



Companion Animal Protection Society 

CAPS Investigation Report and Ordinance Proposal to Prohibit the Sale of Cats and Dogs in Retail Stores in the City of San Diego, CA

Compiled June 8, 2012, for City Attorney Jan Goldsmith
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Thank you for giving the Companion Animal Protection Society (CAPS) this opportunity to discuss an ordinance for the City of San Diego that would “Prohibit The Sale Of Cats & Dogs In Retail Stores In The City of San Diego.”

Founded by President Deborah Howard in 1992, CAPS is the only national nonprofit organization dedicated exclusively to protecting companion animals from cruelty in pet shops and puppy mills. CAPS actively addresses the abuse and suffering of pet shop and puppy mill dogs through investigations, education, media relations, legislative involvement, puppy mill dog rescues, consumer assistance and pet industry employee relations.

Our West Hollywood, Calif. ordinance banning the sale of pet shop puppies and kittens received worldwide media coverage and was the genesis for the now growing ordinance movement in both this country and Canada. We were also instrumental in passing ordinances in Glendale, Irvine, and our most recent success in the City of Los Angeles. There are ordinances banning the sale of pet shop puppies and kittens in California, Colorado, Florida, New Jersey, New Mexico, Texas, Illinois and Canada. We assisted with the by-law in Richmond, British Columbia, which was the inspiration for the recently passed by-law in Toronto. CAPS is currently working on ordinances for Sarasota County, Florida. We are currently investigating the pet shops in this municipality, and the breeders and brokers who supply these pet shops – critical evidence to convince city councils to pass ordinances banning the sale of pet shop puppies and kittens.

The pet store industry is a billion dollar business, profiting from dogs bred in puppy mills – commercial breeding establishments that mass produce puppies for resale. In puppy mills, dogs are kept in cages their entire lives, never being let out to exercise or socialize, and the dogs receive minimal or no veterinary care. The mothers of the puppies are bred over and over till they die. Legally, a dog must have 6 inches of space in their cage. Some have less. The puppy mill industry is regulated by the United States Department Of Agriculture (USDA). There are more than 5,000 federally licensed commercial dog breeders and brokers in the United States, and approximately 110 inspectors to inspect all of these puppy mills.

In late May 2010, the Office of Inspector General for USDA released a scathing 69-page report for an audit and investigation conducted between 2006 and 2008. This audit and investigation was prompted by a meeting that CAPS and Crowell & Moring attorneys had with OIG officials in May 2006. The complete OIG report is available on our website. CAPS will continue to cooperate with USDA while conducting ongoing oversight of the Animal Care inspection program. Since 1995, CAPS has been to approximately 1,000 puppy mills, most of them USDA licensed.

CAPS will be meeting with USDA shortly to discuss the OIG report, the Kathy Bauck case (one of the largest dog brokers and breeders in the country, Bauck was convicted of animal cruelty based on a CAPS undercover employment investigation; Bauck sold to Chicago-area pet shops), regulatory changes to the Animal Welfare Act, pet shops that breed, broker and transport puppies being required to have a federal license, the improper use of interstate health certificates by puppy mill operators, inspector requirements and other issues.

The updated report you have received today will provide a guide of pet stores in this city that have recently been shut down by the San Diego Humane Society and Animal Services, as well as the two remaining pet stores in the City of San Diego. For each store, you will see USDA inspection reports for the puppy mills they use, pictures of the conditions of the dogs in the puppy mills, consumer complaints filed with CAPS, and complaints filed with PetShopPuppies.org. We will also show you undercover footage from our investigation of the Hunte Corporation, the largest puppy mill broker in the US. You will see first hand just why we believe ordinances such as the one we are proposing today are so very critical to a civilized society.

If anyone has any questions, please feel free to contact me. Thank you again for giving us this opportunity,

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Review of Pet Stores in the City of San Diego Closed For Cruelty

Violations in 2011 and 2012



CAPS investigation, Puppy Stars Pet Store

PUPPY STARS, THE PET PLACE, and NAEDEEN'S PET SHOPS, CLOSED

March 29, 2012, Animal Control investigators confiscated 57 puppies and dozens of other animals from Naedeen's Puppies of Oceanside, Puppy Stars of San Diego, and the Pet Place in San Diego, all owned by Le Kim and Nguyen Huong.

One dove was euthanized due to its extremely critical condition. Many of the animals were dehydrated and malnourished. Many required immediate medical treatment. Some required surgery. Potential charges include California Health and Safety Code violations, and potential animal cruelty and neglect charges.

March 1, 2012 CAPS inspection findings for animals observed in Puppy Stars:

We observed two very lethargic puppies, a Morkie and a Shitzu. We also observed a Pomeranian that was also lethargic but with a thick discharge coming from the nostrils.

While in the store, an employee made the following misleading or completely false statements:

- “We have up to a one year guarantee on anything ‘generic’, (we believe she meant genetic.”
- “The Morkie will only grow to four pounds.”
- “I think a puppy mill is something from the past, where they abused and breed dogs in not good condition.”
- “We hand pick our puppies.”
- “Our breeders are some local, some from the Midwest.”
- “Yes, you can call up our breeders.”
- “Our vet checks the dogs weekly.”
- “Our puppies are registered.”

Video footage for the March 1 investigation included with this report.

NOY’S Pet Store – 2550 Imperial Ave, San Diego, CA 92102 **Closed**

Owner - Christian Philippe

Government Actions

People v. Christian Philippe, Owner of Noy’s Pet Store

On January 18, 2011 the San Diego City Attorney's Office reached a settlement with

Christian Philippe who plead guilty to misdemeanor charges of failure to provide a solid surface in an animal enclosure, and for an animal enclosure unable to be sanitized. Philippe is required to pay \$4,300 in fines, \$100 in restitution, and was ordered to three years probation where Philippe must violate no laws, may not own, operate, or manage a pet store or offer to sell any animal, and must waive his appeal rights.

Christian Philippe violated humane standards of animal care and The California Health and Safety Codes Section 122350 et seq. and Section 122125 et seq., specifically but not limited to:

122155. (a) It shall be unlawful for a pet dealer to fail to do any of the following:

(1) Maintain facilities where the dogs are kept in a sanitary condition.

(4) Provide dogs housed on wire flooring with a rest board, floormat, or similar device that can be maintained in a sanitary condition.

Investigation findings for dogs sold/for sale by Noy's Pet Store:

Noy's Pet Store purchased puppies through Lambriar, Inc

(From Petshoppuppies.org)

ID: 7642

Date Submitted: 12/29/2008

Breed: Puggle

Date Purchased: 12/6/2008

Broker: [Lambriar, Inc. \(2008\)](#)

Petshop: [Noy's Pet Shop](#)

Noy's Pet Store purchased puppies through Lambriar, Inc. of Mahaska, KS. In CAPS interviews with a manager for Pets R Us (a store in Glendale, CA), the manager admitted that **he stopped buying puppies from Lambriar, because "some of the dogs were dead" on arrival at the store. He told us that "too many of the dogs were too sick to sell."** He stated that he switched to Hunte "because I heard good things about them." (Note that a first page Google search of The Hunte

Corporation is almost entirely full of links to Hunte's mistreatment of dogs by every major U.S. animal protection organization).

Our investigations have revealed that many breeders that sell to Lambriar, the broker used by Noy's Pet Store, also sell to the Hunte Corporation, the largest dog brokering facility in the country.

CAPS conducted an undercover investigation at the kennel of Debra Sandmeier of Java, SD whom sold puppies through Lambriar, Inc.. Lambriar uses employees and small brokers as booking agents whom obtain puppies from mills throughout the Midwest and neighboring states and transport them to Lambriar facilities. Lambriar holds these puppies for several days before loading them on large semi trucks for trips to pet shops across the U.S. and Canada and to airports, where puppies are flown overseas to places such as Japan and South America. Lambriar-brokered puppies are also sold at pet shops in Mexico and Puerto Rico.

Petland, the largest pet shop franchise chain in the U.S., is a major Hunte customer. Petland also employs Lambriar. Andrew Hunte's daughter owns the largest Petland in the country.

Subsequent to the undercover employment, CAPS investigated at least 50 puppy mills, mostly USDA licensed, that were selling puppies to Hunte and Lambriar. Approximately 50 percent of these mills had serious enough violations to warrant an investigation report. CAPS continues to investigate puppy mills that sell to Hunte and Lambriar.

Noy's Pet Store purchased puppies from Harry & Wanda Bonham , brokered through Lambriar, Inc (From Petshoppuppies.org)

ID: 7642

Breed: PugBeagle

Breeder: [Bonham,Harry&Wanda](#) **

Broker: [LambriarInc.](#)

Details: Congested.

Name: Noy's Pet Shop

DBA:

Address: 2550 Imperial Ave

City: San Diego

State: CA

Zip: 92102

We were also able to trace this breeder to four sick, puppy mill dogs by consumer complaints registered with Petshoppuppies.org, a Missouri non-profit organization that tracks commercial breeder violations .

- 1. Breed:** Boston Terrier, **Broker:** Unknown, **Petshop:** The Pet Company
Details: Lazyeye, visible red blood vessels in eyes, sneezing, loud snoring, flatulence, diarrhea.
- 2. Breed:** Dogue de Bordeaux, **Broker:** Unknown, **Petshop:** Petland
Details: Kennel cough
- 3. Breed:** Boston Terrier, **Broker:** Lambriar Inc, **Petshop:** Petland
- 4. Breed:** Puggle, **Broker:** Lambriar, Inc., **Petshop:** Noy's Pet Shop



These breeding dogs owned by Harry & Wanda Bonham, breeders for Lambriar, Inc., and whom sold puppies to Noy's Pet Store did not have adequate shelter. Dogs are exposed to the elements. USDA reports included in this report indicate citations for this failure among many.

When viewing the under-cover footage and reviewing the accompanying USDA inspection reports, it is important to note the discrepancy between the dry, formal language in the report forms and the actual conditions in the pet factories we investigated. The dogs are supposed to be seen by a USDA inspector once a year. Often, it is only every two years.

We have evidence from ex-USDA and ex-AKC inspectors that commercial breeders are often given the heads up before an inspection. The rest of the year, the animals in commercial breeding operations are mistreated and neglected, facing life,

24/7, in a rusted wire cage, exposed to harsh temperatures, snow, rain, wind, and often sick, injured, matted and unsocialized. They spend their days distressed, spinning in tiny circles, their feet injured from standing on wire flooring. They are bred until they can no longer produce. Then, they are discarded or killed.

Many of the cases, which is corroborated in the USDA inspection reports, violate a particularly painful aspect of a sentient being's life—that of living in a space too

small for the animal to turn around or stretch its limbs. In one case, there were enclosures that were only 24 inches by 24 inches for *two* dogs that could barely fit into *one* such cage.

CAPS investigators detailed the routine amount of external parasites, pests, sores, wounds, matted fur, skin burns from being soaked in urine, injuries, visible congenital malformations, visible infections, fecal accumulation and the accompanying acute distress that comes from being confined indefinitely in such conditions.

The following excerpts were taken from USDA reports for Harry & Wanda Bonham, breeders for Noy's Pet Store, and brokered through Lambriar, Inc., and the Hunte Corporation.

Harry & Wanda Bonham, 100 Co Rd 6720, Pottersville, Mo 65790

Jan-11-2007

"In the outside enclosures were 14 long haired dogs that all had severe hair mats on their legs and feet and body. The mats were observed to be larger than the leg itself and caked tightly with mud, bedding and were very wet. The climatic conditions at this time of year (early January) are wet (rain and snow), cold (temperature ranges of 0F-40F) and windy. When hair is wet and severely matted, it can no longer insulate and protect the dogs from the extreme climatic conditions and can cause injuries to the paws and legs and other parts of the body, including causing lesions to the underlying skin which can become infected.

This affects 14 adult dogs."

Oct-29-2007

"A responsible adult was not available to allow access and accompany inspection at [10:30 AM and 11:30 AM on October 15 or at 12:30 or 1:30 pm on October 29, 2007.

This affects all the animals in the facility as they could not be inspected

"On 11/4/07, a litter of 5 Puggles was transported to an intermediate handler in commerce. The DOB was 9/12/07.

The puppies were 53 days of age."

Dec-14-2007

"In the outdoor enclosures there are 7 adult dogs with excessively matted hair on the body, feet and legs. A Weaton terrier has excessive mats along his back and loins. Hair that is excessively matted cannot insulate the body during cold wet weather and it can pull tightly and cause injuries to the skin underneath.

The mats also make it difficult to observe the skin for any injuries. This effects 7 adult dogs.”

“In the outdoor enclosures there are 5 shelters that do not have a wind break or rain break at the entrance and on 2 shelters, the wind break is hanging on one side. The weather has been cold and raining and snow is expected. The temperatures have been less than 50F during the day and less than 35F at night. This effects 20 adult dogs.

“In the outdoor wire enclosures 6 enclosures do not have sufficient shelter space for the number and size of dogs in the enclosures. The weather is less than 50F during the day, and less than 35F at night and has been raining, and snow is expected. When there is not sufficient space for each of the animals and one or more is not allowed inside a shelter during the weather we have been having, the dog(s) can get wet, cold and become ill. This effects 22 adult dogs.

“In building 1, there are stacked wire cages in the center of the room and others along the sides. There are dogs in 5 of the wire enclosures that do not have the required 6 inches space between the top of their head and the top of the enclosure. Under the shed roof of the shed are 2 raised enclosures containing one adult each with their litter of puppies. The Wheaten terrier has less than an inch between her head and the top of the enclosure. This effects 6 adult dogs.

“Inside Building 2, the right side is 2 levels. The feeders are attached to the outside enclosures and the feeders on the lower level do not have a cover to prevent the spilling of waste from the upper enclosures. There is significant soiling along the inside and the outside of the feeders. The food becomes contaminated by the waste and soil falling into the feeder from the upper enclosures and from hosing down the enclosures and drain boards. This effects 7 adults and 19 puppies.

“In both Building 1 and 2 there is an excessive accumulation of waste and soiling on the walls, floors, doors of the enclosures. In Building 2 there is an accumulation of soiling, hair under the mesh floors and along the walls between the upper and lower rows of enclosures. The building has a strong odor of ammonia and other odors. Ammonia is heavier than air and is present at the level of the dogs in the enclosures. It can irritate the tissues of the eyes, nose mouth and upper respiratory tract of the dogs. This effects 40 adults and 110 puppies.

“Around Building 2 there are discarded items and a leak in the waste pipe on the far end of the building. Near the entrance is an open plastic container with discarded paper and other items in which rain water has accumulated. On the end of the building where there is a leak in the waste system, the accumulation of waste and feces is causing a strong odor from the ground. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair. This affects all the dogs in the facility(186 adults and 110 puppies)

“The licensee stated that he has had no help other than his wife in caring for the dogs in the facility and that they cannot keep up with the daily work. It is obvious that a minimum level of husbandry practices and care of the dogs is not being met. With the number of animals in the facility, there must be more employees to care for the dogs and maintain the level of cleaning and sanitizing. It is suggested that the licensee decrease the number of animals if help cannot be found.”

Feb-11-2008

“On 16 forms, no date of birth was listed for any of the 20 puppies.

On 5 forms, no buyer or receiver information is listed for 10 dogs.

On one page there is no information on the dog or dogs sold on 6/13/07.

None of the forms have information on the method of transportation or who transported the dogs.

Compliance with this section requires the licensee to provide the required information on disposition of the dogs. The licensee must be more diligent in completing these forms.”

June-09-2008

“There was a medication (injectable Ketofen) that did not have an expiration date written on the label. There was a bottle of injectable Oxytocin that had a used needle and syringe still in the rubber stopper. Proper storage of medications is vital to their sterility and efficacy. Needles, especially once used on an animal should never be put back into a medication that is to remain sterile-it causes contamination of that medication and makes it hazardous to use. An expiration date is vital to prevent a medication being used on an animal when it is not efficacious.

This affects potentially all the animals in this building (12 adults and 68 puppies)”

“Under the overhang roof of the shed there are 2 shrink-wrapped pallets of dog food. The food is not protected from wild or stray animals, vermin, pests, or other animals, etc that can cause contamination and infestation. The food must be stored in a manner that protects the supplies from spoilage, contamination, and vermin infestation.

This effects all the dogs in the facility.”

“In the whelp house, the floors are constructed of a slatted type of material. The feet of the very young puppies easily pass through the spaces in the floor and can become injured. In three of the enclosures there young litters and the inspector observed feet passing through the spaces and the dam jumping about. The legs could become injured from her jumping about and possibly onto the legs. For the health and well being of the puppies, some method of keeping the puppies' feet and legs from passing through the spaces must be devised and continued for all litters.”

This affects 12 puppies at this time.

Nov-04-2010

“In the back row of outdoor enclosures there are 2 enclosures that have a piece of horse panel at the gate. The panel wire has been cut to size, but where it was cut, there are sharp points. The dogs could receive injury from coming into contact with the sharp points. This affects 3 adult dogs.”

Jun-01-2011

“There was 1 Boston Terrier male (“BA”, m/c#094-823-064) whose right eye was cloudy. There was a mild clear discharge from the medial corner of the eye. The owner had not observed it when making the early morning check. Eye conditions can cause irritation, pain and distress to the dog. This dog needs to be evaluated by a veterinarian and the treatment plan followed and documented.”

“There was 1 Boston Terrier female (m/c# 080-570-628) with both eyes cloudy and a clear discharge on the medial corners. Eye conditions can cause irritation, pain and distress to the dog. This affects 2 adult dogs.”

“In the outdoor enclosures along the side, the shade cloth over the top of the last 4 enclosures is no longer connected on either end, resulting in very little shaded area for the dogs. There are 2 dogs in each of the affected enclosures and not enough shade at the time of the inspection. The temperature at that time was over 85F. Dogs without shade may suffer distress.

“In the whelping building were wire cages with female dogs and young puppies. There were two litters of puppies that were less than 2 weeks old and their feet were observed passing through the ½” x ½” floor spaces. The legs and feet can become injured from passing through the spaces, the puppy can become distressed when trapped and cannot easily get back to its mother. Primary enclosures must be constructed and maintained so that they have floors that are constructed in a manner that protects the dog’s feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs’ feet and legs to pass through any openings in the floor. This affects 14 puppies.”

Jun-29-2011

“There are 2 dogs that have large pink and red tissue underneath the eye. The white English Bulldog name Candy has these tissues in both eyes and they are very large. The brindle and white English Bulldog has the large red tissue in the right eye. These 2 dogs need to be seen and evaluated and treated by the veterinarian by the end of this day. The written treatment plan must be available to the inspector. This affects 2 adult dogs.”

“There are 25 adult or juvenile dogs that do not have an official form of identification. These dogs do not have a collar with tag, official tattoo or microchip. There is not an individual number listed on the APHIS Form 7005 Record of Acquisition of Dogs and Cats on Hand. This affects 25 adult dogs.”

“The steel posts in front of the back row of pens have an accumulation of rust over the entire surface. In the front row of pens, the gate to the 4th enclosure from the north end has a rusted and broken bottom rail. Rusty surfaces cannot be readily cleaned and sanitized and affect the structural integrity of a surface. “In the 2 large enclosures containing the large dogs, there is a large shed that is open on one side about $\frac{3}{4}$ of the adjacent side but there are no shelters provided.

“In the large enclosure containing the 4 Dogue de Bordeaux, there is no food receptacle and the feed has been placed on a cement pad. The cement pad is also walked on by the dogs and this contaminates the food. Food must be placed in food receptacles and maintained in a manner that prohibits the contamination by excreta, pests and is protected from rain and snow. This effects 4 adult dogs.”



USDA reports for Doherty's Family Pets, of Fulton, KS, breeders for Lambriar, Inc. indicate these breeder dogs are exposed to broken cage wire which can be injurious to dogs as well as a lack of protection from the elements. It can be below freezing in the winter and above 90 degrees in the summer.



Doherty's Family Pets, Fulton, KS, breeders for Lambriar, Inc. USDA reports revealed chewed wood that was pervious to moisture, making wood surfaces impossible to sanitize.



CAPS investigation of Debra Sandmeier, owner of Sutley Kennel, Java SD, breeder for Lambriar, Inc.

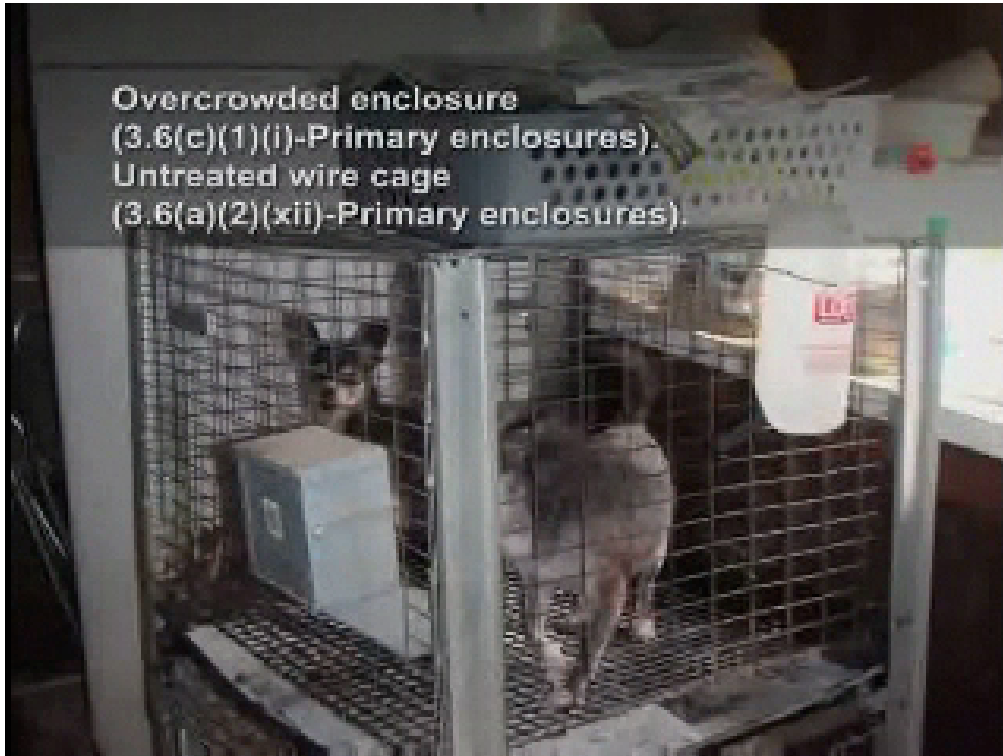
Debra Sandmeier
Sutley Kennel
Java, SD
Broker: Lambriar, Inc
CAPS undercover investigation report

Breeds: Cocker Spaniels, Maltese, Schnauzers, Shiba Inus, Chihuahuas, Miniature Pinschers, Pomeranians, Yorkshire Terriers, Boston Terriers, Miniature Schnauzers

On the property at the time of investigation: about 150 dogs (no puppies)
Sutley Kennel consisted of two separate buildings. Each had rows of pens with indoor/outdoor cages connected by doggie-doors. Some of the enclosures were

raised above the ground; others contained outdoor pens with dirt floorings and indoor pens with plastic floorings.

The designs of the buildings were similar, and violations in the buildings were identical. The outdoor pens with dirt floorings had several days of fecal accumulation in them (3.11(a)- Cleaning of primary enclosures). The pens themselves, about five per kennel building, were surrounded with chain link and galvanized wire walls, and many of the galvanized wire walls were covered in rust (3.1(c)(1)(i)-Surfaces). The siding below the doggie-doors on the outside of the buildings was torn off in small sections, revealing wooden beams behind it and



CAPS investigation of Debra Sandmeier, owner of Sutley Kennels, Java SD, breeder for Lambriar, Inc.

leaving a gap between the bottoms of the doors and their frames (3.1(a)-Structure; construction).

The inside pens had plastic walls on three sides and wire walls facing the hallways that accessed the pens. The walls and floors of these pens had dirty build-up on their surfaces, and cobwebs covered some of the wire walls (3.1(c)(3)-Surfaces). Some pens had rubber mats on the floorings, and all had plastic self feeders and water bottles attached to the wire walls. There were two to five dogs in each pen, including Shiba Inus, Schnauzers, and Cocker Spaniels. Two of the Schnauzers had matted fur (2.40-Vet Care).

Elevated pens

The smaller cages that were elevated above the ground each housed two to four Maltese, Chihuahuas, Miniature Pinschers, Pomeranians, Yorkshire Terriers, Miniature Schnauzers, and Boston Terriers. There were about 40 of these smaller indoor/outdoor enclosures. Both the indoor and outdoor cages were made of treated wire.

The outside cages were above the dirt ground. There was several days' accumulation of feces on the ground below them (3.11(a)-Cleaning of primary enclosures). The indoor cages had plastic sheets about four inches under the



CAPS investigation of Debra Sandmeier, owner of Sutley Kennels, Java SD, breeder for Lambriar, Inc.

flooring to catch feces and debris. These sheets were coated in feces stains, standing urine and water, and hair (3.11(a)-Cleaning of primary enclosures). The sheets had plastic pipes on their edges, presumably to keep debris from spilling over, though the pipes were covered in fecal stains as well (3.1(c)(1)-Surfaces). Feces-stained hair hung from under the cage floorings (3.11(a)-Cleaning of primary enclosures). The concrete floor of the building was covered in dark fecal stains, as was the plastic siding behind the cages (3.1(c)(1)-Surfaces). Plastic feeders and water bottles attached to the walls of the cages had dirty build-up on their surfaces (3.9(b)-Feeding). More than a day's worth of food was in each feeder. This extra food

indicates the dogs were given several days' worth of food at once, so that they would be eating progressively older food every day (3.9(a)-Feeding).

Stacked cages

There were two stacks of two cages inside one of the kennels. Each cage was about 1.5 feet wide, 1.5 feet long, and 1.5 feet high. Both of the cages of one stack were made of untreated, thin-gauge wire that was rusting near the bottom of its walls (3.6(a)(2)(xii)-Primary enclosures); (3.1(c)(1)(i)-Surfaces).

The top cage housed two Chihuahuas about ten inches long from the tips of their noses to the bases of their tails (3.6(c)(1)(i)-Space). There was a plastic tray at the bottom of the cage with fresh newspaper placed in it. One of the cage walls had a plastic water bottle and metal self feeder. A plastic bin filled with newspapers was placed on top of the cage (3.1(b)-Condition and site).

The empty bottom cage of the second stack was made with treated wire. There was rust in many places where the wire coating was worn off (3.1(c)(1)(i)-Surfaces) and dirty build-up on the surfaces of its water bottle and metal self feeder (3.1(c)(1)-Surfaces).

The top cage housed a Miniature Pinscher and Chihuahua. The dogs were each about ten inches long from the tips of their noses to the bases of their tails (3.6(c)(1)(i)-Space). This cage was made entirely out of untreated, thin-gauge wire that was rusting near the bottom of its walls (3.6(a)(2)(xii)-Primary enclosures); (3.1(c)(1)(i)-Surfaces). There was a small rubber mat in the cage and fresh newspaper on a metal sheet under the wire floor. The cage had a plastic water bottle attached to it. There was a rusting metal self-feeder placed so that it angled back away from the cage. This set-up made the food fall to the elbow of the feeder. It was, therefore, very difficult for the dogs to eat (3.9(b)-Feeding).

The floors of the kennels were covered in a dark build-up. The stains running from under the indoor cages suggested this grime is mostly the result of feces from within the kennel (3.1(c)(1)-Surfaces). Medical and cleaning supplies were stored in open plastic bins in the kennel itself, and the surfaces of the kennels were covered in dust and cobwebs (3.1(b)-Condition and site); (3.1(c)(1)-Surfaces).

Pet Stores in the City of San Diego Currently Selling Puppies

San Diego Puppy & Dog Wash

5825 Mission Gorge Rd
San Diego, CA 92120

Pet Market

695 Saturn Blvd Ste B
San Diego, CA 92154

- On **July 21, 2011**, CAPS received the first complaint against David Salinas for his online puppy store, San Diego Puppy (www.SanDiegoPuppy.info) regarding the sale Maltepo puppy for \$200. Salinas failed to provide any paperwork whatsoever and stated, "My puppies are purchased from local breeders." Upon purchase, the 9 wk old was taken to the vet as it became immediately ill. The vet diagnosed Parvo, and parasites. The puppy then died. The customer left 11 voicemails for the owner with no response. Following several emails between CAPS and the customer, she abruptly ended all Communication with us. We believe she may have been intimidated by Salinas from other reports we have received and that this is the reason for the abrupt end to our talks with her.

We then found many disturbing, "filtered" complaints for SDP on Yelp. The following is a summary of the complaints:

- 7 sick puppies
- 3 puppies died
- many had parasites, vomiting, diarrhea, kennel cough, one had distemper
- three reported vet expenses of, \$2,000, \$1500, and \$600 respectively
- two reported no paperwork
- two saw unventilated garage where puppies were being housed
- two met him in a parking lot to make purchase
- three received no call backs from numerous attempts
- one was threatened they would be sued if they did not stop the negative reviews on Yelp

9 Filtered Reviews from Yelp for San Diego Puppy

- [Kc C.](#)

Spring Valley, CA

6/11/2012

watch out for this guy who has a dog sale store called san diego puppy. he has a web site and he has a facebook page where he sells all his puppies for outrageous prices. the puppies are barely 4 weeks old, are very sick, are smuggled from mexico and have parvo and kennel cough.

when you buy a puppy he says he has a lifetime guarantee. when you have to spend hundreds of dollars to get your pet cared for at the vet, he then claims it is all your fault, has no guarantee, refuses to take the sick dogs back or give you your money back!

the city is after this guy and so is the pound. check out his yelp reviews and you will see why everyone in san diego wants to kill this guy!!

oh, also he says the puppy is a pure bred but then you find out it is not even the breed he says it is!!!!

- [Casey F.](#)

Lake Havasu City, AZ

5/12/2012

Sandiego puppy sells sick puppies please save yourself the money and heartache. Our family dog that we had since our kids were born had past away, our girls were traumatized so we thought that we would get them a new puppy for Christmas from sandiego puppy to cheer them up. From the day we got the dog home she had problem after problem. First she was itching nonstop with fleas, then ear infection, fuxating joints, diareah, extreme itching so bad that created sores on skin which turned into infection lead to my child getting an infection. This dog would not stop itching, I tried everything after spending as much as we could afford, I had to draw the line to no more, I was not going to spend another dime or put my kids through one more day. Nobody wanted the animal as they saw how much money she cost me and didnt want to take on a sick dog. So I called the humane society they said that they could have her seen by a vet asap and that they have alot of people on a waiting list for a dog like her. a wealthy family adopted her and are able to afford to

seek her medical attention and dog still continues to have problems. It was awful i had to explain to my 6year old and four year old that we have to give their new baby away, they were heartbroken and so was our entire family. I called sandiego puppy for a refund and they would not give me one. The owners wife was very rude to me and I kept her on the phone as she was hard to get a hold of I kept listening to her give me the run arround, insulting me as if it were my fault, as my kids were in the car on their way to school I started arguing with her.. I was upset then my kids started crying saying they missed charlie and I had to ttake them to school upset. No amount of money can ever replace little charlie or the heartache my family has been through. However I just want my money back for what I paid. I see many of you have had a bad experience with sandiego puppy please contact me in the fight to get our money back and let me know of your testimonies so that I can give them to my lawyer. Thank you, Casey,

c.foster55@yahoo.com

- [Chris S.](#)

San Diego, CA

4/18/2012

I purchased the cutest little pup from here. After taking her to her first vet visit, everything came back clear. Exactly a week later my puppy was very sick and not active what so ever. We took her back to the vet and they put her on some meds for Kennel Cough. After two months of medication for her, She began having seizures. I rushed her to the vet and within 12 hours she died. She had Distemper. The vet told me it takes two weeks for signs of distemper to show. This being said, it points right back to when she was given to the store. I strongly advice NOT buying these tiny little dogs. Their immune systems cannot fight off these viruses. My family and I were devastated to lose our little puppy. And I have yet to hear back from them.

- [S.S.](#)

San Diego, CA

1/23/2012

I bought a puppy from this seller and took my puppy to the vet the day after I purchased her. Not only did it turn out that she had coccidia, but she had other health complications which I choose not to disclose here due to a choice of anonymity and fear of contact by the seller of these puppies. After many exchanges,

David agreed to pay for a small fraction of the costs for the medication and for the health complications. I'll just say that our vet bills to fix these issues were not small. Oh another thing, our puppy came home with a tick. Minor issue, since we immediately give her flea and tick meds, but still that's pretty disgusting.

Basically, go to a rescue shelter to get a dog. They have tons of puppies. It ends up being the same cost because they often include the neutering fees and fees for shots. OR go to a reputable breeder. We love our little baby but we worry for her brothers and sisters and hope they did not receive the same health issues that ours did.

I'm sure there are plenty of happy puppy owners who have had no health concerns in the puppies they have purchased here -- obviously, San Diego Puppy is still in business. Yes, they even have a website, facebook page and you can become a fan of them. Neither I nor other posters here are haters. We simply want people to make informed decisions before purchasing. Unfortunately, it may be the case that the only people who actively search for reviews for this seller is the seller himself or other people who have had bad experiences. As a previous poster has said with her puppy, our puppy is well-adjusted, happy, sweet, loving and absolutely amazing. We just have to keep an eye on certain aspects of her health to make sure she's healthy. We love her to bits, but we will not be purchasing from this seller again and we strongly advise others not to either.

Also, why in the world are 10 of the reviews filtered?? If you have the ability to read them, you'll see they're all poor reviews. If the reviews on yelp aren't enough to convince you, see <http://local.yahoo.com...>

Comment from David S. of San Diego Puppy 5/10/2012

- [Diana B.](#)

Oceanside, CA

1/6/2012

David at San Diego Puppy is a complete liar. All his dogs have kennel cough and he is sending sick puppies into our community and then refusing to take them back. Do not buy a dog from him. He lied and said the dog's ears were cropped. I had the dog examined by a vet, and her big tall ears are natural and never cut. This guy will say

anything to unload a bunch of sick dogs and make a buck.

whatever you do, report him. when all our complaints are documented we will file a class action law suit against this jerk.

-
- [Lorrie M.](#)

Orange, CA

11/12/2011

I'll be honest, I haven't purchased a puppy from them, but I was planning to after the first of the year. I followed (notice tense) San Diego Puppy on Facebook. I posted a question, What is the source of your puppies and how do you ensure overbreeding doesn't occur? Not only wasn't I answered, I was defriended and blocked. Not only didn't he want to answer the question, he doesn't want the question even out there.

My sister tried a similar question to ensure it wasn't an accident. Same result.

While I still don't know the answer, I suspect it isn't what a true dog lover would like. Make sure you ask the question before you purchase, if not you could be purchasing a puppy that develops a number of health issues as it matures and the little savings you got for the puppy will go into vet bills 10x over for the dog that you love and is part of your family.

David - I didn't call because I assumed it was an easy question and it wouldn't be an issue. My last dog, Amber was purchased from a breeder and after 15 years I had to put her down due to complication from Cushings. It broke my heart, and after a year I'm finally ready to get another puppy. I've been following your site and actually thought I would purchase from you. I had no agenda - I posted one question.

As for my review it is the truth, and if anyone wants to verify it, they just need to try.

There is no agenda, since you don't breed, I really just wanted to know how you verify your puppies were not the product of over breeding. Not a hard question. A terrorist.. hahaha

Comment from David S. of San Diego Puppy 5/11/2012

-
- [Jan K.](#)

San Diego, CA

10/30/2011

I have been to see your puppies and I believe they come from puppy mills. You even say on your website that they are USDA. The Department of Agriculture? Wow. Puppy mills. If you are telling the truth, why don't you put the breeder's names and addresses on your website so people can check them out. What are you hiding?

- [Jennifer G.](#)

Chula Vista, CA

9/5/2011

I purchased a puppy in may from San diego puppy. I was told he is a maltipoo. He was 3 lbs and 8 wks old when I purchased him. He had fleas, worms, and was a bit malnourished. Four months later, he is 32 lbs.. And still growing. He is not a maltipoo!

Sd puppy IS a puppy mill. They claim to get puppies from breeders, but if that were the case, the dog would be sold for more, and far more healthy.

Save your time, do your research, and go with a reputable breeder.

Comment from David S. of San Diego Puppy 10/30/2011

- [Kara C.](#)

Rancho Santa Fe, CA

8/30/2011

Please don't support this business!

We got a Maltipoo that we adore, and time will tell if he's going to be okay... But my problem is that the guy who runs it - David- gave us a certificate of birth and assured us the pup was 8 weeks old. I would have rather paid for the pup and asked to leave it with mom another week or 2, as 8 weeks is young, but there were no mom dogs. The pups had been "weaned" and placed in this garage to be sold.

We bought our little guy (the biggest of the litter, as they seemed really small and frail) and brought him home. At the vet the next day, we were told that our pup was MAYBE 5 weeks old, meaning he had been taken from mom at 4 weeks, best case scenario. This is against the law, first of all, and more importantly, it's inhumane. The smaller ones in the litter probably would not thrive or even survive. Even ours had no teeth and needed to be formula fed for 3 weeks. The vet told us that these dogs usually end up with health and emotional issues.

We would not try to return our pup to this shoddy garage business, as it would be cruel... But this guy has GOT to stop taking pups to sell prematurely, so tell the world - don't support San Diego Puppy!!

CAPS also located an in depth complaint on "Backpage.com" with a contact number. We received no response from repeated attempts to contact this person.

August 1, 2011, CAPS received an anonymous two-page letter alleging detailed information regarding David Salinas and San Diego Puppy.

The following is a summary of alleged accusations from the anonymous writer:

- He is smuggling very young, underweight and diseased puppies across the Mexican border.
- They are making several trips per week and are selling approximately 30 to 50 puppies per week.
- He posts 50 new puppies every week on Oodle
- He is a broker for a Tijuana puppy mill owned by a woman named "Maya."
- She allegedly has 400 to 500 breeding dogs.
- The puppies coming across the border have not been vetted, vaccinated, or dewormed.

Backpage.com letter and Anonymous letter to CAPS are included in this report

Summary of Complaints Against David Salinas Received By the Companion Animal Protection Society

Jun-01-2011 – Maltipoo purchased . Puppy died of Parvo virus on 6-30-11

Nov-28-2011 – Maltese purchased. Had ear mites. DNA performed, and puppy is ½ Lhasa Apso, ¼ Miniature Poodle, and ¼ Miniature Schnauzer

Nov-28-2011 - Maltipoo purchased. Puppy was diagnosed with Parvo

Dec-31-2011 - Mini Schnauzer purchased. Puppy diagnosed with Kennel Cough

Mar-01-2012 – Maltipoo purchased. Puppy diagnosed with Parvo, returned to Salinas, was not returned to the hospital, and died the next day

Mar-29-2012 – Toy Poodle purchased to be a service dog. Puppy diagnosed with under bite. Returned to Salinas with no refund.

California Health & Safety Code Violations for David Salinas

(Note: There have been three cases of Parvo and one case of kennel cough in less than one year for this dog dealer.)

If dealer knew the puppies were sick, this is a violation of:

CAL. HSC. CODE § 122205 : California Code - Section 122205

Except as provided for in subparagraph (B) of paragraph (6) of subdivision (b) of Section 122140, no pet dealer shall knowingly sell a dog that is diseased, ill, or has a condition, any one of which requires hospitalization or surgical procedures

One complainant returned the puppy intended to be a service dog due to an under bite or hereditary defect, but received no money in return. This is a violation of:

CAL. HSC. CODE 122160 : (a) If a licensed veterinarian states in writing that within 15 days after the purchaser has taken physical possession of the dog after the sale by a pet dealer, the dog has become ill due to any illness that existed in the dog on or before delivery of the dog to the purchaser. . . .

(1) Return the dog to the pet dealer for a refund of the purchase price, plus sales tax, and reimbursement for reasonable veterinary fees for diagnosis and treating the dog in an amount not to exceed the original purchase price of the dog, plus sales tax.

Dealer has not supplied any of the purchasers which filed complaints through CAPS with any information on the origin of the puppies. The dealer states only that they “Mostly come from Lancaster, and other cities all the way up to Toll House.” This is a violation of:

CAL. HSC. CODE § 122140 : California Code - Section 122140

(1) The breeder's name and address, if known, or if not known, the source of the dog. If the person from whom the dog was obtained is a dealer licensed by the United States Department of Agriculture, the person's name, address, and federal dealer identification number.

June 9, 2012, CAPS undercover video, (detailed below), reveals David Salinas admitting that his dogs are anywhere from six to eight weeks old when he receives them. This is a violation of:

CAL. HSC. CODE 122155. (a) It shall be unlawful for a pet dealer to fail to do any of the following:

(b) A pet dealer shall not be in possession of a dog that is less than eight weeks old.

The puppies at San Diego Puppy are housed in a separate building. There are no cages in view of the public where, by law, the origin of the puppy must be posted on the cage. This is, therefore, a violation of:

CAL. HSC. CODE § 122205 : California Code - Section 122205

Every retail dealer shall post conspicuously on the cage of each dog offered for sale a notice indicating the state where the dog was bred and brokered.

CAPS believes David Salinas may be violating numerous California State

Puppy Lemon Laws:

- Transporting (smuggling) under age and non-vetted puppies across the border (his Century Pass was allegedly revoked)
- Lying about the origin of the puppies and providing no paperwork
- Posting “conspicuously on the cage of each dog offered for sale a notice indicating the state where the dog was bred and brokered.” (Puppies located at his dog wash store are kept in a building behind the dog wash store, out of plain view. Customers are denied the ability to view the puppies in the

building. Puppies are instead brought to the dog wash store front individually.)

- At the time most of the complaints were filed with CAPS, this puppy dealer was performing direct sales of puppies from the premises of a occupation.

On December 6, 2011, following CAPS submission of information to Dawn Danielson of the Department of Animal Services regarding David Salinas and San Diego Puppy, CAPS received the following email from Ms. Danielson. The highlighted paragraph, we believe, further emphasizes the need to demand the exact origin of his puppies.

Hi Sydney,

I researched all the complaints and our responses. By the way **we do have both addresses** and we have been to both.

These are the number of times DAS officers have checked on the welfare of the puppies:

9-30-10

4-28-11

5-5-11

6-11-11

11-21-11

Without going into detail on all of them, each officer reports finding the puppy enclosures clean and the puppies healthy. On one visit there were 21 puppies. The officer took pictures and all the enclosures were very neat and clean and the puppies healthy.

One time an animal control officer checked his residence and found one of the puppies had diarrhea.

She required him to seek veterinary care (from a U.S. veterinarian) for the entire litter and when she followed up a week later he had complied and the veterinarian gave them a clean bill of health.

We also received a call from Customs when he was stopped with a litter of puppies crossing the border. He claimed they were his and he had taken them to Mexico for exams and vaccinations as he had just received them a week or so ago. All the paperwork from the veterinarian confirmed what he was saying. There were no violations of law.

As you can see, up to this point he has not violated any laws except offering a free puppy which he stopped. Regardless how anyone feels personally about what he is doing, there is nothing we can do under present law.

I have staff contacting him and telling him we have received a complaint that he will not disclose where he obtained the puppy she purchased and that he is required by law to do so. We will see what he does.

Dawn

Dawn D. Danielson, RVT, Director
County of San Diego
Department of Animal Services
5480 Gaines St.,
San Diego Ca., 92110

David Salinas has yet to provide any information on the exact origin of puppies he has sold

as well as that which are currently for sale.

June 9, 2012, CAPS undercover investigation of San Diego Dog Wash

The following are (paraphrased) statements made by David Salinas:

- My business used to be out of my home. People would come to my home to buy a puppy and interrupt homework time at all hours.
- We have a one year guarantee, or a lifetime guarantee against genetic disorders. We guarantee for 14 days against illnesses like Parvo and Distemper.
- Our puppies are home-raised.
- My breeders go all the way up to the city of Toll House. Most are in Lancaster, Riverside, etc.
- I can give you a phone number for the breeder of this Pomeranian. She is in Lancaster. She does not speak much English. (See investigation below of the phone number provided for this breeder.)
- You cannot see all of the puppies located in the other building, only one at a time.

- I don't have room in the store to keep all the puppies here. That is why I rented extra space behind this building.
- Puppies are in kennels in the other building. Sometimes we bring them up front in the dog wash and let them play.
- We have around 20 puppies right now.
- You cannot see them all at once in the back building.
- It is normal for puppies to have Giardia and Toxidia, 80% of our's do.
- We get them between the ages of six to eight weeks.

March 1, 2012. A CAPS complainant was provided a phone number by David Salinas for a breeder whom was allegedly nursing the sick puppy she purchased from SDP back to health. It was a Maltepool. Salinas alleged the breeder was in "Lancaster." When our investigators traced the number, it was for a number in Lake Forest, CA.

June 9, 2012. In our CAPS undercover investigation, investigators inquired about a Pomeranian puppy for sale. We asked for the number of the breeder, and were told it was a breeder in Lancaster. It was the same number provided our complainant in March that is in Lake Forest, CA. We feel certain this is a person working with Salinas, and representing themselves as a breeder/breeders for San Diego Puppy/San Diego Dog Wash.

**COMPLAINTS,(REDACTED) AGAINST DAVID SALINAS FILED WITH THE
COMPANION ANIMAL PROTECTION SOCIETY**

First Name: Monica
Last Name: Sanchez
Email Address: <mailto:wedobigintexas@gmail.com>
Your Phone: 6195929447
Address Line 1: 4219 palm road
Address Line 2:
City: La Mesa
State or Province: California
Zip or Postal Code: 91941
Country: United States
How should we contact you?: E-mailPhone

About the Shop:

Shop Name : San Diego Puppy
Shop Address Line 1: no address just phone numer
Shop Address Line 2:
Shop City: San Diego
Shop State or Province: California
Shop Zip or Postal Code: don't know
Shop Country: United States
Name of shop country if other?:
Shop Website: <http://www.sandiegopuppy.info/>
Shop Email Address: <mailto:sandiegopuppy@gmail.com>

About the Breeder:

Breed: maltipoo
Sex: Male
Date of Birth (yyyy/mm/dd): 2011/03/27
Date of Purchase (yyyy/mm/dd): 2011/06/01
Date of Death (if applicable - yyyy/mm/dd): 2011/06/30
Price (if known): 200
Breeder: unknown
Broker: unknown
Registry:

The Situation:

Diseases and Illnesses: my vet diagnosed my puppy with parvo and my puppy had a parasite

When did illnesses begin and end?: the illnesses began the day I purchased the puppy from him

Hereditary Defects?: none

Did the pet shop or kennel recommend this vet?: No

Veterinary expenses to date: 600

How did you hear about this pet shop, kennel or online merchant?: i heard about this shop online-facebook

Enter Description Here: The man who runs the kennel/shop doesn't have a disclosed address where you can see the puppies besides his webpage online as well as facebook. There is only a phone number, you call him, leave him a voicemail about the puppies you're interested in and meet him at a parking lot in Spring Valley where you can see the pups. At the time I was meeting him, he had a total of 8 pups I believe and 4 different breeds.

Was this an online purchase?: No

Email Address: <mailto:jdfitzwater@aol.com>

Your Phone: 310-301-0603

Address Line 1: 4544 Westlawn Avenue

Address Line 2: #2

City: Los Angeles

State or Province: California

Zip or Postal Code: 90066

Country: United States

How should we contact you?: E-mail Phone

About the Shop:

Shop Name : San Diego Puppy

Shop Address Line 1: Skyline

Shop Address Line 2:

Shop City: San Diego

Shop State or Province: California

Shop Zip or Postal Code: 92114

Shop Country: United States

Name of shop country if other?:

Shop Website: <http://www.sandiegopuppy.net>

Shop Email Address: <mailto:Sandiegopuppy@gmail.com>

About the Breeder:

Breed: Maltese supposedly

Sex: Female

Date of Birth (yyyy/mm/dd): 2011/04/20
Date of Purchase (yyyy/mm/dd): 2011/06/26
Date of Death (if applicable - yyyy/mm/dd):
Price (if known): \$450
Breeder: San Diego Puppy
Broker: David Salinas
Registry: None

The Situation:

Diseases and Illnesses: Ear Mites. Health not the issue. Passing off mixed breed dogs as pure breeds. They sold me what was supposed to be a Maltese. As she got bigger, I had doubts. The DNA test showed that she is actually 1/2 Lhasa Apso, 1/4 Miniature Poodle, and 1/4 Miniature Schnauzer. NO Maltese. You should also look at the filtered reviews on Yelp which include sick dogs as well as mixed breeds sold as pure bred dogs.

http://www.yelp.com/filtered_reviews/WVYTuQIgtxqBYOPN1UdYg?fsid=e0Mg3N2FUw09X3DGKhHD6w<http://www.ripoffreport.com/dog-breeders/san-diego-puppy/san-diego-puppy-david-salinas-7b202.htm><http://www.ripoffreport.com/dog-breeders/san-diego-puppy/san-diego-puppy-david-salinas-7b202.htm>

When did illnesses begin and end?: Not ill

Hereditary Defects?: None so far, but she is still young.

Did the pet shop or kennel recommend this vet?: No

Veterinary expenses to date: Normal

How did you hear about this pet shop, kennel or online merchant?: Google Search

Enter Description Here: Clean, but dogs were kept in hot garage.

Was this an online purchase?: No

First Name: JAY

Last Name: ERICKSON

Email Address: <mailto:hijaysu@gmail.com>

Your Phone: 8583378356

Address Line 1: 3756 MYKONOS LANE

Address Line 2: UNIT 97

City: San Diego

State or Province: California

Zip or Postal Code: 92130

Country: United States

How should we contact you?: E-mail Phone

About the Shop:

Shop Name : San Diego Puppy

Shop Address Line 1: 7863 Gribble St
Shop Address Line 2:
Shop City: San Diego
Shop State or Province: California
Shop Zip or Postal Code: 92114
Shop Country: United States
Name of shop country if other?:
Shop Website: <http://www.sandiegopuppy.info>
Shop Email Address: <mailto:sandiegopuppy@gmail.com>

About the Breeder:

Breed: Malti-poo
Sex: Female
Date of Birth (yyyy/mm/dd): 2011/09/20
Date of Purchase (yyyy/mm/dd): 2011/11/28
Date of Death (if applicable - yyyy/mm/dd):
Price (if known): 400
Breeder: David Salinas
Broker: David Salinas
Registry:

The Situation:

Diseases and Illnesses: Parvo

When did illnesses begin and end?: 12/2/11 thru 12/4/11

Hereditary Defects?:

Did the pet shop or kennel recommend this vet?: No
Veterinary expenses to date: 1700

How did you hear about this pet shop, kennel or online merchant?: Online Search/Facebook

Enter Description Here: David sold puppies out of his parent's garage. He had an enclosed area with separators for the different types of puppies. Water was provided, fairly clean. It didn't smell or seem dirty. This is why we felt ok purchasing puppy from him. My puppy came down with parvo 4 days from leaving his facilities. We had not taken the dog anywhere else to be exposed. Luckily we decided to take her into the Vet immediately after she vomited a few times and was limp with zero energy. The Vet wanted to test for Parvo because her symptoms showed signs of potential virus. It came back positive. She was in the Vet Hospital until Sunday afternoon. We contacted David to make him aware of the situation so he could clean his facilities and contact his breeders, or other new dog owners which puppies may also have contracted Parvo. He refused to accept that our dog was diagnosed with Parvo. Claimed it was a false positive with the Vet and our dog only had a stomach ache.

Was this an online purchase?: No

First Name: Julie

Last Name: Fitzwater

From: Diana Bollas <dbollas@aol.com>

Reply-To: <noreply@caps-web.org>

Date: Sun, 22 Jan 2012 21:21:43 -0600

To: <support@caps-web.org>

Subject: Complaint form from Diana Bollas

About the Customer:

First Name: Diana

Last Name: Bollas

Email Address: dbollas@aol.com

Your Phone: 760-637-0277

Address Line 1: 3612 B Harvard Drive

Address Line 2:

City: Oceanside

State or Province: California

Zip or Postal Code: 92056

Country: United States

How should we contact you?: E-mailPhone

About the Shop:

Shop Name : San Diego Puppy

Shop Address Line 1: Gibble Street

Shop Address Line 2:

Shop City: San Diego

Shop State or Province: California

Shop Zip or Postal Code: 92154

Shop Country: United States

Name of shop country if other?:

Shop Website:

Shop Email Address:

About the Breeder:

Breed: unknown

Sex: Female

Date of Birth (yyyy/mm/dd): 2011/09/23

Date of Purchase (yyyy/mm/dd): 2011/12/31

Date of Death (if applicable - yyyy/mm/dd):

Price (if known): 150.00

Breeder: unknown from San Diego Puppy

Broker: San Diego Puppy

Email Address: aritav10@yahoo.com
Your Phone: 619-792-7477
Address Line 1: 5754 sprinter lane
Address Line 2:
City: bonita
State or Province: California
Zip or Postal Code: 91902
Country: United States
How should we contact you?: E-mailPhone

About the Shop:

Shop Name : SD Puppy
Shop Address Line 1: mission george rd
Shop Address Line 2:
Shop City: mission valley
Shop State or Province: California
Shop Zip or Postal Code: 92120
Shop Country: United States
Name of shop country if other?:
Shop Website: www.sandiegopuppy.com
Shop Email Address:

About the Breeder:

Breed: maltipoo
Sex: Female
Date of Birth (yyyy/mm/dd): 01/01/2012
Date of Purchase (yyyy/mm/dd): 03/01/2012
Date of Death (if applicable - yyyy/mm/dd):
Price (if known): \$400
Breeder: Maria
Broker: Maria
Registry:

The Situation:

Diseases and Illnesses: Parvovirus

When did illnesses begin and end?: To Whom It May Concern: My boyfriend and I purchased a Maltipoo puppy from SD Puppy on Thursday, March 01, 2012. Along with the puppy, we received her shots card and the first visit free to the Veterinarian they suggested in North Park. The puppy already had her first two shots, was considered in good health, and free of any illnesses or life threatening conditions. The same day, we noticed her stomach was abnormally distended for a puppy her size. We thought it was normal since she had just recently had a meal but the bloating continued for the six consecutive days. I called David Salinas, the owner and seller from SD Puppy, on March 2nd, to let him know of the condition. He said it

could be that the puppy needed to be “dewormed” again but that it was normal and nothing serious. I took Ivy (my pet’s name) to the Veterinarian on Saturday, March 3, 2012 for her first visit. Our appointment was at 10am. When I got there, I was told that there was an emergency with one of the animals in the back room, so I had to reschedule for Tuesday, March 6, 2012. Sunday the puppy was fine, she was playful but she would not finish her food. David Salinas sold me the food along with vitamins that he said I had to feed the puppy every morning and followed his instructions religiously. Monday morning is when the situation worsened and Ivy fell extremely ill. Her symptoms consisted of diarrhea and vomiting, which lasted most of the day. She threw up about eight to nine times. I could not sleep the entire night as she grimaced in pain and continued to defecate. Tuesday she slept the whole day. She would not play, eat, or drink water. Once at the veterinarian clinic he suggested doing a parvovirus test. The test came out positive! The veterinarian told me he was going to call David Salinas, and tell him about it. He then he came back into the room and handed his iPhone to me because David wanted to speak with me, obviously showing the two of them have been in business together a long time. David asked me if I could meet him at his SD Puppy shop along with Ivy immediately. The vet told me he was going to charge the cost of the parvovirus test, \$45, to David’s account. The vet seemed very upset, clearly showing this was not the first case with David Salinas Puppies. I drove to the puppy shop. When we walked in, David told us he could not believe that this was happening and that he was very upset with the breeder for selling him sick puppies, stating that this had not been the first case and that he would be ending his business relationship with the breeder. Then, he gave me two options: 1. Return the puppy and give me a full refund and just forgetting about what happened. 2. Leave the puppy with him so he could contact the breeder. The breeder could then cure the puppy, saving us thousands of dollars, and then returning Ivy back to us when fully recovered. In the event of Ivy not surviving, he would refund us the money. I was devastated by his suggestions! Right away, I told him that the money was NOT the issue! I even offered to take Ivy to be hospitalized myself, and cover the costs so that I at least knew that if she did not survive I tried my best to save her life. However, he insisted that he did not want me to spend thousands of dollars and that he and his wife would make sure the puppy was well taken care of. I called him one hour after leaving his shop and he never returned my call. I still had questions, and I wanted to know the breeder and veterinarian’s contact information so I could speak with them if necessary. I called again Tuesday and no answer, so we decided to go to the shop. When we got there, there was a note that said “Family emergency, will return at 1pm” so we waited. When David Salinas got there with his wife and kids, we were told he took the puppy to Lancaster to the breeder, and that Ivy had been hospitalized and was on an IV to help her keep hydrated. I asked for the breeder’s info and he said he could not give it to me because it was private and confidential. I then asked for the Vets Address and phone number, and he said he could not give me that either. At that point, I knew both the situation was not normal and he was hiding something from me. I felt he was hiding the fact that my dog had died or that his operation was illegitimate. I insisted on knowing the whereabouts of Ivy so he said the breeder call me in two hours. I waited 7 hours, and I had not received any call. With them denying me the information to the vets contact information, I started to ask questions. I was met with nothing but resistance and constant changes to the story. They even went as far to tell me the vet had a private practice he performed out of his own home! From the time I was at the vet and the vet’s reaction towards David Salinas on the phone, I already knew this was an illegitimate operation. I

decided to research his business on Yelp.com and, as expected, SD Puppies had a one star rating. There has been a significant amount of people who have been through similar situations. I contacted one individual who also purchased a Maltipoo and her puppy was diagnosed with parvovirus. She told me many people have been contacting her with the same issue after reading her review. I am obviously not the only one going through this situation. David Salinas is hiding something! I was told his puppies are from puppy mills, and that some of his dogs are from Mexico. When I confronted him about it, he denied it. It is now March 8, 2012 and I still do not know the whereabouts of my beautiful Ivy. Please help me figure this out. I miss Ivy and I want her back. If my dog cannot be saved, I want to at least do my part in bringing justice to the situation. I do not want one more animal to go through the pain and suffering Ivy and countless other puppies have gone through under the business practices of David Salinas. With such a clouded secrecy over his operation, we need to find out the source of the issue and correct it. How many more puppies have to be hospitalized, with chances of lifelong damage before he stops! Regards, Ariadna Vereda Mobile Number: 619-792-7477 aritav10@yahoo.com

HereditaryDefects?:

Did the pet shop or kennel recommend this vet?: Yes

Veterinaryexpenses to date: \$0

How did you hear about this pet shop, kennel or online merchant?: Pet shop owner gave me a free first visit pass

Enter Description Here: He keeps the puppies in the back room. Customers cant see puppies unless brought out by Owner David Salinas.

Was this an online purchase?: No

February- 2013

Update – San Diego Puppy, David Salinas is now purchasing puppies from **The Hunte Corporation**, or the largest puppy mill broker in the US. We have information that he has purchased puppies from two Midwest Puppie mills:

ET LovingHearts Kennel of Wright, Missouri, **Tammy Williams**, owner. (Viewscathing USDA Reports for this kennel at back of this report.)

Stonehenge Kennels of West Point, Iowa. , **Steve Kruse**, owner. (CAPS conducted an undercover investigation of this puppy mill, report on following page. We have also provided video footage of this facility, one of the largest suppliers to the Hunte Corp.)
(Petshoppuppies.org)

Salinas is also now registered with the USDA as a breeder. The address he has provided is a tracthome in the City of San Diego per our investigation. He is also sending press releases internationallyadvertising his puppies, from India to Australia
(Petshoppuppies.org)

The followingis a sample of one of his press releases:

“San Diego Puppies for sale also ensures a clear breed of puppies from private breeders. They ensure the puppies are free from any genetic and hereditary disorder. They keep only limited stock of the best of the puppies and dogs for sale to customers. As they do not depend on the widest available puppy mills in US, their puppies and dogs are reared with care and perfection. With personal care during grooming of puppies, San Diego puppies for sale helps in getting finestbreed of puppies with 100% healthy and natural care and nurture. With apposite focus on quality of breeds they ensure maximum perfection on the puppies- health. This is their reason for offering a lifetime guarantee for the puppy owners. This puppy supplier also offers demanded breeds of dogs for sale. With their adherence to quality of breeds and safetyapproval of veterinaryexperts they are one of the most trusted puppy suppliers in California region.”

(Petshoppuppies.org)

The followingis a complaint filed with Petshoppuppies.org during Salinas’ short tenure as a now “breeder”:

ID: 14616

Date Submitted: 7/7/2012

Breed: Maltese Poodle

Date Purchased: 6/10/2012

Broker: Unknown

[Petshop: San Diego Puppy](#)

Details: Severe illness -- neurological effects due to hypoglycemia, vomiting, diarrhea, giarrdea, pneumonia, nasal discharge.

The vet said puppy was a cockapoo, not a maltipoo.

(Petshoppuppies.org)

CAPS Investigation Report for Stonehenge Kennel, Steve Kruse

- Owners: Kruse, Steve
- Business name: Stonehenge Kennel
- Address: 2345 Hwy 16
- City, State Zip: West Point, IA 52656
- Year: 2004
- USDA License: 42-B-0182
- USDA Inspector: John Lies, ACI
- USDA Inspections: 2003-01-29
- Date of CAPS Investigation: 2004-07-09

Approximately 1350 dogs and 20 puppies. Breeds: Bull Mastiffs, Cavalier King Charles Spaniels, English Bulldogs, Huskies, Shiba Inus, Labradors, Miniature Pinschers, Yorkshire Terriers, Australian Cattle Dogs, Lhasa Apsos, Maltese, Shar Peis, Pugs, American Bulldogs

Steve Kruse's kennel had several buildings. The single-story building at the southeastern edge of the property was about 85 feet long (north and south) and about 30 feet wide. The structure was made of brick and wood. It had a white peaked metal roof and concrete flooring. The east end of the building had about 16 outside runs made of untreated, rusting metal (3.1(c)(i)-Surfaces). The pens had concrete floors. There was a doggie-door at the west end to allow access to a chain link area inside the building. The outside runs had no windbreaks other than the building itself at the west end (3.4(b)-Shelter from the elements). There was a piece of black tarp raised about three feet above the ground and covering an area of about six feet by five feet at the top of the northernmost pen. Each pen contained two dogs (Labradors and Bull Mastiffs). Inside the building were four cages made of plastic-coated wire. One of the cages held three Cavalier King Charles Spaniels and a Husky; another had a Shiba Inu and three Cavalier King Charles Spaniels; and a third had two Maltese and four Pugs (3.6(c)(1)(i)-Primary enclosures). A fourth cage held only two Maltese puppies. All of the cages had red plastic self-feeders. The plastic water bowls were on the floor (3.9(b)-Watering).

Northwest of this building was a single-story structure about 200 feet long and fifty feet wide. It had white brick walls and white, metal peaked roof. The building had garage doors at its east and west ends, which lead into a room of about fifty feet long and wide. Inside were cages, tools, boxes, and a dolly. There were metal containers at the right side of the eastern doorway inside the building, including a red gasoline container with a yellow spout. North of this room was a doorway with an open door. This led to a room of similar dimensions to the garage. This room had about 20 cages with wooden support beams, treated wire doors, backings and floors, and white plastic sides. The cages were about three feet above the concrete flooring. Some pens contained one to two dogs, each weighing about 25 pounds, while another contained a single dog Labrador weighing about 65 pounds in weight (3.6(c)(1)(i)-Primary enclosures). One pen had three Cavalier King Charles Spaniels (3.6(c)(1)(i)-Primary enclosures).

The eastern side of the northern wall of this room had a doorway with no door on it, which led to a room identical to the one previously described in the above paragraph. One pen held two Huskies (3.6(c)(1)(i)-Primary enclosures), an English Bulldog and a Shiba Inu (3.6(c)(1)(i)-Primary enclosures). The English Bulldog had sagging breasts. Also, a wall of her pen was smeared with blood about a foot in every direction (2.40-Vet Care). One pen had a Shih Tzu, a Cavalier King Charles Spaniel, and a Yorkshire Terrier (3.6(c)(1)(i)-Primary enclosures). Another pen contained an Eskimo and two French Bulldogs (3.6(c)(1)(i)-Primary enclosures). Another held four Cavalier King Charles Spaniels (3.6(c)(1)(i)-Primary enclosures).

A room was north of this through a door at the eastern side of the northern wall. The room had cages identical to those described in the previous paragraph, except for the cages at the eastern wall which were only about two feet wide instead of three feet wide. Three Shih Tzu were in one of the larger cages (3.6(c)(1)(i)-Primary enclosures), and another cage that contained two Shih Tzu and a Maltese (3.6(c)(1)(i)-Primary enclosures).

The eastern side of the northern wall of the above-described room accessed a room with about 30 cages in it. All were similar in description to those previously noted and were about three feet long and two feet wide. One cage had four Maltese (3.6(c)(1)(i)-Primary enclosures). One of the smaller cages held three Lhasa Apsos (3.6(c)(1)(i)-Primary enclosures).

Some of the cages described above contained red plastic self-feeders hooked onto the cage doors, while others contained metal coffee cans for food dishes. The cans were placed on the wire flooring (3.9(b)-Feeding). All of the cages in the rooms contained lix-it water devices that ran from the ceiling.

East of the above described structure were two other buildings. Each was about 200 feet long and 20 feet wide, and had about 48 cages on each side. The cages were made of wooden supports and wire bottoms and walls. A metal ceiling covered all of the cages. Red plastic self-feeders were on all of the doors. All of the cages were about three feet above the ground on wooden beams.

Also, all of the cages had untreated metal bar doors that were rusting (3.1(c)(i)-Surfaces). The buildings also had tarps that were rolled up at the bottoms of the outside walls and tied to ropes that reached to the ceilings. This system appeared to be a way to hoist the tarps up in order to cover the sides of the enclosures. Various small and large breeds were in the cages, including Cavalier King Charles Spaniels, Labrador Retrievers, English Bulldogs, Shar Peis, Bull Mastiffs, Shiba Inus, Bichon Frises, Chihuahuas, and Pugs. Overcrowding was evident throughout the buildings: cages with three or four Cavalier King Charles Spaniels; one cage with three Chihuahuas, a Pug, and a Maltese; two cages with two Labradors each; four Bichons in a cage; two cages with various breeds (four to five to each cage); four Shih Tzus in a cage, and a cage with two Shar Peis (3.6(c)(1)(i)-Primary enclosures). Another problem was stained concrete floors in the buildings (3.1(c)(2)-Maintenance and replacement of surfaces).

Fur and debris had accumulated on the wooden ledge on one of English Bulldog pens (3.11(a)-Cleaning of primary enclosures). Several full grown Shar Peis had clear discharge oozing from their red eyes (2.40-Vet Care).

In a phone conversation I had with Steve Kruse on 8/3/04, Kruse told me that he has been breeding dogs in a commercial business since 1986 and that he has 1350 adult dogs. He said he sells dogs to The Hunte Corporation and two family-owned pet store chains in Illinois and Florida, one of which has four stores and the other which has two. Kruse said that "a gal", whom he later admitted is his wife, owns a pet store in Florida he sells to. He added that she drives up from Florida to pick up puppies in Illinois, Iowa, Arkansas and Missouri before going back to Florida. He said that he sells to Happiness is Pets stores in the Chicago area.

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See photos from the Kruse investigation at the end of this report

Pet Market

CAPS has been unable to find any complaints against this store we believe due to the fact that he is purchasing from unlicensed breeders possibly from Mexico.

Yelp Reviews for the Pet Market

- **Kayla P.**
- San Diego, CA

10/18/2010

Yeah this store is totally NOT anything to gossip about. I get my feeder mice Here for my snake and the first thing I smell when I walk in is poop. I mean I understand that it's a pet store but come on, you could at least clean up a little! And the pets look miserable! I'm surprised nobody's complained!

- **Review from Jenny L.**

1/18/2010 First to Review

One Star for convenient location and plenty of parking. Other than that, the supplies are so-so and prices are nothing to write home about. As an aside, it seems many of the animals for sale here are housed in conditions that leave a lot to be desired (rats crowded into multi-level wire cages, snakes tucked into very small pull-out drawers, that kinda thing).

On one visit, there were small reptiles gasping for air and dying in a tank (one had been dead for a while), the overpriced mix-breed kittens looked like they had upper respiratory infections, and there were hamsters missing clumps of fur. To be fair, the condition of the animals was marginally better the last few times I've been in, but it's still not great.

My sister bought a puppy advertised as a purebred Chihuahua from this store, and not only is he just a mutt-looking chi mix, but he has health problems and a nasty temperament -- he's been taking bites out of people since his eight week birthday. He was clearly not bred for sound temperament or health, and for \$300 one would hope that this would be the case.

You're better off adopting from a local shelter and then going to PETCO for the supplies.

- **Review from Kristen S.**

1/30/2012 1 Check-in Here

For one, there is no reason to purchase a dog when so many in shelters need a home. For this reason I usually shop at Petco/Petsmart who do a lot of good for non-profits that benefit homeless pets. I had to stop in here to get some dog food when I was in the area and didn't know where else to go. The animals definitely need to be kept in better conditions.

- **Review from Roslynn F.**

4/10/2012

I don't support pet stores that sell puppies but besides that I haven't had great experiences with this place. They sell the dog food I like (Taste of the Wild) but I feel so badly for the animals in there that it's heart-wrenching to go inside sometimes. I think if a pet store MUST sell puppies (and all other animals) they should be kept in better looking conditions. Minus one star just for the fact that one of the employees just about ran from my dog and actually told me she didn't like them.

- **Review from Kevin N.**

9/17/2011

I honestly think Yelp should add a 0 or no stars option. This place is overpriced, smelly, and unfair. Most of the employees who work there do not have any knowledge about taking care of pets, on top of that they aren't very helpful and rude. If you purchase a pet and it dies, they do not give you a refund, they'll say it's your fault. I wanted to return something, and all they gave me is store credit no cash refunds. Oh forgot, you don't have your choice to pick for fish; they scoop it out, and that's yours to keep.

I do not know why this place is still operating. You're better off going to Petco or Petsmart, you get discounts & way better experience than this greedy, hungry, money-hogging pet shop.

• **Review from Sarah H.**

3/2/2011 1 Check-in Here

This place smells rotten, the animals look sickly, and the staff has complete lack of knowledge and customer service skills. I went half an hour before closing time to pick up some food for my pups and the front counter girl was too busy munching on fast food to notice I was standing at the counter. Are you serious?! What kind of establishment allows that?! The only reason I gave them a single star is the fact that I can't give NONE! That, and they're convenient for me. However, no more chances... I'll just pick up their food in Santee, where I work.

9/10/2012

this place deserves 0 stars! OVER PRICED and the staff is useless. Not to mention the puppies they have behind the counter look so sad and miserable. Went there once and they had two pitbull puppies in a small cage, in the back room. without water or food. NOT RESPONSIBLE AT ALL. anyways, save your time and go to Petco or PetSmart. You'll get great deals and discounts.

Russell M.

San Diego, CA

4/2/2011

I returned back to San Diego in the Imperial Beach area after being gone for 2 1/2 years. I went back to Pet Market and was SHOCKED!!!! This store has turned TERRIBLE/NASTY, and no one speaks english that well, and the customer service SUCKS!!!! No one had any general knowledge of products or where to find them. I was pretty much ignored. I asked for a girl that used to work there named kris or kristina and was told she was fired. TOO BAD.....She was the nicest person there, knew all about the products, and was always delightful, funny, and genuinely cared about the customer. The store never smelled bad, and she was great with my dogs. BIG MISTAKE getting rid of her. This store has gone to hell in a hand basket, and smells like POOP and RAT PISS!!!! Its a shame I have to even enter this establishment to purchase my food. If Petco or Petsmart carried it, I would DEFINITELY be there instead.

Elizabeth G.

Chula Vista, CA

3/26/2011

This place was terrible!!!!!!!!!!!!!! The girl at the counter knew nothing about the animals sheltered there. The animals were also taken care of very poorly. There was a dead hamper with bloody chunks in with the others, which were all jammed in the corner trying to stay away from their deceased friend :(Also, there whereabouts of where the puppies came from is very questionable. This is obviously not a business opened by animal lover, but to make a profit.

Nick t.

San Diego, CA

3/25/2009

I am a very avid cat person, i love animals, and at first, when we found our little missy we were overjoyed with happiness, so lovable, but then, after we took her back to our house, well, its evident that they took very little care of these animals. When we tried to get the paperwork on the cat, not only did they not have the proper documents, they told us we had to come back for it later on in the day, on our part, it was a very big mistake on my part, but i will never go to another pet store again, its animal shelters for us for now on...

US & Canadian Cities That Have Passed Ordinances Prohibiting the Retail Sale of Dogs & Cats in Retail Stores

California

Aliso Viejo
Burbank
Chula Vista
Dana Point
Glendale
Hermosa Beach
Huntington Beach
Irvine
Laguna Beach
Los Angeles
South Lake Tahoe
West Hollywood

El Paso, TX
Austin, TX
Albuquerque, NM
Lake Forest, FL
Hallendale, FL
Manasquan, NJ
Point Pleasant, NJ
Villa Park, IL
Brick, NJ
Fountain, CO

Mississauga, Canada
New Westminster, Canada
Richmond, BC Canada
Toronto, Ontario Canada

Florida Cities – Imposed bi-law that prohibits the “keeping of dogs for any commercial purpose”

Coral Gables, FL
Lauderdale Lakes, FL
Flagler Beach
North Bay Village
Opa Locka

Lake Worth, FL
Parkland, FL

Comparison of City Ordinances with Pet Sales Bans

-**South Lake Tahoe** and **Albuquerque** banned ALL for-profit sales of dogs and cats, which would include allowing pet stores to partner with nonprofits or animal control agencies to perform retail adoptions

- **West Hollywood, Hermosa Beach, Aliso Viejo, Dana Point, Glendale, Huntington Beach, Irvine, and Laguna Beach** also explicitly state that pet stores can provide space, care for and maintain animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency for the purpose of adoption (allows for retail adoption facilities)

-**West Hollywood and Hermosa Beach**, have used a majority of the **South Lake Tahoe** ordinance to draft their own, but provide an exemption for sale of animals “that were bred and reared on the premises of the person or establishment.”

-The City of **Dana Point** provides exemptions for licensed commercial breeders that are registered and whose “program and practices are consistent with the humane treatment of animals” as well as individual owners who occasionally breed but do not sell those animals to a commercial outlet or for “purposes of research, testing or laboratory experimentation”

-The City of **Huntington Beach** allows commercial establishments that offer dogs and/or cats obtained from a shelter, or humane society or rescue organization to also accept and sell cats surrendered by owners.

Note:

Many jurisdictions have no retail establishments currently selling cats or dogs, but enacted the ordinance as a preemptory measure.

- In some cases, like South Lake Tahoe, the sale of dogs and cats was thought to be bad for the city’s image:

- “The city council finds that the retail sale of dogs and cats in pet stores in the city of South Lake Tahoe is inconsistent with the city’s goal to be a community that cares about animal welfare.”

Note:

-In addition to banning retail pet sales at pet stores, states have begun targeting the sale of animals in public places as another way of targeting puppy mills

- Animals sold in public places, such as swap meets or flea markets, are usually from breeders who provide little or no care, and often turn out to be unhealthy, have serious, contagious diseases or congenital abnormalities.

A number of states have already implemented a ban on the sale of pets in public places.

-Pennsylvania

Law states that *“It shall be unlawful for any person to buy, sell, offer to sell, transfer, barter, trade, raffle, auction or rent a dog at any public place in this*

commonwealth".

-Texas

Cities such as Fort Worth, San Antonio, Austin, and Houston have all passed bans on the sale of pets in public places.

-Arizona

A 2008 law prohibits the sale of any animals in any county with a population of 800,000 or more on any *"public highway, street or park or any public property adjacent to a public highway, street or park.*

(A bill, S.B. 1125, introduced this year, 2010, would have extended this law to all of Arizona; S.B. 1125 passed the state Senate but failed to pass the House of Representatives and did not become law.)

California recently tried to enact a similar ban, but it was vetoed by Governor Schwarzenegger

Bill would have made it illegal *"for any person to willfully sell, display for sale, offer for sale, or give away as part of a commercial transaction, a live animal on any street, highway, public right-of-way, parking lot, carnival, or boardwalk"*

Ordinance Summaries

-Hermosa Beach, CA

No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Hermosa Beach. This Chapter does not apply to: a person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment

-Aliso Viejo, CA

No commercial animal establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city on or after the effective date of the ordinance codified in this section.

-Dana Point, CA

No commercial animal establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city on or after the effective date of the ordinance codified in this section. A commercial animal establishment already in existence has 1 year from the date of the ordinance to continue to display, offer for sale, barter, auction, or otherwise transfer or dispose of dogs and cats.

-Glendale, CA

No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the city of Glendale on or after the effective date of this chapter. 1 year grace period for existing pet stores

-Huntington Beach, CA

No commercial establishment shall display, sell, deliver, offer for sale, barter, or auction dogs or cats, except dogs and/or cats obtained from a shelter, or humane society or rescue

organization. Cats obtained by donation from a local resident for no charge may also be displayed, sold, and offered for sale or adoption. The pet shop owner shall notify in writing the Orange County Animal Services Office of any sale of a local donated cat. 2 year grace period for any store that previously sold cats and dogs in a lawful manner to cease operations.

-Irvine, CA

No commercial establishment shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City on or after the effective date of the ordinance codified in this section. 1 year grace period for any store that previously sold cats and dogs in a lawful manner to cease operations.

-Laguna Beach, CA

No commercial animal establishment shall, for the purposes of resale or retail, display, sell, deliver, offer for sale, barter, auction, or otherwise transfer or dispose of puppies, dogs, kittens, or cats in the City on or after the effective date of the ordinance codified in this section.

-Richmond, BC

Ban on the sales of puppies are local pet stores. Richmond became the first city in Canada to impose such a ban. Pet store owners will have until April 2011 to sell or remove dogs from their business.

El Paso, TX

Original ordinance read:

- “No person shall sell a dog or cat except as provided herein. Provided however, a person with a valid breeder’s license and litter permit, may, from September 1, 2010 to January 31, 2011 sell the offspring of a dog or cat provided that the offspring was born prior to September 1, 2010 or sell the offspring of a dog or cat that was pregnant on September 1, 2010.”
- In October, the City Council passed a watered-down version of the original, which:
 - Prohibits the sales of dogs and cats under eight weeks old, and only allows breeders to sell dogs and cats between eight weeks and one year of age
 - Breeders also won’t be allowed to profit from the sale of the young animals, and instead will have to settle for reimbursement for documented expenses (food, vet care, microchip, etc).

Local, State, and Federal Laws

Local San Diego Animal Laws

§42.0704 Pet Shops — Care of Pets

Suitable holding facilities shall be provided to protect pets from inclement weather. Adequate feed and water shall be furnished to all pets. All feed shall be stored in ratproof containers tightly covered and protected against rats and other contamination. Meat shall be kept in a properly maintained refrigerator until used.

§42.0705 Pet Shops — Sanitary Regulations

The floors of all structures used for the purpose of housing or keeping pets must be impervious to moisture and be kept in a sanitary condition. All such structures must be whitewashed or painted a light color and maintained in good repair at all times.

California State Animal Laws

Pet Store Animal Care Act, Lockyer-Polanco-Farr Pet Protection Act

Citation: West's Ann.Cal.Health & Safety Code § 122350 – 122361

Summary: This California law requires pet store operators to maintain the facility in good repair, prevent pest infestations, provide proper care to animals, and clean grooming areas daily. Primary enclosures must be structurally sound, provide adequate space, be water-proof, and protect from injury. The law mandates that dogs and cats must be over eight weeks of age and weaned prior to sale. Pet store operators must ensure that veterinary records are documented in writing. Violations may be considered an infraction or a misdemeanor.

Federal Animal Laws

Animal Welfare Act

Which Facilities are Covered by the AWA?

The AWA applies to facilities that breed animals for commercial sale, use [animals in research](#), transport animal commercially, or publicly exhibit animals. This includes zoos, aquariums, research facilities, puppy mills, animal dealers, and circuses. The regulations adopted under the AWA establish minimum care standards for animals in these facilities, including adequate housing, handling, sanitation, nutrition, water, veterinary care and protection from extreme weather and temperatures.

Facilities that are not covered include farms, pet stores and hobby breeders.

Criticisms of the AWA

From an animal rights perspective, the AWA does little to protect animals because the use of the animals is not challenged. As long as the animals have adequate food, water and shelter (and many believe these requirements are insufficient), the AWA allows animals to suffer and die in puppy mills, zoos, circuses, and research facilities.

Cost to Taxpayers for Ordinance Ban – Zero

Without the sale of puppies in pet stores, there we predict an increase in the number of shelter adoptions, a decrease in the number of euthanasias, an increase in the number of adoptions from rescue groups, and an increase in the number of people purchasing healthy puppies from responsible breeders.

Also, because the shelters, rescue groups and responsible breeders engage in meticulous screening of individuals whom are seeking a new pet, the rate of animals ending up in shelters or lost on the streets will decrease.

-Albuquerque, New Mexico

Passed ban on commercial pet sales in Oct 2006, years prior to West Hollywood. -**Albuquerque** reports substantial improvements. 35% increase in adoptions, 23% decrease in euthanasia rates. Animal Humane of Albuquerque also opened a boutique shop to allow people to adopt shelter animals without having to visit the shelter.

They had hoped to do 45 adoptions in first month but instead did 118

San Diego Shelter Statistics

2011-2012

74% of all animals that entered San Diego shelters were adopted out or had positive outcomes. (See full table at end of report)

US Shelter Statistics

“US taxpayers pay an estimated \$2 billion each year to round up, house, kill and dispose of homeless animals” (USA Today)

“An estimated 5 million cats and dogs are killed in shelters each year. That’s one every six and one half seconds.” (HSUS)

“Each day 10,000 humans are born in the US and 70,000 dogs and kittens are born.

The Humane Society of the United States provided these statistics:

- **Number of cats and dogs entering shelters each year:**
8–10 million (*HSUS estimate*)
- **Number of cats and dogs euthanized by shelters each year:**
4–5 million (*HSUS estimate*)
- **Number of cats and dogs adopted from shelters each year:**
3–5 million (*HSUS estimate*)
- **Number of cats and dogs reclaimed by owners from shelters each year:**
Between 600,000 and 750,000—15–30% of dogs and 2–5% of cats entering shelters (*HSUS estimate*)
- **Number of animal shelters in the United States:**
Between 4,000 and 6,000 (*HSUS estimate*)
- **Percentage of dogs in shelters who are purebred:**
25% (*HSUS estimate*)

- **Average number of litters a fertile dog can produce in one year: 2**
- **Average number of puppies in a canine litter: 6–10**

“The Internet,the Last Frontier”

USDA Proposes to Close Loophole on Retail Pet Sales to Ensure Health and Humane Treatment

WASHINGTON,May 10, 2012--The U.S. Department of Agriculture’s (USDA) Animal and Plant Health Inspection Service (APHIS) is proposing to revise its definition of “retail pet store” to close a loophole that has threatened the health and humane treatment of pets sold sight unseen over the Internet and via phone- and mail-based businesses. Under the current definition of “retail pet store,” which was developed over 40 years ago and predates the Internet,some breeders selling pets are taking advantage of a loophole that improperly exempts them from the basic requirements of the Animal Welfare Act (AWA). The proposed rule will close this loophole,ensuring animals sold over the Internet and via phone- and mail-based businesses are better monitored for their overall health and humane treatment.

“This proposed change is aimed at modernizing our regulations to require individuals who sell animals directly to the public to meet basic care and feeding as required by the Animal Welfare Act,” said Rebecca Blue, Deputy Under Secretary for Marketing and Regulatory Programs.“By revising the definition of retail pet store to be better suited to today’s marketplace, we will improve the welfare of pets sold to consumers via online, phone- and mail-based businesses.”

Recommendations to the City Attorney

We congratulate the City of San Diego for considering a ban on sales of pet factory dogs and cats, or puppy mills. We believe that a non-punitive ordinance which further regulates and restricts pet dealers/retailers will break the puppy mill cycle. Long-standing contracts with the most egregious brokers and commercial breeders will be broken and consequently, local companion animals from your municipal shelter system and from legitimate 501 (c) (3) rescue organizations will benefit. Pet Store consumers will no longer be the subject of puppy mill fraud.

By converting retailers to the humane pet store model (see attached article, Inside the Rescue Revolution from American Dog Magazine) they will thrive by offering new services and strengthen ties to their community by selling rescued animals. By offering rescued, spayed and neutered dogs and cats, instead of pet factory intact animals, the pet overpopulation crisis that is currently affecting our overburdened shelter system will be controlled and we should see a lowering of euthanasia rates, provided that backyard breeders are regulated with enforcement.

We encourage the City Attorney of San Diego to consider using our Glendale ordinance as a guide. CAPS conducted the Glendale pet store investigation that was part of the city-wide (Los Angeles) investigation and evidence was brought to Councilmember Jeffrey Prang, author of the West Hollywood legislation. Similarly to Glendale, there was only one store (San Diego has two) that was still selling animals from breeding factories. That Store, Elite Animals, was selling dogs from a particularly cruel commercial breeder and also illegally selling exotic endangered species (CAPS evidence was given to the Fish and Wildlife Dept.). In addition, CAPS undercover investigations exposed the West Hollywood store for violating federal (Farm Act of 2008), selling under-aged puppies from Russia. The West Hollywood pet store ordinance was only the third such ordinance in the U.S.. After Albuquerque and South Lake Tahoe. To date, we also assisted in the City of Irvine in the passing of the same such ordinance, and our most recent success occurred in the largest city yet, to pass this ordinance, Los Angeles in December of 2012. CAPS has also passed this ordinance in Villa Park, Illinois, and is currently drafting the ordinance for Sarasota Cty, FL.

We recommend that the city consider the following while drafting appropriate language for your ordinance:

- Consider addressing the fact that Internet sales of factory-bred pets are sky-rocketing. Commercial breeding operations are exploiting a federal loophole allowing them to sell directly to the public without being subject to any inspection programs. Consider banning internet pet sales from the City of San Diego IP addresses.
- Pet stores that have newly converted to the humane business model are not used to doing any due diligence on the provenance of the animals they sell. Many have been caught selling “rescued” animals that are from backyard breeders. Consider penalties for this.
- Consider a rebate program that links the Department of Animal Services to pet retailers. If a rescued, intact puppy or kitten is too young to spay or neuter, the price of the surgery should be made an added fee, paid up-front and held, to be reimbursed with written receipt/proof of surgery.
- Regulations regarding the maximum age of pets in stores should be relaxed in order to allow for adult or senior companion animals to be adopted/sold.
- Regulations regarding the size of enclosures inside pet retail stores ought to be examined for more humane standards. They are currently too small; typically, German Shepards are in the same enclosures as miniature Poodles.
- Pet store regulations for socialization and exercise should also be imposed (currently, pet stores keep puppies and kittens in a tiny enclosure with little ventilation for up to six months, without ever removing them until sold.) This is inhumane, causing behavioral and physical development issues, but currently legal.

- Consider banning private, live animal for sale ads in local newspapers (they are almost all backyard, unlicensed breeders who do not declare their cash business).

Finally, we ask that the City Attorney of San Diego refer to CAPS' investigations, findings and/or recommendations in the ordinance and media advisories. Our investigations and direct action campaigns have resulted in a national trend in new legislations regarding puppy mills and we expect lawmakers from around the country to contact San Diego City officials on how to follow up with an ordinance in their own (as they have en masse in West Hollywood, Glendale and Los Angeles). In the interest of our common goal of a more humane community for our companion animals, it will be helpful for lawmakers in the United States and abroad to utilize our international expertise in pet factory and pet store investigations. Har evidence is necessary to combat opposition and we sincerely hope that you will refer them to us so that we can provide this service, which is a major part of our mission.



Inspection Report

HARRY BONHAM
WANDA BONHAM

Customer ID: **30128**
Certificate: **43-A-4436**
Site: 001
HARRY & WANDA BONHAM

100 CO RD 6740

Type: ROUTINE INSPECTION

POTTERSVILLE, MO 65790

Date: Jun-01-2011

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

****There was 1 red Boston Terrier male ("BA", m/c# 094-823-064) whose right eye was cloudy. There was a mild clear discharge from the medial corner of the eye. The owner had not observed it when making the early morning check. Eye conditions can cause irritation, pain and distress to the dog. This dog needs to be evaluated by a veterinarian and the treatment plan followed and documented.

****There was 1 red Boston Terrier female (m/c # 080-570-628) with both eyes cloudy and a clear discharge on the medial corners. Eye conditions can cause irritation, pain and distress to the dog. This dog needs to be evaluated by a veterinarian and the treatment plan followed and documented.

These dogs must be evaluated by a veterinarian for an accurate diagnosis and treatment plan. Documentation must be made available to the inspector upon request.

This affects 2 adult dogs. TO BE CORRECTED BY: CLOSE OF BUSINESS 2 JUNE 2011.

3.4 (b)

OUTDOOR HOUSING FACILITIES.

In addition to the shelter structures, one or more separate outside areas of shade must be provided, large enough to contain all the animals at one time and protect them from the direct rays of the sun.

****In the outdoor enclosures along the side, the shade cloth over the top of the last 4 enclosures is no longer connected on either end, resulting in very little shaded area for the dogs. There are 2 dogs in each of the affected enclosures and not enough shade at the time of the inspection. The temperature at that time was over 85F (local radio station report). Dogs without shade may suffer distress. For the health and well being of the dogs one or more separate outside areas of shade must be provided, large enough to

Prepared By:

KATHRYN VERNON, A.C.I. USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 5041

Date:
Jun-03-2011

Received By:

(b)(6),(b)(7)(c)

Date:
Jun-06-2011



Inspection Report

contain all the animals at one time and protect them from the direct rays of the sun. Shade must be provided and maintained at all times.

This affects 4 adult dogs. TO BE CORRECTED BY: 1 JUNE 2011.

3.6 (a) (2) (x)

PRIMARY ENCLOSURES.

2) Primary enclosures must be constructed and maintained so that they: (x) Have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor.

****In the whelping building were wire cages with female dogs and young puppies. There were two litters of puppies that were less than 2 weeks old and their feet were observed passing through the 1/2" x 1/2" floor spaces. The legs and feet can become injured from passing through the spaces, the puppy can become distressed when trapped and cannot easily get back to its mother. Primary enclosures must be constructed and maintained so that they have floors that are constructed in a manner that protects the dogs' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' feet to pass through any openings in the floor. The floors must be modified to prevent the feet and legs from passing through the openings in the floor.

This affects 14 puppies. TO BE CORRECTED BY: 1 JUNE 2011

The inspection was conducted by Katy Vernon, ACI and Curt McGruder, ACI with the owners. The exit interview was done by Katy Vernon, ACI with the owners.

Prepared By:

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Title: ANIMAL CARE INSPECTOR Inspector 5041

Date:
Jun-03-2011

Received By:

(b)(6),(b)(7)(c)
Title:

Date:
Jun-06-2011



Inspection Report

HARRY BONHAM
WANDA BONHAM

Customer ID: **30128**
Certificate: **43-A-4436**
Site: 001
HARRY & WANDA BONHAM

100 CO RD 6740

Type: ROUTINE INSPECTION

POTTERSVILLE, MO 65790

Date: Jun-29-2010

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

****There are 2 dogs that have large pink and red tissue underneath the eye. The white English Bulldog named Candy has these tissues in both eyes and they are very large. The brindle and white English Bulldog has the large red tissue in the right eye. These 2 dogs need to be seen and evaluated and treated by the veterinarian by the end of this day. The written treatment plan must be available to the inspector.

This affects 2 adult dogs. TO BE CORRECTED BY 29 JUNE 2010.

2.50 (a) (1)

TIME AND METHOD OF IDENTIFICATION.

(1) All live dogs held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in Sec. 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats (2), or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

****There are 25 adult or juvenile dogs that do not have an official form of identification. These dogs do not have a collar with tag, official tattoo or microchip. There is not an individual number listed on the APHIS Form 7005 Record of Acquisition of Dogs and Cats on Hand. These dogs cannot be identified. All dogs on the premises must be identified as described above.

This affects 25 adult dogs. TO BE CORRECTED BY 3 JULY 2010.

Prepared By:

KATHRYN VERNON, A.C.I. USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 5041

Date:
Jul-01-2010

Received By:

(b)(6),(b)(7)(c)

Date:
Jul-05-2010



Inspection Report

3.1 (c) (1) (i)

HOUSING FACILITIES, GENERAL.

Interior surfaces and any surfaces that come in contact with dogs must: Be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

****The steel posts in front of the back row of pens have an accumulation of rust over their entire surface. In the front row of pens, the gate to the 4th enclosure from the north end has a rusted and broken bottom rail. Rusty surfaces cannot be readily cleaned and sanitized and affect the structural integrity of a surface. For the health and well being of the dogs, the rusty surfaces must be repaired or removed and replaced. The surfaces must be maintained.

This affects 18 adult dogs. TO BE CORRECTED BY: 14 JULY 2010.

3.4 (b)

OUTDOOR HOUSING FACILITIES.

Shelter from the elements. Outdoor facilities for dogs must include one or more shelter structures that are accessible to each animal in each outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. Shelters in outdoor facilities for dogs must contain a roof, four sides, and a floor.

****In the 2 large enclosures containing the large dogs, there is a large shed that is open on one side and about ¼ of the adjacent side but there are no shelters provided. For the health and well being of the dogs, shelters in outdoor facilities for dogs must contain a roof, four sides, and a floor. Shelters of appropriate size for the dogs must be provided and maintained.

This affects 6 adult dogs. TO BE CORRECTED BY: 2 JULY 2010.

3.9 (b)

FEEDING.

(b) Food receptacles must be used for dogs and cats, must be readily accessible to all dogs and cats, and must be located so as to minimize contamination by excreta and pests, and be protected from rain and snow. Feeding pans must either be made of a durable material that can be easily cleaned and sanitized or be disposable. If the food receptacles are not disposable, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Sanitization is achieved by using one of the methods described in Sec. 3.11(b)(3) of this subpart. If the food receptacles are disposable, they must be discarded after one use. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

****In the large enclosure containing the 4 Dogue de Bordeau, there is no food receptacle and the feed has been placed on a cement pad. The cement pad is also walked on by the dogs and this contaminates

Prepared By:

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Title: ANIMAL CARE INSPECTOR Inspector 5041

Date:
Jul-01-2010

Received By:

(b)(6),(b)(7)(c)

Date:
Jul-05-2010



Inspection Report

TAMMY WILLIAMS

Customer ID: 17490

Certificate: 43-A-3721

Site: 001

E T LOVING HEARTS KENNEL
4799 VINEYARD CAVE ROAD

Type: ROUTINE INSPECTION

Date: Aug-18-2011

MANSFIELD, MO 65704

2.40 (b) (2) REPEAT

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

****A male Shih Tzu (microchip #074-352-310) had matted hair on his face. Matted hair can result in skin and/or eye problems, can be painful, and can compromise the haircoat's ability to provide protection from the elements. The licensee must remove the matted hair from this animal and must establish an effective program of routine haircoat maintenance.

*****Four dogs had an abnormal discharge present in one or both eyes. A male Shih Tzu (microchip #074-352-310) had a thick, yellow discharge in the left eye. A female Shih Tzu (microchip #016-092-633) had thick, yellow discharge in both eyes. A female Pekinese named Rosebud (no microchip found) had thick, yellowish-tan discharge in both eyes. A male Pug named Wage (no microchip found) had a yellowish-tan discharge present in both eyes, with the right eye being more severely affected. No abnormalities of the surface of any eyes or in eye color were observed. Eye problems can progress rapidly, can be painful, and can result in loss of vision. The licensee must consult with a licensed veterinarian about these eye problems and must maintain documentation for these and any future health-related problems, including the following information:

- Identity of the animal
- Description of the illness or injury and date that it occurred
- Communication with the veterinarian, including dates
- Dates, details, and results of examinations, tests, and procedures
- Dates and types of treatment given, including the dose, route of administration, frequency, and duration of medication
- Response of the animal to treatment

Prepared By:

ROBERT WHITELEY, A.C.I. USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 5048

Date:
Aug-18-2011

Received By:

(b)(6),(b)(7)(c)

Date:
Aug-19-2011

The San Diego Animal Welfare Coalition

Statistics Table (FY 2011-12)

In August of 2004, a group of animal welfare professionals from across the nation convened at Asilomar in Pacific Grove, California, for the purpose of creating goals focused on significantly reducing the euthanasia of healthy and treatable companion animals in the United States. The statistical guidelines developed at this meeting came to be known as the Asilomar Accords.

Public and private animal sheltering organizations in San Diego County have embraced the Asilomar Accords and have joined together in creating a local "community coalition", called the San Diego Animal Welfare Coalition, for the purpose of saving the lives of healthy and treatable animals.

The terminology used in the tables below conforms to the definitions prescribed by the Asilomar Accords, as well as the San Diego Animal Welfare Coalition. The statistics focus on a "Live Release Rate," which is the percentage of pets that leave shelters alive. The percentage can be lower in open-admission shelters like ours, which take in every animal regardless of health, age or behavior, than in limited-admission shelters, which take in animal relinquishments and healthy transfers.



County of San Diego Department of Animal Services

FY 2011-12

ANNUAL ANIMAL STATISTICS TABLE		Dog	Cat	Others	Total
A	Beginning Shelter Count (07-01-11)	484	540	87	1111
INTAKE					
B	From the public	13807	9310	1068	24185
C	Incoming transfers from organizations within Community/Coalition	135	77	4	216
D	Incoming transfers from organizations outside Community/Coalition	0	0	0	0
E	From owners requesting euthanasia	1832	776	158	2766
F	Total Intake (B + C + D + E)	15774	10163	1230	27167
G	Owner requested euthanasia (not healthy)	1832	776	158	2766
H	ADJUSTED TOTAL INTAKE (F - G)	13942	9387	1072	24401
OUTCOME					
I	Adoptions	6674	4378	637	11689
J	Outgoing Transfers to organizations within community/coalition	390	307	26	723
K	Outgoing transfers to organizations outside community/coalition	0	0	0	0
L(1)	Return to owner (Stray animals only)	4251	281	131	4663
L(2)	Reclaim (Animals relinquished by and then returned to owner)	33	21	0	54
DOGS & CATS EUTHANIZED					
M	Healthy (Includes any healthy animal euthanized at owner request)	0	0	0	0
N	Treatable - Rehabilitatable	836	1087	14	1937
O	Treatable - Manageable	1269	414	0	1683
P	Unhealthy & Untreatable	534	2719	216	3469
Q	Owner requested euthanasia (not healthy)	1832	776	158	2766
R	Total euthanasia (M + N + O + P + Q)	4471	4996	388	9855
S	ADJUSTED TOTAL EUTHANASIA (R - Q)	2639	4220	230	7089
T	Subtotal outcomes (I + J + K + L(1) + L(2) + S) excludes owner requested euthanasia (not healthy)	13987	9207	1024	24218
U	Died or Lost in Shelter Care	62	73	32	167
V	TOTAL OUTCOMES (T + U) excludes owner requested euthanasia (not healthy)	14049	9280	1056	24385
W	Ending Shelter Count (06-30-12)	377	647	103	1127
X	Annual Live Release Rate/Percentage (I + J + K + L) / T	81%	54%	78%	71%
The Annual Live Release Rate does not include (R) owner requested euthanasia which were not healthy and (U) animals that were lost while under shelter care.					

San Diego Animal Welfare Coalition

FY 2011-12

ANNUAL ANIMAL STATISTICS TABLE		Dog	Cat	Others	Total
A	Beginning Shelter Count (07-01-11)	1105	1808	267	3180
INTAKE					
B	From the public	24127	18162	1939	44228
C	Incoming transfers from organizations within Community/Coalition	333	781	37	1151
D		158	43	73	274
E	From owners requesting euthanasia	3936	2077	295	6308
F	Total Intake (B + C + D + E)	28554	21063	2344	51961
G	Owner requested euthanasia (not healthy)	3936	2077	295	6308
H	ADJUSTED TOTAL INTAKE (F - G)	24618	18986	2049	45653
OUTCOME					
I	Adoptions	12433	10689	1215	24337
J	Outgoing Transfers to organizations within community/coalition	621	454	45	1120
K	Outgoing transfers to organizations outside community/coalition	113	15	113	241
L(1)	Return to owner (Stray animals only)	7101	466	150	7717
L(2)	Reclaim (Animals relinquished by and then returned to owner)	69	34	0	103
DOGS & CATS EUTHANAZED					
M	Healthy (Includes any healthy animal euthanized at owner request)	0	0	0	0
N	Treatable - Rehabilitatable	906	1115	18	2039
O	Treatable - Manageable	1402	469	0	1871
P	Unhealthy & Untreatable	1957	5337	311	7605
Q	Owner requested euthanasia (not healthy)	3936	2077	295	6308
R	Total euthanasia (M + N + O + P + Q)	8201	8998	624	17823
S	ADJUSTED TOTAL EUTHANASIA (R - Q)	4265	6921	329	11515
T	Subtotal outcomes (I + J + K + L(1) + L(2) + S) excludes owner requested euthanasia (not healthy)	24602	18579	1852	45033
U	Died or Lost in Shelter Care	119	365	78	562
V	TOTAL OUTCOMES (T + U) excludes owner requested euthanasia (not healthy)	24721	18944	1930	45595
W	Ending Shelter Count (06-30-12)	1002	1850	386	3238
X	Annual Live Release Rate/Percentage (I + K + L) / (T - J)	82%	62%	82%	74%
<p>The Annual Live Release Rate does not include (R) owner requested euthanasia which were not healthy and (U) animals that were lost while under shelter care. *This report does not include the 1st or 2nd Quarters of FY 11-12 from Friends of Cats.</p>					

**PRESENTATION TO THE PUBLIC SAFETY & NEIGHBORHOOD SERVICES
COMMITTEE –**

PRESENTATION by Sydney Cicourel, Campaign Coordinator, Companion Animal Protection Society – 12 minutes

Good day, Ms. Emerald, Councilmembers and staff:

We are here today to ask that the City of San Diego adopt an ordinance that will **“Prohibit The Sale Of Cats & Dogs In Retail Stores In The City of San Diego.”**

The Companion Animal Protection Society (CAPS) is the only national nonprofit organization dedicated exclusively to protecting companion animals from cruelty in pet shops and puppy mills. CAPS actively addresses the abuse and suffering of pet shop and puppy mill dogs through investigations, education, media relations, legislative involvement, puppy mill dog rescues, consumer assistance and pet industry employee relations.

CAPS defines a puppy mill as a “commercial breeding facility that mass-produces puppies for re-sale through pet shops, the Internet or individuals.

There remain, two pet stores in the City of San Diego selling puppy mill puppies: San Diego Puppy & the Pet Market. The other two pet stores previously located in the City of San Diego were shutdown by the Humane Society of San Diego with cooperation from the Department of Animal Services. CAPS has conducted a nearly two-year investigation of the City of San Diego’s pet stores. The following are samples of some of the evidence from that investigation:

On **July 21, 2011**, CAPS received the first complaint registered on the CAP’S website against David Salinas for his online puppy store, San Diego Puppy regarding the sale of a Maltepo puppy for \$200. Salinas failed to provide any paperwork whatsoever and stated, “My puppies are purchased from local breeders.” Upon purchase, the 9 wk old was taken to the vet as it became immediately ill. The vet diagnosed Parvo, and parasites. The puppy then died. The customer left 11 voicemails for the owner with no response. Following several emails between CAPS and the customer, she abruptly ended all communication with us. We believe she may have been intimidated by Salinas from other tips we have received, or that she was too grief-stricken and wanted to move on and that this was the reason for the abrupt end to our talks with her.

We then found numerous disturbing, “filtered” complaints for SDP on Yelp. The following is a summary of the complaints:

- 7 sick puppies
- 3 puppies died
- many had parasites, vomiting, diarrhea, kennel cough, one had distemper
- three reported vet expenses of, \$2,000, \$1500, and \$600 respectively
- two reported no paperwork
- two saw unventilated garage where puppies were being housed
- two met him in a parking lot to make purchase

- three received no call backs from numerous attempts
- one was threatened they would be sued if they did not stop the negative reviews on Yelp

We have received 6 complaints filed against David Salinas to date

Jun-01-2011 – Maltipoo purchased . Puppy died of Parvovirus on 6-30-11

Nov-28-2011 – Maltese purchased. Had ear mites. DNA performed, and puppy is ½ Lhasa Apso, ¼ Miniature Poodle, and ¼ Miniature Schnauzer

Nov-28-2011 - Maltipoo purchased. Puppy was diagnosed with Parvo

Dec-31-2011 - Mini Schnauzer purchased. Puppy diagnosed with Kennel Cough

Mar-01-2012 – Maltipoo purchased. Puppy diagnosed with Parvo, returned to Salinas, was not returned to the hospital, and died the next day

Mar-29-2012 – Toy Poodle purchased to be a service dog. Puppy diagnosed with under bite. Returned to Salinas with no refund.

December 6, 2011, CAPS received information that David Salinas was allegedly transporting puppies from Mexico. He told border patrol, “the puppies were his and he had taken them to Mexico for exams and vaccinations as he had just received them a week or so ago. “ CAPS is highly skeptical of the validity of this statement because of tips we have received during our investigation.

June 9, 2012, CAPS undercover investigation of San Diego Puppy Dog Wash

During our investigation, we found what we believe to be numerous local and state code violations committed by David Salinas. The violations were reported to the Dept of Animal Services and we were told they do not enforce many of the animal laws from which we were referring and that it was a matter for the city attorney. Regarding the violations that did concern them, one officer from the DAS told us “we like to assist store owners with compliance rather than be punitive”. CAP’S believes a statement such as this to be completely egregious in terms of the purpose and responsibility of the Department of Animal Services.

Additionally, we were told by John Carlson, former director of the DAS (now retired) that he had turned over many of the complaints to the city attorney’s office against Salinas that CAPS had provided him. CAPS has yet to hear of any action taken against Salinas involving any of these complaints. (We are in no way indicating fault here with anyone).

June 26, 2012, Caps received information that David Salinas was now purchasing puppies from one of the largest breeders and brokers in the Midwest, Steve Kruse of Stonehenge Kennels whom sells to the Hunte Corporation. Salinas is also purchasing puppies from Tammy Williams, another USDA breeder that sells to Hunte.

Show CAPS Undercover Investigation Videos of the Hunte Corporation.

The City of San Diego will be the thirteenth city in California to pass an ordinance which prohibits the sale of puppy mill dogs should this council decide to vote in favor of it. (CAPS initiated three SoCal ordinances and consulted on one.) It would mark the thirty-first such ordinance in the US. The City of Los Angeles was the largest municipality to pass this ordinance. LA has 24 stores currently selling puppy mill puppies. This was a landmark decision and one that we hope will inspire San Diego. South Lake Tahoe, CA passed one of the earliest ordinances. They had no pet stores in their city selling puppies. They passed it because they believed that selling puppies from puppy mills was incongruent with the integrity of their city.

It has been our experience that nine out of ten people DO NOT KNOW WHAT A PUPPY MILL IS. If they do know, they usually DO NOT KNOW THAT PUPPIES IN PET SHOPS COME FROM PUPPY MILLS. That is due to the fact that this is a multi-billion dollar industry which has caused political gridlock at all levels of government.

CAPS believes that ending the cruelty in companion animal factory farms is a multifaceted challenge. That is why we and animal protection groups across the country are working at the local, state and federal levels. We also believe that the ordinance movement may be the most significant mechanism toward having the greatest impact in protecting companion animals.

Our mission at CAPS is not to shut down pet store businesses although sometimes that is the outcome. Our goal is to convert pet stores to humane adoption centers. This is not a punitive measure by any means. There are currently in excess of 38 pet supply stores in the City of San Diego, many of whom have been here for 20 yrs.

The "Humane Pet Store" model, or stores that carry supplies and/or provide rescue dogs and cats from local shelters and responsible 501 (c) (3) rescue organizations is win, win for all. It will help decrease the financial burden to animal services and the shelter system, law enforcement, the city attorney's office, and the taxpayer. It will also help end the suffering of companion animals by helping decrease the number of animals in our over-burdened shelters, decrease the number of animals killed in our shelters every day, and take a giant slice out of the "demand" for puppy mill puppies, ultimately impacting suffering breeder animals in puppy mills across the U.S.

Albuquerque, NM reported substantial improvements. 35% increase in adoptions, 23% decrease in euthanasia rates.

If you took a random sample of 100 citizens in San Diego, you explained to them the pet store/puppy mill connection and showed them the pictures, you told them there are two stores in their community in this business, then you asked them if they would be in favor of an ordinance that no longer allowed such a business, I guarantee you 99% of them would be in favor!

Respected city council members, the time is now. This is vital to this city. It is about the moral integrity of this city, and the decent people of this city want it!



CITY OF GLENDALE CALIFORNIA
REPORT TO CITY COUNCIL

August 16, 2011

AGENDA ITEM

Report: Proposed Ordinance Amending the Glendale Municipal Code, 1995, to Prohibit the Retail Sale of Dogs and Cats.

- 1) Ordinance for Introduction

COUNCIL ACTION

Public Hearing [] Ordinance [X] Consent Calendar [] Action Item [] Report Only []
Approved for August 16, 2011 calendar

ADMINISTRATIVE ACTION

Signature

Submitted

Scott H. Howard, City Attorney..... by Michael J. Garcia

Prepared

Carmen O. Merino, General Counsel – Police..... Carmen Merino

Approved

James E. Starbird, City Manager..... James E. Starbird

Reviewed

Michael J. Garcia, Chief Assistant City Attorney..... Michael J. Garcia

Hassan Haghani, Director of Community Development..... PHILIP S. LANZAYAME

RECOMMENDATION

It is recommended that the City Council introduce the proposed ordinance.

SUMMARY

On June 14, 2011, staff took a report to the City Council discussing the adoption of an ordinance that would restrict or prohibit the sale or transfer of all dogs and cats by a retail pet store in the City of Glendale. The City Council unanimously passed a motion directing staff to prepare a proposed ordinance prohibiting the sale of all dogs and cats by a retail pet store in the City of Glendale.

The City of Glendale has received inquiries regarding outlawing puppy mills and staying off business from puppy mills within the City. Puppy mills are substandard breeding facilities that operate with an emphasis on maximizing profits above animal welfare. Dogs bred in puppy mills and cats bred in kitten factories are more likely to have behavioral and/or health problems. Because the sale of dogs and cats is an interstate business and can be conducted over the internet, it is difficult to outlaw puppy mills outright. Adopting an ordinance that would prohibit the sale of all dogs and cats by companion pet stores is the most direct way to protect the welfare and safety of companion animals because it reduces the demand for animals bred in such substandard facilities. Therefore, staff recommends that Council adopt the proposed ordinance prohibiting the sale of all dogs and cats in retail pet stores within the City of Glendale.

Specifically, the proposed ordinance:

- States no pet store within the City of Glendale shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats.
- Provides a one year amortization or grandfathering clause for any legally existing pet store with dogs and cats on the date of adoption of the proposed ordinance, in order to comply with the ordinance's requirements.

FISCAL IMPACT

The enactment of an ordinance prohibiting the sale of all dogs and cats from retail pet stores within the City of Glendale would not have any direct financial impact to the City.

BACKGROUND

On June 14, 2011, the City Council unanimously voted to direct staff to prepare the proposed ordinance.

Federal Law

Commercial breeding of dogs is regulated on the federal level. The laws discussed below are civil laws, distinct from animal cruelty laws, which are criminal laws.

Animal Welfare Act (7 U.S.C. §2131 *et seq.*)

The Animal Welfare Act ("AWA") is a federal law passed in 1966, which regulates certain animal activities, including commercial dog and cat breeding. The AWA defines the minimum standards of care for dogs, cats, and certain other species of animals bred for commercial resale and exhibition. It also requires that certain commercial breeders be licensed and routinely

inspected by the United States Department of Agriculture ("USDA").

However, it has been found that AWA violations often go unpunished and that there are many loopholes. For example, only animal-breeding businesses considered "wholesale" operations, those that sell animals to stores for resale, are overseen by the USDA. The AWA's licensing and inspection requirements therefore do not apply to facilities that sell directly to the public, including the thousands that now do so over the internet.

Puppy Uniform Protection Statute

There have been three consecutive Congressional attempts to pass the Puppy Uniform Protection Statute ("PUPS"). The Act was most recently re-introduced on March 1, 2011. The bill would require any breeder who sells or offers to sell more than 50 dogs annually directly to the public, including over the internet, to be licensed and inspected by the USDA. The PUPS Act seeks to close the AWA "wholesale" loophole and would require all licensed dog breeders to exercise every dog, every day.

State Law

In California, there are several state laws which seek to protect pet buyers and set standards for pet store conditions.

Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code § 122125 et seq.)

Requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. It also imposes a "Puppy Lemon law," protecting consumers by stating that if after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after the purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the purchase price of the puppy or kitten.

Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code § 122045 et seq.)

This Act offers similar protection to that of the Lockyer-Polanco-Farr Protection Act, except it applies only to dog breeders who have sold or given away all or part of three or more litters or 20 or more dogs in the previous year.

Pet Store Animal Care Act (California Health & Safety Code § 122350 et seq.)

Requires every pet store that sells live companion animals and fish to maintain the facility in good repair, provide proper care to animals, and clean grooming areas daily. The law mandates that dogs and cats must be over eight weeks of age and weaned prior to sale. It also requires pet store operators to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.

Assembly Bill 241

AB 241 was a statewide attempt to regulate dog and cat commercial breeders. Termed an "anti-puppy mill" bill, it sought to limit commercial dog and cat breeders to a total of 50 breeding animals. Governor Schwarzenegger vetoed the bill on October 12, 2009. The bill would have

allowed counties and cities to impose more restrictions.

Local Efforts

Currently three California cities have banned the retail sale of all dogs and cats in companion pet stores. These cities are South Lake Tahoe, West Hollywood, and Hermosa Beach. Proponents of such bans seek to reduce the demand and market for animals from puppy mills that supply some pet stores, and increase the adoption of animals from local shelters. Other cities, including La Mesa and Irvine are considering adopting a similar type ban. Instead of adopting an ordinance banning the retail sale of dogs and cats, Los Angeles County recently adopted an ordinance that limits the number of adult dogs in breeding facilities and includes requirements for staffing, inspection, evacuation plans, medical care, protection for pregnant and nursing dogs and puppies, record keeping, micro-chipping or tattooing within its unincorporated areas.

Investigation by the Companion Animal Protection Society (CAPS) within the City of Glendale

An undercover investigation of the largest dog brokering facility in the country by the national nonprofit group Companion Animal Protection Society ("CAPS"), revealed inhumane and substandard breeding facilities with multiple and repeat violations of the Animal Welfare Act. It was found that the brokers and/or breeders did not meet the minimum standards of care under USDA regulations.

On June 23, 2011, CAPS engaged in an inspection of a retail pet store within the City of Glendale. This store is the only remaining pet store within the City that currently sells companion animals from commercial breeding facilities. While there were no dogs in the store at the time of inspection, CAPS was informed that the store could order any kind of puppy and that some of the dogs were obtained from the same large dog brokering facility mentioned above.

Implications of an Ordinance Banning the Sale of All Dogs and Cats in Retail Pet Stores

Given that animals can be purchased over the internet from other states, it is difficult to adopt a local ordinance that would truly outlaw puppy mills or kitten factories. However, by banning the retail sale of dogs and cats in pet stores, the City would be able to reduce some of the demand for dogs from puppy mills and cats from kitten factories. Prohibiting the sale of dogs and cats in retail pet stores within the City is the most direct way to stave off business from puppy mills. Additionally it encourages pet adoptions from local animal shelters, which in turn reduces the number of animals euthanized every year.

While Los Angeles County's ordinance seeks to protect the welfare and safety of companion animals by limiting the number of adult dogs in breeding facilities and by imposing requirements for staffing, inspection, evacuation plans, medical care, protection for pregnant and nursing dogs and puppies, record keeping, micro-chipping or tattooing within its unincorporated areas, the financial and staffing burdens it would impose if the City of Glendale adopted a similar ordinance are unknown. Although the existence of puppy mills can be limited by applying and strongly enforcing standards to breeding facilities, more information is required to assess what additional costs, if any, inspections and training would impose. Thus, at this time, the most effective option for limiting business from puppy mills is to prohibit the sale of all dogs and cats by retail pet stores located within the City.

Such a ban would be rationally related to the City's goal of protecting animal welfare because puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores. A ban would also promote community awareness of animal welfare which in turn fosters a more humane environment in the City. It will encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

Proposed Ordinance

Puppy mills are difficult to outlaw completely because the sale of dogs and cats has become an interstate business facilitated by and conducted over the internet. Thus, it is staff's view that the most direct way to protect the welfare and safety of companion animals is to adopt an ordinance that would prohibit the sale of all dogs and cats in retail pet stores within the City of Glendale. Such an ordinance will assist in reducing the demand for animals bred in such substandard facilities. Therefore, staff recommends that Council adopt the proposed ordinance in order to promote community awareness of animal welfare and foster a more humane environment within the City of Glendale community.

Acknowledgements

Staff would like to thank Carole Davis and CAPS for their assistance and interest in this important issue.

Additionally, the City Attorney's office wishes to acknowledge volunteer attorney Suparna Jain for her assistance with this project.

EXHIBIT(S)

No attached exhibits.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF GLENDALE, CALIFORNIA
ADDING CHAPTER 6.10 TO THE GLENDALE MUNICIPAL CODE TO PROHIBIT THE SALE
OF ALL DOGS AND CATS BY A RETAIL PET STORE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF GLENDALE:

SECTION 1. Chapter 6.10 (Retail Sale of Dogs and Cats) to Title 6 of the Glendale Municipal Code, 1995, is hereby added to read as follows:

Chapter 6.10

RETAIL SALE OF DOGS AND CATS

Sections:

6.10.010

Findings.

6.10.020

Retail Sale of Dogs and Cats.

6.10.010 Findings.

- a. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code section 122125 *et seq.*); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code section 122045 *et seq.*); the Pet Store Animal Care Act (California Health & Safety Code section 122350 *et seq.*); and the Animal Welfare Act ("AWA") (7 U.S.C. § 2131 *et seq.*).
- b. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the

purchase price of the puppy or kitten.

- c. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
- d. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or 20 dogs in the previous year.
- e. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture ("USDA"). However, the AWA's licensing and inspection requirements do not apply to facilities that sell directly to the public, including the thousands that now do so over the internet.
- f. According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.
- g. According to USDA inspection reports, some additional documented problems found at puppy mills include: (a) sanitation problems leading to infectious disease; (b) large numbers of animals overcrowded in cages; (c) lack of proper veterinary care for severe illnesses and injuries; (d) lack of protection from harsh weather conditions; and (e) lack of adequate food and water.

- h. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present themselves immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- i. A 2005 undercover investigation of California pet stores revealed that nearly half of the pet stores visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.
- j. While "puppy mill" puppies and "kitten factory" kittens were being sold in pet stores across the Los Angeles area during the past year, more than 100,000 dogs and cats were euthanized in Los Angeles city and county shelters.
- k. The homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.
- l. Responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club ("UKC"), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds.
- m. The cities of South Lake Tahoe, West Hollywood and Hermosa Beach have all adopted ordinances prohibiting the retail sale of dogs and cats.
- n. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and

rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

- o. An undercover investigation by the national nonprofit organization Companion Animal Protection Society (“CAPS”) revealed that the largest dog brokering facility in the country was replete with inhumane and substandard breeding facilities with multiple and repeat violations of the Animal Welfare Act. It was found that the brokers and/or breeders did not meet the minimum standards of care under USDA regulations.
- p. A local inspection done by CAPS found that there was one pet store within the City of Glendale that obtains some of its puppies from this large dog brokering facility.
- q. The City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a “puppy mill” or “kitten factory.” However, it is the City Council’s belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.
- r. The City Council believes that the elimination of the retail sale of dogs and cats from pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.
- s. In light of the City’s goal to be a community that cares about animal welfare, the City Council finds that the adoption of an ordinance prohibiting the sale of dogs and cats by a retail pet store is necessary to promote community awareness of animal welfare and foster a more humane environment within the City of Glendale community.

6.10.020 Retail Sale of Dogs and Cats.

- a. *Definitions.* For the purposes of this Chapter, the following definitions shall apply:
 - 1. “Animal shelter” means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or

surrendered animals, and which does not breed animals.

2. "Cat" means an animal of the Felidae family of the order Carnivora.
3. "Certificate of source" shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.
4. "Dog" means an animal of the Canidae family of the order Carnivora.
5. "Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of Glendale on the effective date of this Chapter, and complied with all applicable provisions of the Glendale Municipal Code.
6. "Pet store" means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.
7. "Pet store operator" means a person who owns or operates a pet store, or both.
8. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

b. *Prohibition.* No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Glendale on or after the effective date of this Chapter.

c. *Existing Pet Stores.* A legally existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs for a period of one year from the date the ordinance codified in this Chapter becomes effective.

d. *Exemptions.* This Chapter does not apply to:

1. A person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. A publicly operated animal control facility or animal shelter;

3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

e. *Adoption of Shelter and Rescue Animals.* Nothing in this Chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

SECTION 2. Severability.

If any section, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of law, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Glendale hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, subdivision, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective.

SECTION 3. This ordinance becomes effective one year after its adoption.

Adopted by the Council of the City of Glendale on the _____ day of _____, 2011.

Mayor

ATTEST:

City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF GLENDALE) SS.

I, Ardashes Kassakhian, City Clerk of the City of Glendale, certify that the foregoing Ordinance No. _____ was approved and adopted by the Council of the City of Glendale, California, at a regular meeting held on the ____ day of _____, 2011, and that the same was passed by the following vote:

Ayes:

Noes:

Absent:

Abstain:

City Clerk

Steve Kruse, West Point, IA, 42-B-0182
John Lies, ACI
CAPS Investigation: 7/9/04



Blood on Wall



Overcrowding and Rusty Metal

Steve Kruse, West Point, IA, 42-B-0182
John Lies, ACI
CAPS Investigation: 7/9/04



Blood on Wall



Overcrowding and Rusty Metal

182309

ORDINANCE NO. _____

An ordinance adding a new Section 53.73 to Article 3, Chapter 5 of the Los Angeles Municipal Code (LAMC) to prohibit the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments in the City of Los Angeles.

WHEREAS, the sale of commercially bred dogs, cats and rabbits contributes to the proliferation of homeless or unwanted animals that end up in public animal shelters; and

WHEREAS, prohibiting the sale of commercially bred dogs, cats and rabbits in pet stores, retail businesses or other commercial establishments may lower the City's shelter animal euthanasia rate and lead to a greater adoption rate of shelter animals.

NOW THEREFORE,

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Section 53.73 is added to Article 3 of Chapter V of the Los Angeles Municipal Code to read as follows:

**SEC. 53.73. SALE OF COMMERCIALY BRED DOGS, CATS AND RABBITS IN
PET STORES – PROHIBITION.**

It shall be unlawful for any person to sell any live dog, cat or rabbit in any pet store, retail business or other commercial establishment located in the City of Los Angeles, unless the dog, cat or rabbit was obtained from an animal shelter or a humane society located in the City of Los Angeles, or a non-profit rescue and humane organization registered with the Department of Animal Services. For purposes of this Section, a rescue and humane organization is defined as a California non-profit corporation that is exempt from taxation under Internal Revenue Code Section 501 (c) (3), participates in early age spay/neuter of animals, complies with State and local laws regarding the humane treatment of animals, and whose mission and practice is, in whole or in significant part, the rescue and placement of dogs, cats or rabbits.

A violation of this Section may be prosecuted as a misdemeanor. A violation of this Section also may be enforced by means of an administrative citation and penalty in the amount of \$250 for the first violation, \$500 for the second violation and \$1,000 for the third violation.

The ordinance will become operative six months after its effective date, and expire on June 30, 2016, unless extended by ordinance.


Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that the foregoing ordinance was introduced at the meeting of the Council of the City of Los Angeles OCT 24 2012, and was passed at its meeting of OCT 31 2012.

JUNE LAGMAY, City Clerk

By  Deputy

Approved NOV 09 2012

 Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
DOV S. LESEL
Assistant City Attorney

Date 9/10/12

File No. CF 11-0754

ORDINANCE NO. 10-836

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ADDING NEW CHAPTER 9.50 TO TITLE 9 OF THE MUNICIPAL CODE REGARDING THE RETAIL SALE OF DOGS AND CATS.

THE CITY COUNCIL OF THE CITY OF WEST HOLLYWOOD DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 9.50 is hereby added to Title 9 of the West Hollywood Municipal Code to read as follows:

Chapter 9.50

RETAIL SALE OF DOGS AND CATS

Sections:

- 9.50.010 Findings.
- 9.50.020 Retail Sale of Dogs and Cats.

9.50.010 Findings.

- a. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code section 122125 *et seq.*); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code section 122045 *et seq.*); the Pet Store Animal Care Act (California Health & Safety Code section 122350 *et seq.*); and the Animal Welfare Act ("AWA") (7 U.S.C. § 2131 *et seq.*).
- b. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the purchase price of the puppy or kitten.

- c. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
- d. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or 20 dogs in the previous year.
- e. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture ("USDA").
- f. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- g. A review of state and USDA inspection reports from more than 100 breeders who sold animals to the nation's largest retail pet store chain revealed that more than 60 percent of the inspections found serious violations of basic animal care standards, including sick or dead animals in their cages, lack of proper veterinary care, inadequate shelter from weather conditions, and dirty, unkempt cages that were too small.
- h. A 2005 undercover investigation of California pet stores revealed that nearly half of the pet shops visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.
- i. According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as "puppy mills" or "kitten factories," that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

- j. According to USDA inspection reports, some additional documented problems found at puppy mills include – (a) sanitation problems leading to infectious disease; (b) large numbers of animals overcrowded in cages; (c) lack of property veterinary care for severe illnesses and injuries; (d) lack of protection from harsh weather conditions; and, (e) lack of adequate food and water.
- k. While “puppy mill” puppies and “kitten factory” kittens were being sold in pet stores across the Los Angeles area during the past year, more than 35,000 dogs and 67,000 cats were euthanized in Los Angeles city and county shelters.
- l. The homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.
- m. Responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club (UKC), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds.
- n. Within the past year, there has been significant community activity within the City of West Hollywood and across the Los Angeles metropolitan area to convince local pet store operators to convert from puppy sales to a humane business model offering adoptable homeless dogs and cats to their customers.
- o. Across the country, thousands of independent pet stores as well as large chains operate profitably with a business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.
- p. While the City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a “puppy mill” or “kitten factory,” it is the City Council's belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.
- q. The City Council finds that the current state of retail sale of dogs and cats in pet stores in the City of West Hollywood is inconsistent with the City's goal to be a community that cares about animal welfare.

- r. The City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City.
- s. The City Council believes that elimination of the retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals' lives and reducing the cost to the public of sheltering animals.

9.50.020 Retail Sale of Dogs and Cats.

- a. *Definitions.* For purposes of this Chapter, the following definitions shall apply:
 - 1. "Animal shelter" means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
 - 2. "Cat" means an animal of the Felidae family of the order Carnivora.
 - 3. "Certificate of source" shall mean a document declaring the source of the dog or cat sold or transferred by the pet store. The certificate shall include the name and address of the source of the dog or cat.
 - 4. "Dog" means an animal of the Canidae family of the order Carnivora.
 - 5. "Existing pet store" means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of West Hollywood on the effective date of this Chapter, and complied with all applicable provisions of the West Hollywood Municipal Code.
 - 6. "Pet store" means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.
 - 7. "Pet store operator" means a person who owns or operates a pet store, or both.
 - 8. "Retail sale" includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

- b. **Prohibition.** No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of West Hollywood on or after the effective date of this Chapter.
- c. **Existing Pet Stores.** An existing pet store may continue to display, offer for sale, offer for adoption, barter, auction, give away, or otherwise transfer cats and dogs until September 17, 2010.
- d. **Exemptions.** This Chapter does not apply to:
 - 1. a person or establishment that sells, delivers, offers for sale, barter, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
 - 2. a publicly operated animal control facility or animal shelter;
 - 3. a private, charitable, nonprofit humane society or animal rescue organization; or
 - 4. a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.
- e. **Adoption of Shelter and Rescue Animals.** Nothing in this Chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public.

SECTION 2. Subsection 1.08.010.e. of the West Hollywood Municipal Code is hereby amended to include the following in numerical order with the existing references therein:

"Chapter 9.50, Retail Sale of Dogs and Cats;"

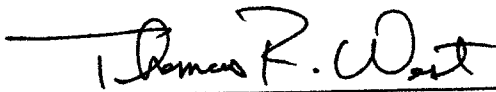
PASSED, APPROVED AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 16th day of February, 2010 by the following vote:

AYES:	Councilmember:	Duran, Horvath, Prang, Mayor Pro Tempore Heilman, and Mayor Land.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.



ABBE LAND, MAYOR

ATTEST:



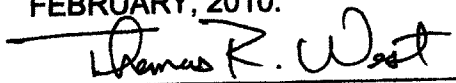
THOMAS R. WEST, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, THOMAS R. WEST, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 10-836 was duly passed, approved and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 16th day of February, 2010, after having its first reading at the regular meeting of said City Council on the 1st day of February, 2010.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 17th DAY OF
FEBRUARY, 2010.



Thomas R. West, City Clerk