

LICENSED BREEDERS ADVISORY COMMITTEE MEETING

Meeting of January 11, 2016
Compliance Division Report
Russel Taulli, Program Specialist

Legislative update from the 84th Regular Session:

- No legislation was passed (or even proposed) that amended Chapter 802 of the Occupations Code.

Licensing statistics:

- 172 currently licensed
- 16 new breeder licenses granted in 2015

Enforcement Cases:

- There have been 30 administrative orders issued in this program since 2013
- 29 of the orders involved unlicensed activity (the respondent acting as, offering to act as, or representing that they were a dog or cat breeder when they did not hold a license)

Pre-license inspections:

- Inspections are now handled by Field Operations Division. Field Operations was created as a separate division. Compliance Division no longer conducts field inspections.

The Licensed Dog or Cat Breeder Training and Enforcement Account:

- A new webpage has been created to announce the Training and Enforcement account. A copy of the text is provided with this report.
- No donations have been made to the account and no expenditures have been made.

Annual Inventory Form:

- The annual inventory form must be completed and sent to TDLR no later than February 1st.
- TDLR will send an email reminder to each licensed Breeder during the first week of January.

Typical Customer Inquiries asked of Compliance:

- Whether or not a suspected breeder is licensed with TDLR.
- Whether or not there is a maximum number of animals that is allowed to be owned by a Breeder.
- Must Breeders operate in an area zoned for “commercial use”?
- How do I obtain a copy of my pet’s certificate of registration?
- What health records must a Breeder keep for their animals?
- How can I be exempt for having to obtain a Breeders’ License?

LICENSED BREEDERS

Licensed Dog or Cat Breeder Training and Enforcement Account Donations

Welcome to the Licensed Breeder Training and Enforcement Account donation page. Help TDLR implement this program and enforce the law by making a tax-deductible donation in any amount. Every dollar can make a difference!

Donations are accepted online, via our secure processing system. If you'd rather use physical mailing, you should download the donation form (166kb PDF) and enclose it with your tax-deductible contribution. We also accept cash donations at our 8th Floor Cashier's Window, 920 Colorado, in downtown Austin.



How will my money be used?

Donations to this account will be used to:

- Pay for information that results in disciplinary action against a person for acting as a dog or cat breeder in Texas without a license;
- Promote consumer awareness of the Licensed Breeders program, laws and rules;
- Support educational seminars and training activities designed to help implement the Licensed Breeder program.



Where does money in the account come from?

Anyone can make a tax-deductible donation, gift or grant to the account, in any amount. In addition, all fines assessed by TDLR for violations of this law will be deposited into the account.

Who has oversight of this account?

The executive director of TDLR must approve any expenditure from this account. TDLR will report its use of funds from this account in its quarterly financial report to the Texas Commission of Licensing and Regulation.



Questions or comments? Please contact us at 800-803-9202, or by email at breeders@tdlr.texas.gov

LICENSED BREEDER ADVISORY COMMITTEE

Enforcement Division Staff Report January 11, 2016

Industry Contacts

- On September 6, 2014, Investigator Don Vara and Prosecutor Sharesa Alexander attended a meeting for the Texas Human Legislation Network (THLN) in Dallas. Staff provided information on licensed breeder laws and rules, and how they are administered by TDLR.
- The first Wednesday of every month Investigator Don Vara attends a monthly cross check meeting with multiple law enforcement agencies. At these meetings, Investigator Vara continually updates law enforcement on breeder requirements.

Case Highlights

- On August 19, 2013, an agreed order was entered against Ricardo Gonzalez, d/b/a Big and Best Friends, assessing an administrative penalty of \$1,500 for acting as a dog breeder without a license.
- On April 23, 2014, an agreed order was entered against Fairytail Puppies assessing an administrative penalty of \$1,500 for acting as a dog breeder without a license.
- On August 12, 2014, a default order was entered against Debra Dickey assessing an administrative penalty of \$3,000 for acting as a dog breeder without a license.
- On August 13, 2014, a default order was entered against Tiffany Burlison, d/b/a Texas Tiny Paws, assessing an administrative penalty of \$3,000 for acting as a dog breeder without a license.
- On October 17, 2014, a default order was entered against Cecilia Johnson assessing an administrative penalty of \$3,000 for acting as a dog breeder without a license.
- On December 3, 2014, an agreed order was entered against Vicky Harman, d/b/a Vicky's Toy Puppies, assessing an administrative penalty of \$1,500 for acting as a dog breeder without a license.

Key Statistics -- Fiscal Year 2014 Numbers

Shown below are the key statistics for the Licensed Breeder program and for all TDLR programs combined, for Fiscal Year 2014.

<u>Statistic</u>	<u>BRE</u>	<u>TDLR</u>
• Number of cases opened:	241	12,172
• Number of cases resolved:	110	11,346
• Number of Agreed Orders:	8	1,924
• Total amount of penalties assessed:	\$ 18,000	\$3,665,279
• Total amount of penalties collected:	\$ 8,500	\$1,927,716

Key Statistics -- Fiscal Year 2015 Numbers

Shown below are the key statistics for the Licensed Breeder program and for all TDLR programs combined, for Fiscal Year 2015.

<u>Statistic</u>	<u>BRE</u>	<u>TDLR</u>
• Number of cases opened:	122	10,460
• Number of cases resolved:	272	13,105
• Number of Agreed Orders:	6	2,267
• Total amount of penalties assessed:	\$ 10,875	\$4,534,675
• Total amount of penalties collected:	\$ 5,225	\$2,308,375

Licensed Dog and Cat Breeders Advisory Committee

Field Operations Division Report



January 11, 2016

MOST COMMON VIOLATIONS

Breeder Most Common Violations Found During Inspections:

- 1. Standards of Care – Veterinary Care.** - 16 Tex. Admin. Code Ch. 91.112(d). Breeding cycles. A licensed breeder shall provide breeding females adequate rest between breeding cycles as recommended by a veterinarian based on the breed, age, and health of the individual breeding female and documented by a veterinarian in the medical records related to each animal.
- 2. Standards of Care – Exercise of Dogs.** - 16 Tex. Admin. Code Ch. 91.106(a). A licensee must develop, document, and follow an appropriate plan to provide dogs with the opportunity for daily exercise. In addition, the plan must be approved by a veterinarian and documented by a veterinarian in the medical records related to each dog. The plan must include written standard procedures to be followed in providing the opportunity for exercise.
- 3. Standards of Care - Routine and preventative care.** - 16 Tex. Admin. Code Ch. 91.112(c). Failed to have the written health care management protocol contain all required health care records, including all authorized exemptions approved by a veterinarian.
- 4. Standards of Care – Housing General.** - 16 Tex. Admin. Code Ch. 91.100(1). Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.
- 5. Standards of Care – Veterinary Care.** - 16 Tex. Admin. Code Ch. 91.112(c)(2). Routine and preventative care. A licensed breeder shall develop and maintain at each of the breeder's facilities a written health care management protocol approved by a veterinarian that addresses routine and preventative healthcare for each animal in the facility. The written health care management protocol required by this section must contain all health care records required by this chapter including all exemptions authorized by this chapter and approved by a veterinarian.
- 6. Responsibilities of Licensee – Annual Inventory.** - 16 Tex. Admin. Code Ch. 91.76(a). Not later than February 1 of each year, a licensed breeder shall submit to the department, on a form prescribed by the department, an accounting of all animals held at the facility at any time during the preceding calendar year.
- 7. Standards of Care – Housing General.** - 16 Tex. Admin. Code Ch. 91.100(5). Storage. Supplies of food and bedding must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The supplies must be

stored off the floor and away from the walls, to allow cleaning underneath and around the supplies. Foods requiring refrigeration must be stored accordingly, and all food must be stored in a manner that prevents contamination and deterioration of its nutritive value. All open supplies of food and bedding must be kept in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. Substances that are toxic to the dogs or cats but are required for normal husbandry practices must not be stored in food storage and preparation areas, but may be stored in cabinets in the animal areas.

8. Standards of Care – Housing General. - 16 Tex. Admin. Code. Ch. 91.100(2). Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices. Housing facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks, and raccoons are prevented from entering it.

9. Standards of Care—Primary Enclosure. - 16 Tex. Admin. Code Ch. 91.104(1)(b) General requirements. Primary enclosures must be constructed and maintained so that they: have no sharp points or edges that could injure the dogs and cats; protect the dogs and cats from injury; contain the dogs and cats securely; keep other animals from entering the enclosure; enable the dogs and cats to remain dry and clean; provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to all the dogs and cats; provide sufficient shade to shelter all the dogs and cats housed in the primary enclosure at one time; provide all the dogs and cats with easy and convenient access to clean food and water; enable all surfaces in contact with the dogs and cats to be readily cleaned and sanitized in accordance with §91.109(b), or be replaceable when worn or soiled; have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor; provide sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie without its body being in contact with at least one side of the shelter walls in a comfortable, normal position, and to walk in a normal manner; and if the suspended floor of a primary enclosure is constructed of metal strands, the strands must either be greater than 1/8 of an inch in diameter (9 gauge) or coated with a material such as plastic or fiberglass. The suspended floor of any primary enclosure must be strong enough so that the floor does not sag or bend between the structural supports.

10. Standards of Care – Watering. - 16 Tex. Admin. Code Ch. 91.108. If potable water is not continually available to the dogs and cats, it must be offered to the dogs and cats as often as necessary to ensure their health and well-being, but not less than twice daily for at least 1 hour each time, unless restricted by a veterinarian. Water receptacles must be kept clean and sanitized in accordance with §91.109(b), and before being used to water a different dog or cat or social grouping of dogs or cats.

DIVISION PROJECTS

New Technology – Mobi Route Optimization

The Field Operation's Liaisons, Fernando Reyes, Shawn O'Neal, and Morgan Okeefe each hosted a Mobi feedback session in their regions. We are reviewing this input to make improvements, if possible and in preparation for phase II implementations.

New Technology – E-Inspection

In anticipation of an E-Inspection process, Liaisons and Managers are updating the list of violations for the Barbers, Cosmetology, Towing, Vehicle Storage Facility, Vehicle Booters, Used Automotive Parts Recyclers, and Licensed Dog and Cat Breeders that will be uploaded into an E-Inspection program. We are also working with Kenny Wright, Project Manager, and Teresa Alvarez, Systems Analyst to develop a plan describing all the tasks involved in implementation.

DIVISION PERSONNEL UPDATES

New Hire Training

December 15, 2015 we will begin new hire training with Juan Munoz, South Region Inspector for the Waco/Killeen/Temple area and Joe Carrasco, North Region Inspector for the Dallas/Fort Worth area.

On January 4, 2016 Duc Nguyen and Tisha Miller, East Region Inspectors for the Houston area will start with TDLR.

North Region Inspector Samuel Hernandez resigned as of Friday, December 18 2015.

Inspection Statistics Totals

	LB	
	FY 2016	FY 2015
SEPT	0	0
OCT	20	5
NOV	40	6
QTR 1	60	11

Cat or Dog Breeder Advisory Board
January 11, 2016
Licensing Statistics

Licensed Breeders	FY 2016 (12/30/2015)	FY 2013 (08/12 - 7/13)			
New Licensenses Issued	7	160			
Renewals Issued	2	2			
Total Population	167	173			