, there was no facility representative available to conduct an inspection of the facility or records.
7 OCT 2009	9 CFR 2.40(b)(2)	<u>Attending Veterinarian and Adequate Veterinary Care (Dealers and Exhibitors):</u> An adult female dog, tattoo number 27, had an open fresh lesion on the right side of its torso approximately 3 inches in diameter and there was also a lesion on the right shoulder and the right side of its head that had not been seen by a Veterinarian.
	9 CFR 3.6(a)	<u>Primary Enclosures:</u> An enclosure in the sundowner building had wire mesh flooring that was sagging downward, causing a gap that could allow limbs or the whole dog to fall through and cause injury. This flooring needs to be repaired/replaced.
	9 CFR 3.11(a)	<u>Cleaning, Sanitization, Housekeeping, and Pest Control:</u> All of the outside enclosures on the "Morton" building and one enclosure on the inside have more than a daily build-up of feces and excreta. The excreta covered between 25 to 50 percent of the total surface of the enclosures. This needs to be cleaned more often to ensure that the dogs are allowed the freedom to avoid contact with excreta and to protect their health and well-being.
8 FEB 2010	9 CFR 2.40(b)(1)	<u>Attending Veterinarian and Adequate Veterinary Care (Dealers and Exhibitors):</u> In the whelping building there were medicines with expired dates, 2 bottles of Chinese Herb and Sample mixes that were not properly labeled, and a bottle of Levasole that was so old that the label could not be read. All medicines need to be kept up-to-date and labeled correctly.
	9 CFR 2.75(a)(2)	<u>Records: Dealers and Exhibitors:</u> The physical count of dogs available on this date was 228, but the "EZ Kennel Program" was showing a count of 162 dogs. The record of dogs present must be kept up-to-date to accurately reflect the number of dogs at the facility.
	9 CFR 3.4(b)(4)	<u>Outdoor Housing Facilities:</u> At the time of inspection the outside temperature was 31.5 degrees F, and was sleeting. The enclosures in the barn/garage had not had the bedding changed in 10 days, animals need to have clean, dry bedding, and especially if the ambient temperatures are below 50 degrees. As well as additional bedding when the temps go below 35 degrees or lower.
	9 CFR 3.6(a)(2)(xii)	<u>Primary Enclosures:</u> The flooring in the whelping building's enclosure have sagging flooring. There was observed braces underneath the cages but that was not controlling the sagging floor in the enclosures. Suspended flooring must be contrasted well enough to withstand the enclosed weight so that floors don't sag or bend between the structural supports.
	9 CFR 3.11(a)	<u>Cleaning, Sanitizations, Housekeeping, and Pest Control; Cleaning of Primary Enclosures:</u> The outside enclosures of the barn/garage had several days accumulations of fecal matter that needs to be cleaned and maintained to reduce odor, disease, and pests. The small building had several days accumulations of fecal matter and debris. Excreta and food wastes need to be removed daily.
	9 CFR 3.11(c)	<u>Cleaning, Sanitizations, Housekeeping, and Pest Control; Cleaning of Primary Enclosures:</u> The barn/garage area has excessive accumulations of trash in kennel area.
	9 CFR 3.11(d)	<u>Cleaning, Sanitizations, Housekeeping, and Pest Control; Pest Control:</u> In the adult building there was mice fecal matter around the sink, along the walls, and on top of the nebulizer. There needs to be a more stringent pest control program.