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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

May 20, 2013

Sheriff Gary Finstrom
Wexford County Animal Control Shelter
820 South Carmel Street
Cadillac, Michigan 49601

COPY

Dear Sheriff Finstrom:

SUBJECT: Stipulation

Enclosed please find the Stipulation per our informal hearing on Tuesday, May 14, 2013. Please sign and date the enclosed Stipulation and return to me in the enclosed self-addressed stamped envelope.

If you have any questions, please do not hesitate to contact me at (517) 241-3452.

Sincerely,

Martin Al Rodriguez
Regulations Manager
Animal Industry Division

MAR:cg

Enclosures: Stipulation
Self-Addressed Stamped Envelope



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

In the Matter of:

Wexford County Animal Control Shelter
1406 Sixth Ave
Cadillac, Michigan 49601

STIPULATION

On April 22, 2013, the Michigan Department of Agriculture and Rural Development ("MDARD") served a Notice ("Notice") of Informal Compliance Hearing to take enforcement action pursuant to the Pet Shops, Dog Pounds and Animal Shelters Act, 1969 Public Act (PA) 287, as amended; and Use of Dogs and Cats For Research, 1969 PA 224, as amended in regards to the Wexford County Animal Control Shelter.

The Notice cited violations from the Pet Shops, Dog Pounds and Animal Shelters Act, 1969 Public Act (PA) 287, as amended, Regulation 151 promulgated under 1969 PA 287; and Use of Dogs and Cats For Research, 1969 PA 224, as amended were found pertaining to the following sections:

- MCL 287.339a, Sec 9a. An animal control shelter or animal protection shelter shall maintain written records on the total number of dogs, cats, and ferrets under 6 months of age, the total number of dogs, cats, and ferrets 6 months of age and older, and all other animals received, returned to owners, adopted to new owners, sold, or transferred with or without remuneration to any person, the number of adopted dogs, cats, and ferrets that were altered, the number of adopted dogs, cats, and ferrets that were not altered, and the number of dogs, cats, and ferrets euthanized annually, and shall annually provide a copy of these statistics to the department, by March 31 of the year following the year for which the statistics were compiled.

- R 285.151 Rule 13. (1) For each dog and cat purchased or otherwise acquired, held, transported, sold, or otherwise disposed of, the management shall keep and maintain the following information in a manner prescribed by the department:
 - (c) Description and identification of the animal, including the breed, sex, color, and approximate weight.
 - (d) Date, nature, and method of disposition; for example, sale, death, euthanasia, or donation.
- R 285.151 Rule 36. (2) The licensee or registrant shall seek the services of this veterinarian whenever a health hazard arises.
- MCL 287.388 Sec. 8. A dealer, a county, city, village, or township operating a dog pound or animal shelter shall not sell or otherwise dispose of a dog or cat within 4 days after its acquisition. If the dog or cat has a collar, license, or other evidence of ownership, the operator of the pound or shelter shall notify the owner in writing and disposition of the animal shall not be made within 7 days from the date of mailing the notice. Each operator of a pound or shelter shall be required to maintain a record on each identifiable dog or cat acquired, indicating a basic description of the animal, the date it was acquired and under what circumstances. The record shall also indicate the date of notice sent to the owner of an animal and subsequent disposition. This section does not apply to animals which are sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners request immediate disposal.

The Wexford County Animal Control Shelter agrees to the following:

- As MDARD has sufficient evidence that Wexford County Animal Control Shelter was not providing required accurate statistics per MCL 287.339a, Sec. 9a, MDARD imposes a fine of \$100.00.
- As MDARD has sufficient evidence that Wexford County Animal Control Shelter was not keeping and maintaining complete records per Regulation 151, R 285.151 Rule 13. (1) (c) (d), MDARD imposes a fine of \$1,000.00. However, this fine will be reduced to \$500.00 provided the following provisions are met within three (3) months of this signed Stipulation:
 1. Adopted policies and procedures to complete animal shelter records as discussed on May 14, 2013 forwarded to MDARD.
 2. Copies of receipts for the animal control shelter computer software and hardware upgrades, for the purchase and installation of a digital scale and for facility upgrades forwarded as described on May 14, 2013 to MDARD.
 3. Record of all Animal Control Officer training pertaining to the new procedures.
 4. Establishment of a written protocol between a veterinarian and the animal control shelter whenever a health hazard arises, to be approved by the Wexford County Board of Commissioner forwarded to MDARD.
- As MDARD has sufficient evidence that the Wexford County Animal Control Shelter did not seek the services of a veterinarian per Regulation 151, R 285.151 Rule 36. (2), MDARD imposes a fine of \$1,000.00.

- Regarding MCL 287.388 Sec 8, MDARD determined there is insufficient evidence to move forward and no further action will take place.

If the above conditions are not met, then the full fine of \$2,100.00 will be imposed. If the conditions are met, then \$500.00 will be waived for a total fine of \$1600.00. A re-inspection of the facility and investigation of the records will be conducted by MDARD to verify implementation of the actions taken by the animal control staff.

If there are any questions, you may contact Al Rodriquez of MDARD's Animal Industry Division at (517) 241-3452.

 Sheriff Gary A. Finstrom
 Wexford County Animal Control Shelter
 820 South Carmel Street
 Cadillac, Michigan 49601

Dated: _____

Bradley N. Deacon

 Bradley N. Deacon, J.D.
 Administrative Law Coordinator
 MI Department of Agriculture & Rural Dev.
 Sixth Floor, Constitution Hall
 525 W. Allegan St.
 Lansing, MI 48913

Dated: May 20, 2013