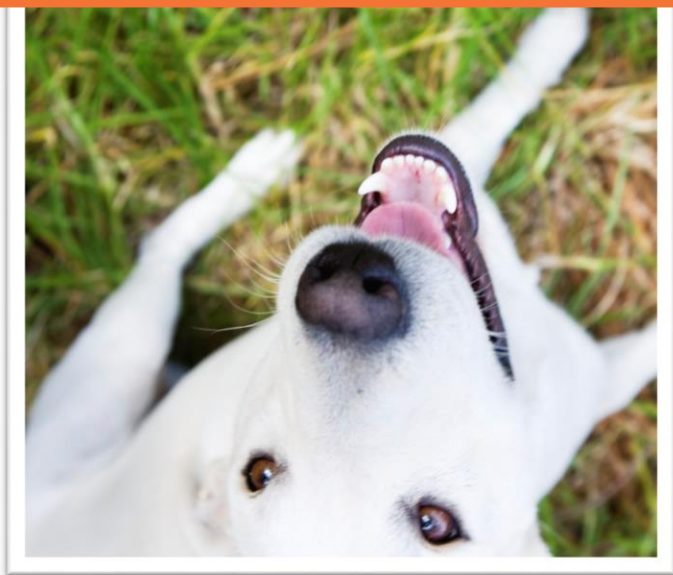




# Dog Sellers Program Report | 2014



## Message from Dr. Yvonne Bellay

After more than a decade of effort, the Dog Breeders and Sellers Law was enacted in 2009 with the signing of Wisconsin Act 90 (now s.173.41, Wis. Stats.). Until then Wisconsin was one of few states with no regulation of those who sold or sheltered dogs. The intent of the law is to ensure both the welfare of the dogs sold to the public, as well as to protect the consumer purchasing a dog as a pet. The law defines who must be licensed, specifies uniform minimum standards for facilities, requires inspection and licensing of regulated facilities, establishes license fees and record keeping requirements, specifies health requirements for selling dogs and the age for transfer of puppies, establishes minimum standards of care, and provides penalties for violations.



The program now in place serves as a means of “leveling the playing field” for many dog sellers by establishing uniform minimum standards of care for individuals selling dogs to the public. Licensed facilities must meet standards of care. Those who maintain high standards have few, if any, changes to make to their facilities or business practices to be in compliance with the requirements. However, those running substandard operations are required to invest in their facilities in order to meet program standards. At the outset of the program, some individuals chose to either stop selling dogs or to keep dog sales below those requiring licensing because they either could not or would not meet the program requirements.

Prior to implementation of the law creating the Dog Seller Program, complaints regarding dogs in these facilities fell to law enforcement and humane officers who enforce state animal cruelty law. This served to deal with some of the worst offenders, but did little to prevent cruelty or neglect of the animal, as law enforcement officers and humane officers generally lack the authority to inspect facilities without probable cause.

This report provides you with an overview of what the program has accomplished since its inception. We hope you find it informative.

Thanks for reading,

*Dr. Yvonne Bellay*

Dr. Yvonne Bellay  
Humane Programs Manager

## Program Mission

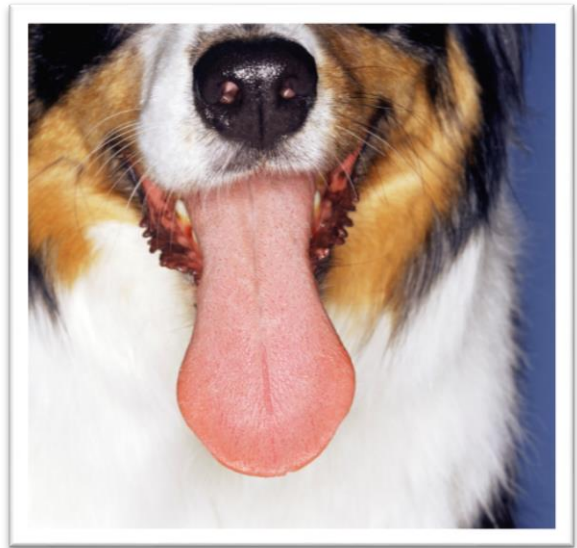
The intent of the Dog Sellers Program is to ensure both the welfare of dogs sold to the public, as well as protection to the consumer purchasing a dog as a pet.

## Advisory Committee

The legislation granted the department rule writing authority and required the Department of Agriculture, Trade and Consumer Protection (DATCP) to establish an advisory committee to assist in the rule writing process. The advisory committee was to remain in place until 12 months after the rules were promulgated. The advisory committee was assembled and began work in May, 2010. The 12 member advisory committee representation consisted of at least one member of specified groups:

- Person selling dogs at retail
- Dog breeders that sell large dogs and that sell fewer than 50 dogs per year
- Dog breeders that sell small dogs and that sell fewer than 50 dogs per year
- Dog breeders that sell large dogs and that sell 50 or more dogs per year
- Dog breeders that sell small dogs and that sell 50 or more dogs per year
- Sporting associations whose primary activities involve dogs
- Humane societies providing shelter to fewer than 500 dogs per year
- Humane societies providing shelter to 500 or more dogs per year
- Veterinarians
- Animal control facilities
- Breed rescue groups

Representatives on the advisory committee, with the exception of veterinarians, were chosen through an application process, and were individuals who stated that they would be required to be licensed under the program. Veterinarians were chosen by the Wisconsin Veterinary Medical Association. In May of 2012, after the program had been in place for the first year, the advisory committee again met to get input on possible rule revisions. Members of the original committee who were not licensed under the program were replaced with license holders who were operating under the rule requirements. At that time the committee found that the rules that were in place appeared to be working well enough that no rule revisions should be made at the time.



## Licensing Requirements

Those required to be licensed are:

- Animal control facility---a facility for the care of animals operated under a contract with a political subdivision
- Animal shelter---a facility operated for the purpose of providing for and promoting the welfare, protection, and humane treatment of animals, that is used to shelter at least 25 dogs in a year, and that is operated by a humane society, animal welfare society, animal rescue group, or other nonprofit group
- Dog breeder---a person who sells 25 or more dogs in a year that the person has bred and raised, from more than 3 litters
- Dog breeding facility---a place at which dogs are bred and raised and from which 25 or more dogs are sold in a year, from more than 3 litters
- Dog dealer---a person who sells, distributes, or trades, or offers for sale, distribution, or trade, 25 or more dogs in a year that the person has not bred and raised or who operates an auction at which 50 or more dogs are sold or offered for sale in a year
- Out-of-state dog dealer---a person who is not a resident of this state who brings 25 or more dogs into this state for sale in this state in a year

The routine program licensing year runs from October 1 through September 30 of each year. However, the first year of the program licenses were effective on June 1, 2011 (the specified start date of the program), through September 30, 2012. Consequently, the first licensing year for the program ran for 16 months, rather than the usual 12 month licensing year. The second year of the program began on October 1, 2012, and ran through September 30, 2013.

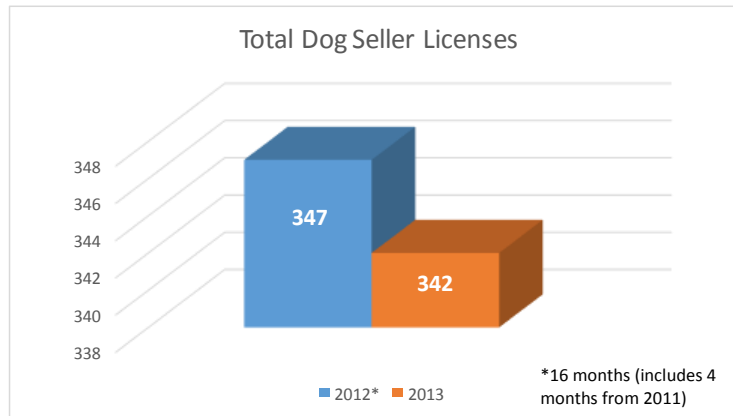
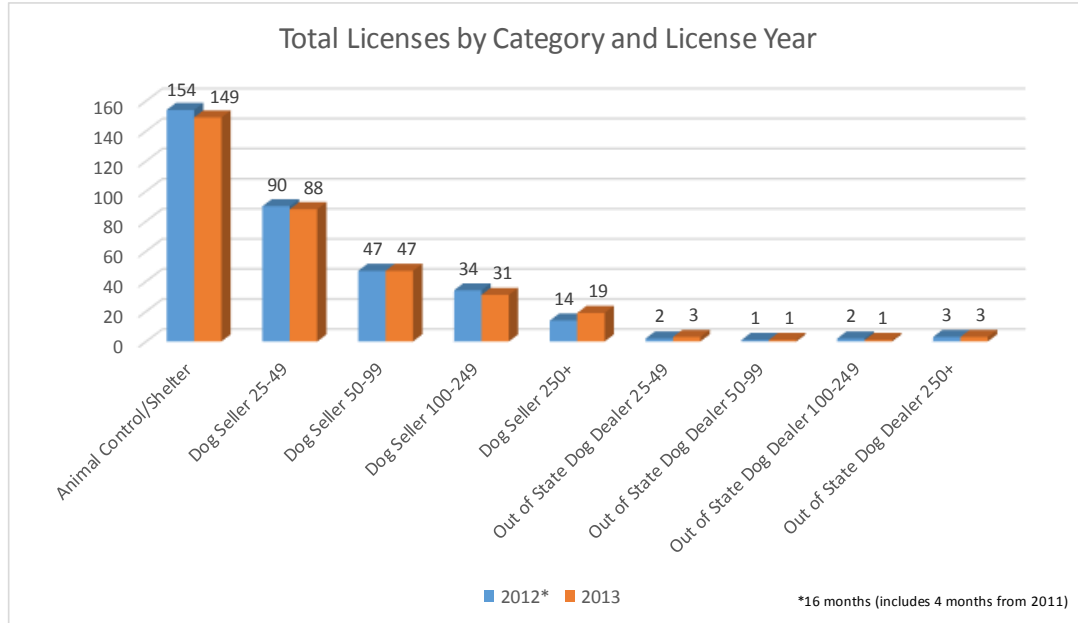
## Annual License Fees and Surcharges

The following is a listing of license fees and surcharges that may apply to some dog sellers:

- Person who operates an animal shelter or animal control facility-- \$125
- Person who sells or offers to sell at least 25 but fewer than 50 dogs per year--\$250
- Person who sells or offers to sell at least 50 but fewer than 100 dogs per year-- \$500
- Person who sells or offers to sell at least 100 but fewer than 250 dogs per year-- \$750
- Person who sells or offers to sell 250 or more dogs per year-- \$1,000
- Out-of-state dog dealer fee is 150 percent of the above fee determined for the number of dogs sold in the state
- A late renewal surcharge equal to 20 percent of all applicable license fees if license is renewed after expiration
- A surcharge equal to the applicable license fees required if:
  - Applicant operated without a license within 365 days prior to submitting the license application
  - Applicant knowingly misrepresented information in the license application for the preceding license year, in order to avoid payments of any required license fees
- Re-inspection fees for a re-inspection conducted to insure correction of previous violations-- \$150

## Program Impacts

Although the first two licensing years differ slightly in duration, the number of licensed entities remained relatively constant with some licensees going out of business and others coming in. Another reason for slight fluctuations in the numbers by categories is that some licensees changed the number of dogs sold the second year from what had been sold the first year.



### Inspections Conducted

- Required pre-licensing inspection before a license is issued
- Required inspection at least once every two years once licensed
- Any time based on a complaint
- Billable re-inspection to insure correction of previous violations

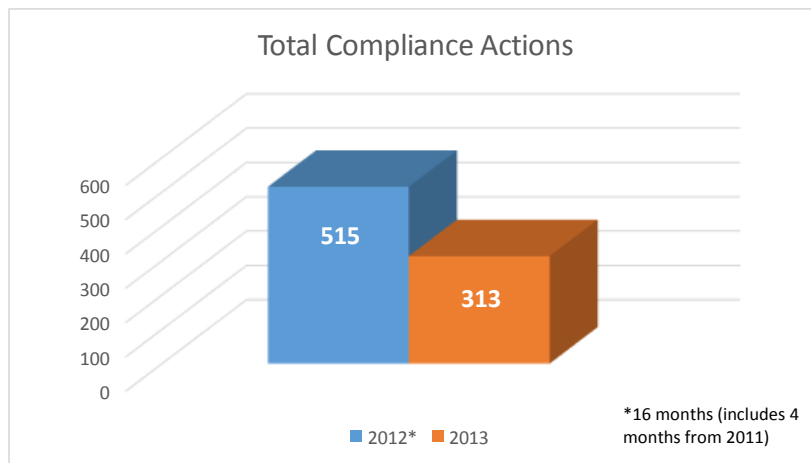
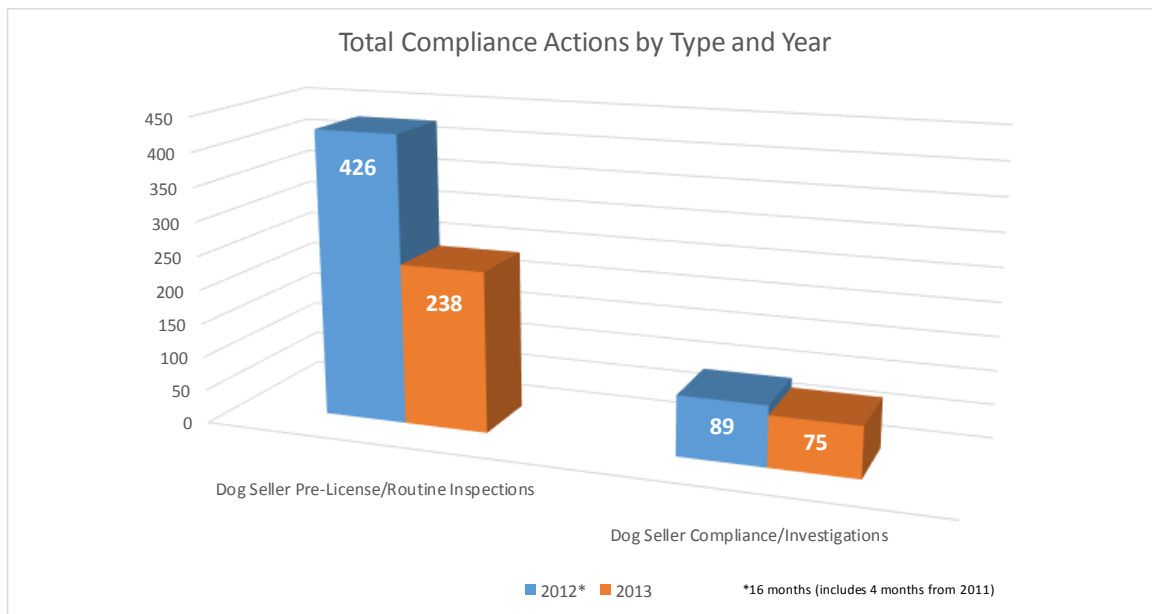
Pre-licensing inspections are scheduled. However, other types of inspections are generally done unannounced.

On pre-license and routine inspections, inspectors ensure that the facility meets all of the requirements established in statute and rule for recordkeeping and standards for the physical facility.

During a complaint-based or re-inspection, the inspectors pay particular attention to the issues giving rise to the complaint or violation.

At the conclusion of any inspection, the inspector discusses with the facility manager or owner, as the case may be, what the inspector saw at the facility and gives the licensee an opportunity to comment. Inspectors use the opportunity to explain regulations and answer questions posed by facility owners.

Routinely, the inspector will mail the completed inspection report to the licensee within seven days of the inspection.



### Conditioned Licenses

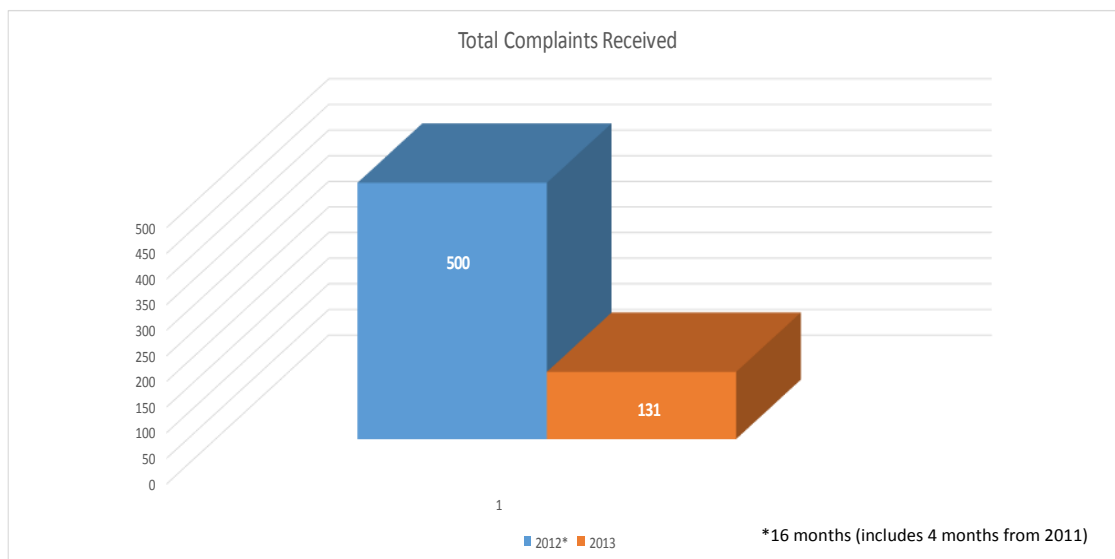
Prior to the enactment of 2009 Act 90, Wisconsin had no regulation or requirements in place for those sheltering or selling dogs to the public. Once the program requirements were in effect, all initial licenses were issued as a Temporary Conditional License until a pre-licensing inspection could be completed. Once the pre-licensing inspection was completed, a facility that passed the inspection was issued an Active License. Facility operators that were not in full compliance with the requirements of the law at the time of the pre-licensing inspection and needed time to complete construction projects to bring the facility into compliance were required to submit a Corrective Action Plan (CAP). The plan described the improvements to be made and a timeline for completing them, allowing the licensee to make progressive steps toward compliance. If the CAP was approved, the conditioned license was extended for the approved time frame.

Conditioned licenses were granted in instances where deficiencies did not compromise the welfare of, or pose an immediate danger to the dogs. At the end of 2013, the first full year of the program, 44 facilities were operating under a conditioned license. Currently, there are 2 facilities operating under a conditioned license.

Since the start of the program in 2011, five license applications have been denied for failure to meet the minimum requirements of the program.

### Complaints

The department receives complaints regarding both licensed and unlicensed dog seller facilities from a variety of sources, including the public, customers of facilities, current and former employees of facilities, licensees, and animal control officers, humane officers and other law enforcement officials. Complaints may be made anonymously. The department receives complaints through several means, i.e. phone, email, or US mail. The complaints are all entered into the department's on-line complaint database. The complaints are reviewed and any follow-up action is assigned to the inspector responsible for the facility or territory. Complaint response is prioritized by severity, with highest priority given to complaints alleging that dog health and welfare are at risk. Some complaints receive no action because the department has no regulatory authority in the matter. Between the years 2012 and 2013, the number of complaints decreased similarly to the number of compliance actions.

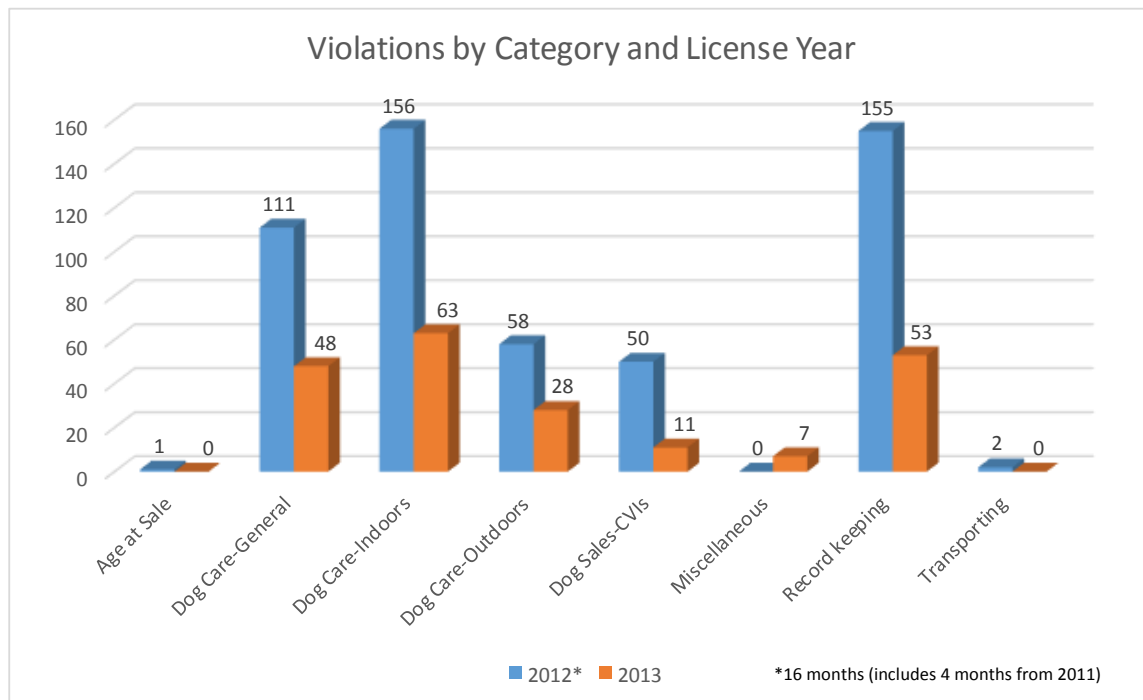


### Department Actions

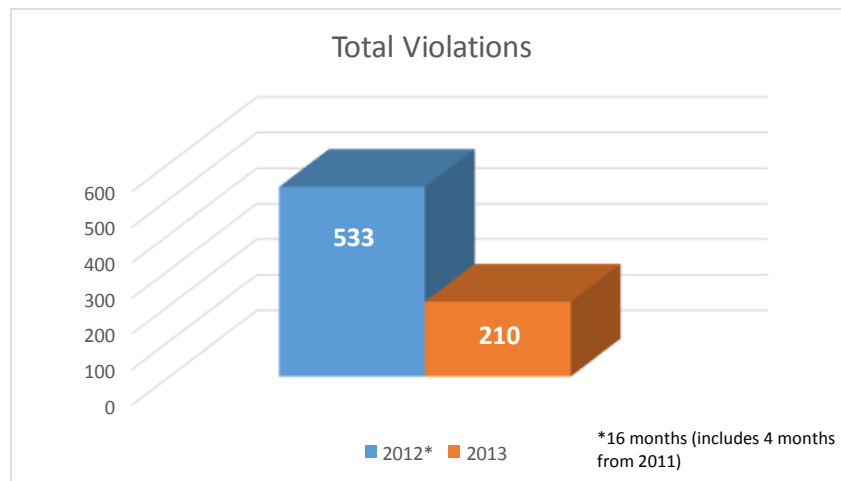
The department typically uses a progressive enforcement approach when dealing with violations, with the goal of bringing licensees into compliance. When a facility is unwilling or unable to correct non-compliant issues through education alone, the department has a number of options for dealing with violations of the program regulations:

- Billable re-inspection
  - Ensure that violations have been corrected
- Administrative conference
  - Seek input from operator on how violations will be effectively and permanently corrected
- Civil forfeiture or criminal complaint
  - Presented to county District Attorney
- Special Order, by consent or after administrative hearing, signed by the Department Secretary or an administrative law judge
  - Prohibits certain conduct with force of law
- Summary license suspension
  - Conditions imminently threaten health, safety or welfare of any animal on premises
  - Evidence of a violation of Ch. 951, Wis. Stats.

As facilities improved and made necessary changes to physical structures and business practices, the number of violations found per inspection during the first year dropped drastically in the second year of the program.





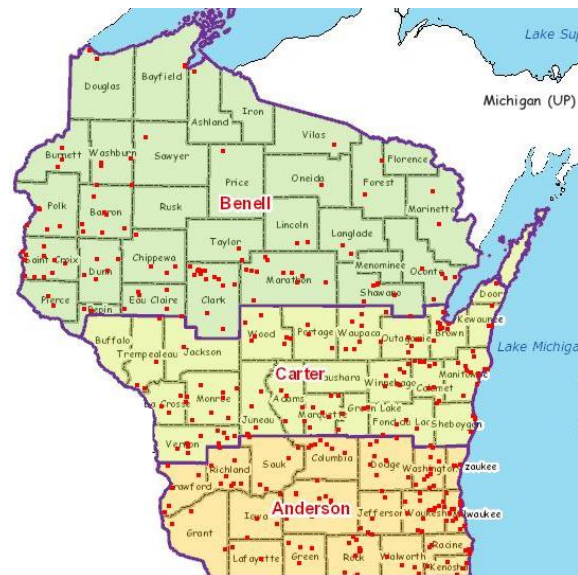


## Resources and Financial Management

2009 Wisconsin Act 90 authorized the hiring of 6.0 Full Time Employee (FTE) positions. However, 1 FTE position was cut in the FY 11–13 budget, and 2.0 FTE positions are being held vacant due to lack of funding. The program currently has 3.0 FTE dedicated inspectors who are funded by revenue generated by the program. However, the compliance officer supervising those inspectors is shared with other programs, as are the program manager and the licensing associate.

Dog Seller Program staff has received extensive training. In addition, program staff meets routinely throughout the year for policy and training sessions to ensure that the regulations are consistently interpreted and fairly enforced.

The startup of this program has been extremely time and labor intensive for staff. Most facilities had not been regulated previously, and many required considerable staff time working to bring the facilities up to the required standards, and more time in follow-up inspections to ensure compliance. Currently, each inspector is responsible for approximately 130 facilities, with some facilities having more than one location. In addition, the large geographic territories involve a considerable amount of driving time for each inspector to complete the required facility inspections.



**Three inspectors serve three regions of Wisconsin. Red dots indicate a licensed dog seller premises.**

## Summary

The program has shown demonstrable improvement in the welfare of many of the dogs in many of the facilities. Compliance with program standards ensures improved welfare of the dogs by providing a clean, safe and healthy environment.

The department has assisted facility operators to make changes in operating and business practices to meet standards. A number of operators have indicated that working with our inspectors has brought about positive change to their businesses. Many owners have embraced standards and procedures to improve operations that were never considered before and found the changes beneficial.

In addition, the requirements, for both appropriate veterinary care for dogs in the facilities, and for every dog sold or adopted to be examined by a veterinarian and a Certificate of Veterinary Inspection provided to the new owner at the time of transfer, protect the consumer by ensuring that pet dogs the public buys are reasonably healthy.