



COUNTY OF SAGINAW

111 SOUTH MICHIGAN AVENUE
SAGINAW, MICHIGAN 48602

Robert V. Belleman
Controller/Chief Administrative Officer

PRESS RELEASE

May 9, 2014, (Saginaw, Michigan), the Michigan Department of Agriculture & Rural Development (MDARD) issued its *Stipulation* in the matter involving the Saginaw County Animal Care Center (SCACC), 1312 Gratiot Avenue. MDARD fined Saginaw County \$16,550.00 for violations. A copy of the *Stipulation* is attached herewith.

MDARD issued a notice on February 18, 2014, to commence formal proceeding against the Saginaw County Animal Care Center. Saginaw County representatives attended the Informal Hearing on Tuesday, March 25, 2014, after which MDARD agreed to recess to allow Saginaw County the opportunity to provide additional documentation.

MDARD agreed to reduce Saginaw County's fine by approximately \$6,912.50 for actions SCACC took in bringing the Shelter into compliance; thus reducing the amount Saginaw County owes MDARD to \$9,637.50 for the above-referenced violations, if Saginaw County adheres to the timeline set forth in the *Stipulation*.

Statement by Saginaw County Board Chair Mike Hanley:

"As Chair of the Saginaw County Board of Commissioners, I share the concern of many residents regarding the Saginaw County Animal Control Center operation. The administration and I have worked diligently with County staff and MDARD officials throughout this long and thorough process. We procured an independent operational assessment, self-reported identified deficiencies and corrective actions taken, and cooperated fully with the investigation that resulted in the *Stipulation*. Words cannot begin to express our gratitude to the staff and volunteers of the SCACC for their conscientious and diligent efforts on behalf of the residents and animals of Saginaw County during this difficult time. We are grateful our transparency and our desire to address problems immediately and come into compliance have been taken into account by MDARD.

We now look forward to completing our work to give the residents of Saginaw County the facility and programs they deserve. We know what the Department of Agriculture and the public expect of us and we are prepared to meet or exceed those standards. We are satisfied with the conclusion of this thorough investigation and are committed to providing appropriate care for the animals in custody. Today, the Saginaw County Animal Care Center moves forward."

The MDARD report has been forwarded to the Saginaw County Board of Commissioners for its review.

###



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF AGRICULTURE
AND RURAL DEVELOPMENT

JAMIE CLOVER ADAMS
DIRECTOR

In the Matter of:

Saginaw County Animal Care Center
1312 Gratiot Ave.
Saginaw, Michigan 48602

_____ /

STIPULATION

On February 18, 2014, the Michigan Department of Agriculture and Rural Development Animal Industry Division ("MDARD/AID") 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 investigation findings of the Saginaw County Animal Care Center ("SCACC").

The Pet Shops, Dog Pounds and Animal Shelters Act, 1969 PA No. 287, as amended, grants the director such authority to impose administrative fines of not more than \$1,000.00 for each violation of the act after notice and an opportunity for an evidentiary hearing under Administrative Procedures Act of 1969, 1969 PA 306, MCL 24.201 to 24.328 otherwise, is guilty of a misdemeanor.

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

Violations of the Pet Shops, Dog Pounds and Animal Shelter Act, 1969 PA No. 287, as amended, including Regulation No. 151, Pet Shops, Dog Pounds, and Animal Shelters were found pertaining to the following sections:

- MCL 287.338a, Sec 8a. (4) Except as otherwise provided in subsection (7), a contract entered into pursuant to subsection (1) shall require the adopting person to leave with the animal control shelter or animal protection shelter, or a designee of the animal control shelter or animal protection shelter, a good faith deposit of at least \$25.00 that indicates the person's intention to have the adopted dog, cat, ferret altered within the time provided pursuant to subsection (2).
- R 285.151.25 Primary enclosures. Rule 25. (1) A primary enclosure shall be structurally sound and maintained in good repair to protect the dogs and cats from injury, to contain them, to keep predators out and enable dogs and cats to remain dry and clean.
- R 285.151.22 Sanitation. Rule 22. (1) Supplies of food and bedding shall be stored in facilities which adequately protect them against infestation or contamination by vermin.

The Use of Dogs and Cats for Research Act, 1969 PA No. 224, as amended, grants the director such authority to suspend or revoke a license otherwise is guilty of a misdemeanor.

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

Violations of the Use of Dogs and Cats for Research Act, 1969 PA No. 224, as amended, were found pertaining to the following sections:

- 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.

Failure to comply with Animal Shelter Program Compliance Agreement between the MDARD/ AID and the SCACC, signed by SCACC Director, Kevin Wilken, and MDARD/AID Animal Shelter Regulatory Program Manager, Pollyanne McKillop.

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

- The SCACC failed to follow statutory requirements, and recommended and accepted good practices in the care of shelter animals including but not limited to proper holding, proper sanitation, adequate housing, and proper handling of perishable food.
- The SCACC failed to provide MDARD with their action plan within 20 days (of the signed agreement, January 25, 2014) to address the following:
 1. Creation and location of an isolation room at the shelter or at a nearby location.
 2. Separating feed bowls and kitty litter pans in the wash area either via relocation or installing a partition between the two types of items.
 3. Securing large enough appropriate kennels/crates for dogs with puppies
- SCACC failed to provide MDARD with a draft of their standard operating procedures and/or protocols by February 8, 2013.

The SCACC agrees to the following imposed sanctions by the MDARD and waives their right to a formal hearing:

- MDARD has sufficient evidence of 198 instances the SCACC were not requiring the adopting person to leave with the animal control shelter, or a designee of the animal control shelter, a good faith deposit of at least \$25.00 that indicates the person's intention to have the adopted dog, cat, ferret altered within the time

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

provided pursuant to subsection (2) per MCL 287.338a, Sec 8a. (4), MDARD imposes a fine of \$9,900.00. However, this fine is reduced to \$4,950.00 due to the following actions:

1. SCACC institution of an Adoption Contract which requires all non-MDARD registered facility transfers (adoptions) pay a deposit of at least \$25.00 for each animal they take and agree to have the animal sterilized within 4 weeks.
 2. SCACC staff have started to follow up on outstanding contracts to insure animals have been altered within 4 weeks or appropriate time frame if animal was ill or under 6 months of age.
- MDARD has sufficient evidence SCACC failed to maintain primary enclosures that were structurally sound and maintained in good repair to protect animal #4915 from injury pursuant to R 285.151.25 Primary enclosures. Rule 25. (1). This instance directly led to animal #4915 having to be euthanized. MDARD imposes a fine of \$1,000.00.
 - MDARD has sufficient evidence SCACC failed to store food in a facility which adequately protected supplies of food against infestation of flies pursuant to R 285.151.22 Sanitation. Rule 22. (1). The failure to adequately address small flies caused infestation of the food intended for use for animals within the animal shelter. MDARD imposes a fine of \$500.00. However, this fine is reduced to \$375.00 due to the documents provided by Saginaw County

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

Controller, Robert Belleman, of Service/Inspection Reports from *The Bug Guys* for treatment for grain/flour/cigarette beetles and flies.

- MDARD has sufficient evidence of 83 instances SCACC disposed (euthanized) of dogs and cats within 4 days after its acquisition. These dogs or cats were not sick or injured to the extent that the holding period would cause undue suffering, or to animals whose owners requested immediate disposal of. MDARD imposes a fine of \$4,150.00. However, this fine is reduced to \$3,112.50 due to the following actions:

SCACC has instituted a policy for all animals to be held a minimum of four (4) full business days during which time animals are evaluated to determine if they are adoptable, unless the animal is ill or severely injured and euthanasia will avoid undue suffering.

- MDARD has sufficient evidence SCACC failed to comply with an Animal Shelter Program Compliance Agreement between them and the MDARD/AID by not following statutory requirements, failure to provide MDARD/AID with an action plan by January 25, 2014 and a draft of their standard operation procedures and/or protocols by February 8, 2013. This document was signed by SCACC Director, Kevin Wilken, and MDARD/AID Animal Shelter Regulatory Program Manager, Pollyanne McKillop. This agreement was reached in lieu of enforcement actions MDARD could of taken for noted violations of the Pet Shops, Dog Pounds, and Animal Shelters, Act 287 of 1969, as amended; Bodies of Dead Animals, Act 239 of 1982, as amended; Michigan Penal Code, Chapter

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

IX, Act 328 of 1931, as amended; and the regulations promulgated thereunder.

MDARD imposes a fine of \$1,000.00. However, this fine will be reduced to \$200.00 due to the following actions:

1. The dog adoption room was turned into the dog isolation room on or about November 2012.
 2. The cat isolation room has been located off of the stray cat room.
 3. SACC implemented a procedure on or about January 2014 for cleaning of food dishes and kitty litter pans.
 4. SCACC has secured 2 cages in the small dog adoption room that can be used to house a medium to small dog with puppies and 1 cage for a large dog with puppies. SACC has 2 adequate cages for pregnant and/or cats with kittens.
 5. SACC has prepared draft policies and procedures (provided to MDARD at Informal Compliance Hearing March 25, 2014) and will be presented at the Saginaw County Board of Commissioners Board Meeting on June 17, 2014, or at another date accepted with the MDARD and provide the approved policies and procedures by July 31, 2014, or another agreed date with the MDARD.
- Regarding R 285.151.36 Veterinary Services. Rule 36. (2) that was cited in the Notice of Informal Compliance Hearing, SCACC staff presented testimony that animal #4915 was immediately sedated and then euthanized after SCACC staff

Saginaw County Animal Care Center
Case # 3473-CA-01-14
Stipulation
May 8, 2014

consulted with SCACC Director.

MDARD has imposed a total of \$16,550.00 in fines. SCACC has taken actions prior to the Informal Compliance Hearing and proposed actions to correct non-compliant activities which have led for the fines to be reduced. If SCACC has implemented and demonstrated to MDARD all of the actions and conditions of this stipulation have been adhered to before August 31, 2014, then a reduced fine of \$9,637.50 shall be paid to MDARD before September 15, 2014. If SCACC has failed to demonstrate to MDARD all of the actions and conditions of this stipulation have been adhered to before August 31, 2014, then the total fine amount of \$16,550.00 shall be paid to MDARD before September 15, 2014. If there are any questions, you may contact Martin Al Rodriguez of MDARD's Animal Industry Division at (517) 284-5687.

Robert V. Belleman
Controller/Chief Administrative Officer
Saginaw County Animal Care Center
1312 Gratiot Ave.
Saginaw, Michigan 48602

James Averill, DVM, Ph.D,
Animal Industry Division Director &
State Veterinarian
Michigan Department of Agriculture &
Rural Development.
Sixth Floor, Constitution Hall
525 W. Allegan St.
Lansing, MI 48913

Dated: _____

Dated: _____