

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:

Cory Mincey, an individual,
doing business as Cory's Cuties and
Puppy Love Kennel.

Respondent.

AWA Docket No. [24-J-0020](#)

COMPLAINT

REC'D- USDA/OALJ/HCO
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There is reason to believe that the Respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), and the regulations (9 C.F.R. Part 2) (Regulations) and standards issued thereunder (9 C.F.R. Part 3) (Standards). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Cory Mincey is an individual who resides in the State of Missouri.
2. Respondent's mailing address will not be provided in the complaint to protect her personal privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of serving this complaint and future documents.
3. At all times material herein, Respondent did business as "Cory's Cuties" or as "Puppy Love Kennel."
4. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations.
5. Respondent held a USDA Class A "Breeder" license (No. 43-A-5947) until she voluntarily surrendered it on December 2, 2019.

ALLEGED VIOLATIONS

6. On or about March 19, 2019, Respondent violated the Act and the Regulations by failing to provide APHIS officials with access for inspection and/or make available a responsible adult to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(b).

7. On or about May 1, 2019, Respondent violated the Act and the Regulations by failing to provide APHIS officials with access for inspection and/or make available a responsible adult to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(b).

8. On or about September 4, 2019, Respondent violated the Regulations (9 C.F.R. § 2.40(b)) by failing to provide adequate veterinary care for animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries as follows:

a. A brown Poodle (“Tiana”) had a matted hair coat around the face, around the eyes, along the legs, under the tail, and over the dog’s back and abdomen. The dog also had a skin lesion that appeared moist and red with wet mucous material around the edges of the lesion. 9 C.F.R. § 2.40(b)(2).

b. A chocolate and tan Pomeranian (“Rico”) consistently held up its left front leg when sitting and when walking. The dog also had a dental condition that included a large accumulation of yellow to dark brown build-up on most of its teeth. The dog’s gums were reddened and there was a greyish material along the gumline of the right side of the upper cheek teeth. 9 C.F.R. § 2.40(b)(2).

9. On or about November 13, 2019, Respondent violated the Regulations (9 C.F.R. § 2.40(b)) by failing to provide adequate veterinary care for animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent,

control, diagnose, and treat diseases and injuries as follows: A chocolate and tan Pomeranian (“Rico”) had an accumulation of yellow to dark tan and brown to black build up covering the majority of the teeth. The dog’s gums were reddened and had receded along some of the teeth. The dog had not been treated as directed by a veterinarian, and no arrangements had been made for dental cleaning. C.F.R. § 2.40(b)(2).

10. On or about November 13, 2019, Respondent violated the Regulations (9 C.F.R. § 2.50) by failing to identify dogs, as required, as follows: Respondent failed to properly identify six puppies from two different litters that were commingled together. 9 C.F.R. § 2.50(a)(2).

11. On or about November 13, 2019, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:

a. Respondent failed to maintain surfaces within housing facilities on a regular basis and in a manner that allows for adequate cleaning and sanitizing. Specifically, there were multiple surfaces that were chewed or in disrepair, including the following:

i. A fiber board wall was chewed along its edge near the entry door of the indoor portion of an enclosure housing Siberian Husky puppies. 9 C.F.R. § 3.1(c)(2).

ii. An igloo style shelter in an outdoor enclosure housing Siberian Huskies had a hole on the top of the tunnel portion of the enclosure and the edges on the flap of the unit were chewed. 9 C.F.R. § 3.1(c)(2).

iii. The back of a wooden shelter for an outdoor enclosure housing a Saint Bernard had a hole in the top corner of the unit. 9 C.F.R. § 3.1(c)(2).

iv. Two water receptacles in the outdoor enclosure housing adult dogs had roughened edges that were significantly chewed. 9 C.F.R. § 3.1(c)(2).

v. The access door in an enclosure in the whelping building had chewed edges. 9 C.F.R. § 3.1(c)(2).

b. Respondent failed to ensure potable water was available to dogs at all times. Specifically, after a water bowl in an enclosure with a Pomeranian and her puppies was filled with water, the dam drank immediately and continuously for over ninety seconds. The facility representative stated that the last time the animals were given water was the evening before the inspection. 9 C.F.R. § 3.10.

c. Respondent failed to remove excreta from primary enclosures daily as required to minimize health hazards. Specifically, multiple enclosures contained an accumulation of feces. The whelping building housing Saint Bernards and a Boxer had an accumulation of fecal material in the outdoor portion of the enclosure that was mashed, smeared and splattered, covering most of the entire outdoor flooring. The dogs were unable to navigate the enclosure without walking, standing, sitting or lying in the fecal material. 9 C.F.R. § 3.11(a).

d. Respondent failed to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards within some enclosures. Specifically, there were hard surfaces with a build-up of dirt and grime, including walls, floors and two food receptacles. 9 C.F.R. § 3.11(b)(2).

e. Respondent failed to keep the premises surrounding the outdoor facility clean and clear of an accumulation of trash, junk, yard waste and discarded matter. Specifically, several miscellaneous discarded items and debris accumulated outside of the whelping building. 9 C.F.R. § 3.11(c).

12. On or about November 18, 2019, Respondent violated the Act and the Regulations

by failing to provide APHIS officials with access for inspection and/or make available a responsible adult to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(b).

13. Between approximately January 2, 2020, and March 12, 2021, Respondent operated as a dealer as that term is defined in the Act and the Regulations, without having obtained a license from the Secretary to do so, in violation of Section 2134 of the Act (7 U.S.C. § 2134) and Section 2.1(a)(1) of the Regulations (9 C.F.R. § 2.1(a)(1)) on or about the following dates:

a. January 2, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Jodi Ndemo, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

b. February 22, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Steve Ralston, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

c. February 27, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Dorinne Rodriguez, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

d. February 27, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Susan Devlin, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

e. March 4, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to William Bailey, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

f. March 4, 2020. Respondent advertised, sold, and transported or delivered for

transportation one Pomeranian puppy to Shevonda Parker, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

g. May 8, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Valerie Coleman, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

h. May 11, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Jason Villegas, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

i. May 11, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher to Kelly Drotar in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

j. May 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Deborah Ferrari, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

k. May 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Tanya Handy, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

l. May 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Eleasa Hulon, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

m. May 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Michelle Williams, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

n. May 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Lindsay West, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

o. May 15, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher to Cynthia Olivares, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

p. May 15, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pincher puppy to Brenda Harrison, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

q. May 15, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Alisha Wilson, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

r. May 28, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pincher puppy to Brenda Harrison, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

s. July 18, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Cheyenne Bickel, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

t. August 6, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Michelle Gabutti, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

u. September 17, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Rob and Amber Englert, in commerce,

for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

v. September 22, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Margarita Villalba, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

w. September 23, 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher puppy to Megan Burks, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

x. October 14, 2020. Respondent advertised, sold, and transported or delivered for transportation one Pomeranian puppy to Emely Aviles, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

y. December 2020. Respondent advertised, sold, and transported or delivered for transportation one Miniature Pinscher to Deborah Ferrari, in commerce, for use as a pet, without a valid USDA license. 7 U.S.C. § 2134, 9 C.F.R. § 2.1(a)(1).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, violated the Act and regulations promulgated thereunder, this complaint shall be served upon Respondent. Respondent shall have twenty (20) days after service of this complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-1400, in accordance with the applicable Rules of Practice (7 C.F.R. §§ 1.130-162.13). Failure to deny or otherwise respond to any allegation in this complaint shall constitute an admission of the allegation. Failure to file an answer within the prescribed time shall constitute an admission of the allegations in this complaint and a waiver of hearing. Complainant requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by

the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington, D.C.
this ____ day of _____ 2023

**MICHAEL
WATSON**

Digitally signed by MICHAEL
WATSON
Date: 2023.11.21 13:26:49 -05'00'

Dr. Michael Watson
Acting Administrator
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