

LICENSING DIVISION

Staff Report – Sept. 23, 2020

Statistics

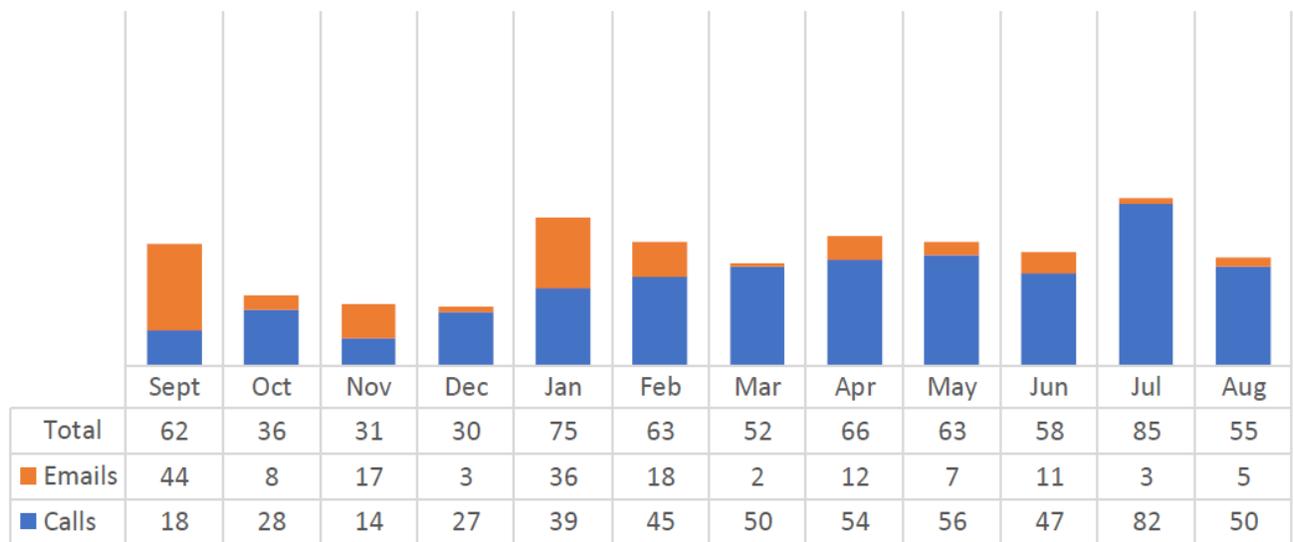
<i>Licensed Breeders</i>	<i>FY '20</i>	<i>FY '19</i>
<i>New Licenses Issued</i>	13	9
<i>Renewals Issued</i>	133	142
<i>Cat Breeders</i>	5	4
<i>Dog Breeders</i>	157	155
<i>Cat & Dog Breeders</i>	3	2
<i>Total Population</i>	159	157

CUSTOMER SERVICE

Staff Report – Sept. 23, 2020

Statistics

LICENSED BREEDERS
CUSTOMER SERVICE CONTACTS
FISCAL YEAR 2020



ENFORCEMENT DIVISION

Staff Report – Sept. 23, 2020

Personnel Updates

On March 1, John Medlock was promoted to Chief Prosecutor. John has worked for TDLR for 7 years, previously serving as a Prosecutor and Senior Prosecutor in the Enforcement Division.

On May 1, Trevor Theilen was promoted to Senior Prosecutor. Trevor has worked for TDLR for 9 years as a Prosecutor in the Enforcement Division.

On February 15, Jackie Revilla was promoted to Legal Assistant Supervisor. Jackie has worked for TDLR for 18 years, previously serving as a Legal Assistant and Senior Legal Assistant in the Enforcement Division.

On February 15, Debbie Hawkins was promoted to Legal Assistant Supervisor. Debbie has worked for TDLR for 8 years as a Legal Assistant in the Enforcement Division.

On August 31, Investigations Manager Gregg Dodson retired after 22 years of service with TDLR. Gregg oversaw the Investigations Section within the Enforcement Division, which includes 42 investigators. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

On August 31, Prosecution Legal Assistant Manager Daryl Kunze retired after 18 years of service with TDLR. Daryl oversaw the Prosecution Legal Assistant Section within the Enforcement Division, which includes 33 legal assistants and administrative assistants. This position is currently posted on the Department's website, and we hope to conduct interviews soon.

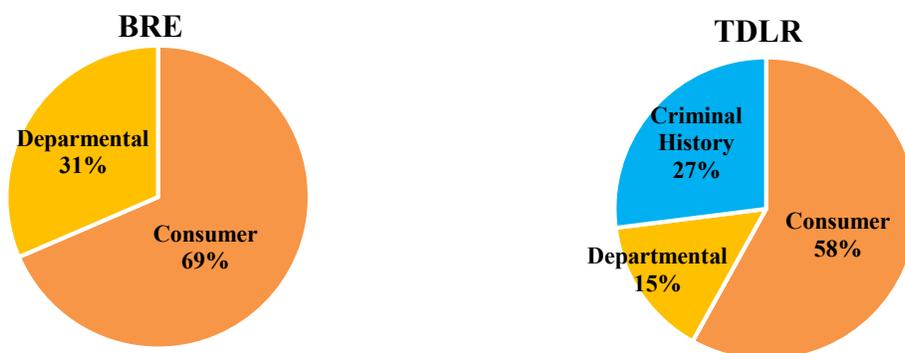
On August 31, Senior Investigator Esmer Arguijo retired after 21 years of service with TDLR. Esmer conducted investigations of cases in the building and mechanical, water well, and property tax programs.

Statistics

Shown below are the Enforcement Performance Measures and key statistics for the Licensed Breeder (BRE) program and for all TDLR programs combined through July of Fiscal Year 2020:

Performance Measure	BRE	TDLR
Cases opened	54	9,549
Cases closed	58	9,053
Average time to close (days)	362.26	156.98
% of cases resolved within 6 months	6.90%	68.72%
% of cases resulting in disciplinary action	1.72%	13.90%
Cases Pending	46	5,644

Source of cases opened through July of Fiscal Year 2020



Case Outcomes	BRE	TDLR
Commission Orders	0	21
Default Orders	1	323
Agreed Orders	0	820
Penalties Assessed	\$11,000.00	\$2,262,851.00
Penalties Collected	\$0.0	\$1,206,688.82
Licenses Revoked (Disciplinary)	1	62
Licenses Suspended	0	4
Licenses Denied/Revoked (Criminal History)	0	222
Cease & Desist Orders	0	43
Informally Resolved	57	7,717

Alleged Violations at Opening

Through July of Fiscal Year 2020

Alleged Violation:	Count
Unlicensed breeder	29
No routine/preventative healthcare	8
Primary enclosure built wrong or not maintained	7
Expired breeder license	7
Failed to submit annual inventory	5
Fail to have animal examined yearly	5
No/incomplete/wrong protocol/records	5
Primary enclosure insufficient space	3
Failure to collect or remove waste etc.	2
Inadequate rest for breeding female	1
Failed to properly feed animal	1
Failed to properly clean primary enclosure	1

Violations Resulting in Disciplinary Action

Through July of Fiscal Year 2020

Violation:	Count
No routine or preventative healthcare	1
Food or water receptacle violation	1
Failed to provide basic grooming	1
Failed to properly clean primary enclosure	1
Failure to collect or remove waste etc.	1
No routine or preventative healthcare	1

Case Highlights

Yourkies N Poodles

On June 26, 2018, a Default Order was entered against Barbara Barrett d/b/a Yourkies N Poodles that assessed an administrative penalty of \$9,000 and revoked the facility license. The Department cited Yourkies N Poodles for 1) failing to assist a Department investigator in performing an inspection; 2) failing to remove excreta from primary enclosures daily and from under primary enclosures as often as necessary; 3) housing females in heat in the same primary enclosure with males for non-breeding purposes; 4) failing to develop, document, and follow an appropriate plan to provide dogs with the opportunity for daily exercise; 5) failing to provide basic grooming to each animal to maintain health and cleanliness; and 6) failing to develop and maintain a written health care management protocol approved by a veterinarian that addresses routine and preventative care for each animal and failing to provide appropriate care and treatment for any injury, disease, or illness that may affect an animal's health or well-being.

CKS's Dachsunds

On May 21, 2019, an Agreed Order was entered against Skyllar D. Cummings, Carla L. Hendrickson, and Kelton L. Roberson d/b/a CKS's Dachsunds that assessed an administrative penalty of \$4,315. The Department cited CKS's Dachsunds for 1) acting as a breeder without a facility license; 2) engaging in breeder activities with an expired facility license; and 3) failing to have each animal used for breeding examined by a veterinarian at least once in every twelve-month period.

D and S Puppies

On May 21, 2019, an Agreed Order was entered against Deborah Jean Pence d/b/a D and S Puppies that assessed an administrative penalty of \$750. The Department cited D and S Puppies for failing to remove excreta from primary enclosures daily.

The Puppy Man

On February 20, 2020, a Default Order was entered against Mitchell Dee Gilbert d/b/a The Puppy Man that assessed an administrative penalty of \$11,000 and revoked the facility license. The Department cited The Puppy Man for 1) failing to keep food receptacles clean and sanitized and failing to offer uncontaminated food to the animals; 2) failing to keep water receptacles clean and sanitized and failing to offer potable water to the animals; 3) failing to remove excreta from primary enclosures daily and from under primary enclosures as often as necessary; 4) failing to keep the facility clean and free of accumulations of trash, junk, waste products, and discarded matter; 5) failing to establish and maintain an effective program for the control of pests; 6) failing to provide basic grooming to each animal to maintain health and cleanliness; and 7) failing to provide routine and preventative healthcare to each animal and failing to provide appropriate care and treatment for any injury, disease, or illness that may affect an animal's health or well-being.

REGULATORY PROGRAM MANAGEMENT DIVISION

Staff Report – Sept. 23, 2020

Personnel Updates

Russel Taulli and Latasha Poland continue to serve as program specialists for the licensed breeder program. Russel and Latasha work under the direct supervision of Stuart Strnad [stin'-ard], RPM BCS manager.

Outreach

Latasha Poland and Charlotte Melder attended the Texas Animal Control Association (TACA) annual training conference in South Padre Island in November 2019. This was the last outreach program attended by RPM staff.

Outreach activities have been severely limited due to the Covid-19 pandemic. The annual Texas Unites for Animals Conference, normally held in April every year at the Renaissance Hotel in Austin, was cancelled due to health and safety concerns. The Professional Pet Breeders of Texas Annual Breeder Educational Seminar, normally held in the autumn in Mount Pleasant, Texas, has not been scheduled.

FIELD INSPECTIONS DIVISION

Staff Report – Sept. 23, 2020

Personnel Updates

Juan Muñoz was promoted to Manager of the Field Inspections Central Region and Angela Sanders was promoted to the position of South Region Liaison, effective September 16, 2019.

Heather Allen, Lance Caroland, Abraham Delgado, Michael Hanna and Jorge Vega were promoted to Field Inspector V positions effective October 15, 2019.

James Turner was promoted to the North Region Liaison effective November 15, 2019.

Congratulations to Juliane Crocker, who accepted a position as a Management Analyst with the Office of Innovation and Project Management effective November 15, 2019. And welcome to Colleen Cloudy as the new Lead Facilitator on February 3, 2020.

Statistics

	FY 2020	FY 2019
SEPT	2	27
OCT	3	20
NOV	5	36
QTR 1	10	83
DEC	3	8
JAN	6	5
FEB	24	7
QTR 2	33	20
MAR	11	1
APR	0	11
MAY	0	4
QTR 3	11	16
JUNE	2	7
JUL	2	1
AUG	2	7
QTR 4	6	15
YEAR TO DATE/ YEAR END	60	134

* TDLR SUSPENDED ALL INSPECTIONS ON MARCH 17, 2020 IN RESPONSE TO THE COVID-19 PANDEMIC AND RETURNED TO LIMITED ON-SITE INSPECTIONS MAY 19, 2020.

TOP VIOLATIONS FOUND DURING LICENSED DOG AND CAT BREEDER INSPECTIONS

Fiscal Year 2020 Quarter 2

1. Materials/Construction Facilities 16 Tex. Admin. Code Ch. 91.100(1): Housing facility not structurally sound, kept in good repair, protecting and containing the dogs or cats, or restricting other animals from entering.

2. Administrative Violations 4 Tex. Occ. Code Ch.802.153(a) & 16 Tex. Admin. Code Ch. 91.76: Failed to submit to the Department an accounting of all animals held in each facility any time during the preceding calendar year, to make copy of annual inventory form available upon request from the Department or third-party inspector, and/or to keep a copy at each facility of the annual inventory of animals.

3. Records 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.

4. Records 16 Tex. Admin. Code Ch. 91.112(a): Failure to have the annual examination documented by the veterinarian in the medical records of an animal.

5. Personnel 16 Tex. Admin. Code Ch. 91.110(b): Each employee of a licensed facility whose duties or responsibilities include the handling of or caring for a dog or cat shall have the appropriate training documented by the licensee; to include at the minimum subject matter covering basic animal care and handling, prevention of infectious disease, and kennel sanitization.

6. Records 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.

7. Materials/Construction Facilities 16 Tex. Admin. Code Ch. 91.100(3)(a): The surfaces of housing facilities, including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must: (i) be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface; and (ii) be free of jagged edges or sharp points that might injure the animals.

8. Records 16 Tex. Admin. Code Ch. 91.77(a): A licensed breeder shall maintain, at the licensed facility where the animal is kept, a separate record for each animal in the breeder's facility documenting the animal's care.

9. Posting and Public Information 16 Tex. Admin. Code Ch. 91.72: Failure to prominently display a copy of the breeder's license in the facility in an area easily accessible to the public.

10. Exercise 16 Tex. Admin. Code Ch. 91.106(a): Failure to develop, document, or follow a plan with written standard procedures to provide dogs with the opportunity for daily exercise; Failure to have a daily exercise plan approved and documented in each dog's medical records by a veterinarian.

Current Projects

TDLR suspended all inspections on March 17, 2020 in response to the COVID-19 pandemic. After distributing personal protective equipment and providing safety training to field staff, inspectors began to perform pre-license on-site inspections at end of May. And we expanded to a limited number of on-site inspections in June 2020 for Barber and Cosmetology schools, shops and salons. In response to operating under restrictions due to health and safety concerns and having a limited travel budget we are also employing alternative inspection methods including desk audits to review required documentation and virtual inspections for some licensed facilities. For Breeder inspections we are performing desk audits prior to the inspection, to limit staff's time on-site and are considering whether a virtual inspection is possible.