

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO
2024 JUL 1 8:30 AM

In re:

Mary Moore, an individual,
doing business as D&M Kennel and
Mary's Precious Puppies

Respondent.

AWA Docket No. [24-J-0070](#)

COMPLAINT

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 Mary Moore ("Respondent") is an individual whose address is in the State of Kansas. The Respondent's address will not be provided in the Complaint to protect the Respondent's personal privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of the Complaint and future documents.
2. At all times material herein, Respondent did business as "D&M Kennel" or "Mary's Precious Puppies."
3. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held AWA Class A "Breeder" license No. 48-A-1153.
4. Respondent's license was cancelled on August 14, 2023.

ALLEGED VIOLATIONS

5. On or about September 8, 2022, Respondent violated the Regulations (9 C.F.R. 2.75(a)(1)) by failing to make, keep, and maintain records or forms which fully and correctly disclose the required information concerning each dog purchased or otherwise acquired, owned, held or otherwise in her possession or under her control, or which is transported, euthanized, sold, or otherwise disposed of, as follows: cage card information for 75 puppies was incomplete. The identification used by Respondent on 75 puppies was missing, and 30 puppies had no cage card information. 9 C.F.R. § 2.75(a)(1).

6. On or about May 2, 2023, Respondent violated the Regulations (9 C.F.R. § 2.50) by failing to identify dogs, as required, as follows: a Keeshond did not have any official identification. 9 C.F.R. § 2.50(a).

7. On or about May 2, 2023, Respondent violated the Regulations (9 C.F.R. § 2.75(a)(1)) by failing to make, keep, and maintain records or forms which fully and correctly disclose the required information concerning each dog purchased or otherwise acquired, owned, held or otherwise in her possession or under her control, or which is transported, euthanized, sold, or otherwise disposed of, as follows: the record of acquisition information for dogs accounted for 188 adult dogs, but there were 228 adult dogs at the facility at the time of inspection. 9 C.F.R. § 2.75(a)(1).

8. On or about May 2, 2023, Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

a. Self-feeders in the large dog building had a build-up of grime and food debris on the inside of the “bowl” section in contact with the food. 9 C.F.R. § 3.11(b)(2).

b. In the big dog building, the edges of the water buckets were chewed and soiled. 9

C.F.R. § 3.11(b)(2).

c. Respondent failed to ensure a complete physical examination from head to tail of each dog by the attending veterinarian not less than once every 12 months. Medical records retained by Respondent identified that the dogs were most recently examined on November 22, 2021. 9 C.F.R. § 3.13(a)(2).

d. Respondent failed to satisfy the heartworm sampling requirements stated in the Program of Veterinary Care. Additionally, the Program of Veterinary Care failed to state a sampling requirement for other parasites including intestinal parasites. 9 C.F.R. § 3.13(a)(3).

9. On or about May 2, 2023, 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, and/or daily observation of animals, as follows:

a. A Keeshond was non-weight bearing on the left, front leg when walking and sitting. There was an area of thickened, red skin with hair loss on the inside of the leg between the paw and the elbow. Respondent had not consulted a veterinarian about the dog's condition. 9 C.F.R. § 2.40(b)(2).

b. There were 13 dogs with heavily matted coats that pulled at the skin, and many were soiled with fecal matter and debris. Two dogs' anuses were obstructed by the matted hair. 9 C.F.R. § 2.40(b)(2).

c. Respondent stated that approximately three weeks before the inspection, Respondent applied a band to the tails of three Australian Shepherd puppies to dock them, and the tails fell off. 9 C.F.R. § 2.40(b)(2).

10. On or about May 3, 2023, 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, and/or daily observation of animals, as follows:

a. There were 14 dogs with matted hair coats that pulled at the skin, and many were soiled with fecal matter and debris. 9 C.F.R. § 2.40(b)(2).

b. Four dogs cited during the May 2, 2023, inspection were unable to be re-evaluated. Respondent stated that the dogs were not groomed, and their hair coats had not changed following the May 2, 2023, inspection. 9 C.F.R. § 2.40(b)(2).

11. On or about May 4, 2023, 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, and/or daily observation of animals, as follows: a white Bichon (microchip ending in 69759) had thickened skin of the right ear canal, with mild brown debris around the narrowed ear canal. 9 C.F.R. § 2.40(b)(2).

12. On or about May 30, 2023, 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, and/or daily observation of animals, as follows: a Keeshond was non-weight bearing on its right front leg with two areas of thickened, red skin with hair loss. Respondent had not consulted a veterinarian about this dog's condition. 9 C.F.R. § 2.40(b)(2).

13. On or about May 30, 2023, Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: the temperature of the sheltered dog

building that housed 16 adult dogs and four puppies was 88.2°F at 12:00 p.m. The temperature was re-evaluated four hours later, and the temperature ranges were 90.2°F, 92.4°F, 92.6°F, and 93.2°F. Many of the dogs were panting and some had elongated and “spoon shaped” tongues. 9 C.F.R. § 3.3(a).

14. On or about May 30, 2023, Respondent violated the Regulations (9 C.F.R. § 2.50(a)) by failing to identify dogs, as required, as follows: a Keeshond and 10 puppies in various enclosures did not have any official identification. 9 C.F.R. § 2.50(a).

15. On or about May 30, 2023, Respondent violated the Regulations (9 C.F.R. 2.75(a)(1)) by failing to make, keep, and maintain records or forms which fully and correctly disclose the required information concerning each dog purchased or otherwise acquired, owned, held or otherwise in her possession or under her control, or which is transported, euthanized, sold, or otherwise disposed of, as follows: there were no inventory records for 76 puppies on the premises. 9 C.F.R. § 2.75(a)(1).

16. On or about May 30, 2023, Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

a. Respondent housed some dams and their puppies in the house with the pet dogs in a room with a wood floor that was soiled with grime and excreta and did not appear to be able to be readily cleaned and sanitized. 9 C.F.R. § 3.1(c)(1)).

b. There was a strong odor of urine and ammonia in the large dog building. Respondent opened some windows and added a large fan, but the odor of urine and ammonia remained. 9 C.F.R. § 3.3(b).

c. Respondent failed to meet the standard for primary enclosures, as follows:

i. A newly born puppy was found in an enclosure accessible to dogs that were

not the puppy's dam. 9 C.F.R. § 3.6(c)(2).

ii. A puppy under four months of age and its dam were living in Respondent's house with a large group of dogs. 9 C.F.R. § 3.6(c)(2).

iii. A litter of seven Australian Shepherd puppies were running loose outside with their dam and six other adult dogs. 9 C.F.R. § 3.6(c)(2).

iv. The litter of seven Australian Shepherd puppies running loose outside with their dam and six other adult dogs were fed in the garage area. One of the puppies was sitting in front of a self-feeder and an adult dog that was not its dam was growling at it as it attempted to access the food. 9 C.F.R. § 3.6(c)(2).

d. The self-feeders in the large dog building, as well as the feeder in the garage area for the yard dogs, had a build-up of grime and food debris on the inside of the "bowl" section in contact with the food. 9 C.F.R. § 3.11(b)(2).

e. There were rodent droppings and an excessive number of insects in building 4 and other buildings. 9 C.F.R. § 3.11(d).

f. Respondent failed to have enough employees to carry out the required level of husbandry practices and care for the number of dogs at the facility. Although Respondent recently added an additional person, the non-compliant items identified in the previous inspection report remained uncorrected. 9 C.F.R. § 3.12.

g. Respondent failed to ensure a complete physical examination from head to tail of each dog by the attending veterinarian not less than once every 12 months. Medical records retained by Respondent identified that the dogs were most recently examined on November 22, 2021. 9 C.F.R. § 3.13(a)(2).

h. Respondent failed to satisfy the heartworm sampling requirements stated in the

Program of Veterinary Care. Additionally, the Program of Veterinary Care failed to state a sampling requirement for other parasites including intestinal parasites. 9 C.F.R. § 3.13(a)(3).

i. Respondent failed to keep and maintain copies of medical records for dogs and make the records available for inspection, as follows:

i. Respondent failed to maintain records to document the administration of all vaccines and deworming for the puppies on the premises. 9 C.F.R. § 3.13(b).

ii. Respondent failed to document the identity, breed, sex, and age of each adult dog present at the time physical exams were performed on November 22, 2021. 9 C.F.R. § 3.13(b).

iii. Respondent failed to maintain medical records for the limping Keeshond following the inspection dated May 2, 2023, including records documenting the progression of the condition, the new skin lesions, and altered gait. 9 C.F.R. § 3.13(b).

17. On or about May 31, 2023, 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, and/or daily observation of animals, as follows: a Keeshond was non-weight bearing on its right leg with two areas of thickened, red skin with hair loss. Respondent had not consulted a veterinarian about the dog's condition. 9 C.F.R. 2.40(b)(2).

18. On or about June 22, 2023, Respondent violated the Regulations (9 C.F.R. § 2.75(a)(1)) by failing to make, keep, and maintain records or forms which fully and correctly disclose the required information concerning each dog purchased or otherwise acquired, owned, held or otherwise in her possession or under her control, or which is transported, euthanized, sold, or otherwise disposed of, as follows: Respondent did not have the required disposition records for

43 puppies transferred to rescues on two separate occasions. 9 C.F.R. § 2.75(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. § 1.136). 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. APHIS 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 _____ 2024

MICHAEL WATSON Digitally signed by MICHAEL
WATSON
Date: 2024.06.28 14:47:44 -04'00'

Dr. Michael Watson
Administrator
Animal and Plant Health Inspection Service

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