

Code of State Regulations, which include protecting the public and their pets by ensuring that licensed commercial dog breeders in Missouri provide animals with adequate food, water, shelter, and veterinary care.

II. Findings of the Court

The parties having executed and consented to the entry of this Amended Consent Judgment, the Court finds, based upon the file and the parties' stipulations set forth in this document, as follows:

1. This Court has jurisdiction over the subject matter and the parties, and venue is proper, pursuant to §§ 273.335 and 273.347, RSMo.

2. The Missouri Department of Agriculture (the "Department") is authorized by §§ 273.331, 273.333, and 273.348, RSMo; and 2 CSR 30-9.020(13)(B) to conduct inspections and reinspections of Respondent's Facility.

3. Mincey owns and operates a business known as Puppy Love Kennel, located at 35 Buggy Trail, in Elkland, Dallas County, Missouri (the "Facility").

4. Mincey is a "commercial breeder within the meaning of the ACFA because she possessed a commercial breeder license no. AC000ATS issued by the Department under the ACFA, during all relevant times set forth in the Petition.

5. On December 19, 2022, the State filed its Second Verified Petition for Preliminary Injunction, Permanent Injunction, and Civil Penalties (the "Petition") against Mincey for violations of the ACFA, CCPA, and the implementing rules promulgated in Title 2, Division 30, Chapter 9 of the Code of State Regulations.

6. Previously on October 16, 2019, the State filed a Verified Petition for Preliminary Injunction, Permanent Injunction, and Civil Penalties, in the Circuit Court of Dallas County, case no. 19DA-CC00038, against Mincey for violations of the ACFA, CCPA, and the implementing rules promulgated in Title 2, Division 30, Chapter 9 of the Code of State Regulations.

7. On March 11, 2020, the Court entered its consent judgment (“Consent Judgment”) finding that Mincey violated the ACFA and the regulations promulgated thereunder.

8. On January 11, 2022, the State filed its First Motion for Criminal Contempt for Mincey’s continuing violation of the Consent Judgment for, in addition to other reasons, failing to make her facility available for inspection.

9. On March 9, 2022, a show cause hearing was held and evidence was adduced.

10. On March 14, 2022, based on the evidence adduced, the Court issued its order (“Order”) and found that Mincey had violated the terms and conditions of the Consent Judgment by “continuously failing to make her facilities available for inspection and for failing to rectify the same violation of feces during the consecutive visits in July 2021 and January 2022, Mincey has had recurring violations of the ACFA and CCPA during the past two-year period [preceding sic] the entry of this Court’s Consent Judgment.”

11. On July 6, 2022, Animal Welfare Officials inspected Mincey’s facility where a number of continuing violations, in addition to new violations, were observed.

12. On November 9, 2022, the State filed its Second Motion for Criminal Contempt, stating that even after being fully aware that she is required to make her facility available for inspection, as set forth in Title 2, Division 30, Chapter 9 of the Code of State Regulations and the Consent Judgment, Respondent failed to make her facility available for inspection.

Inadequate Veterinary Care

13. Mincey acknowledges that she violated ACFA Regulation 2 CSR 30-9.020(8), by failing to provide adequate veterinary care by an attending veterinarian for all animals, that:

- a. On November 28, 2022, Mincey failed to provide necessary veterinary care to several animals located at the Facility, due to a recent outbreak of canine parvovirus in which Mincey admitted to MDA that multiple puppies had died as a result of the virus outbreak.
- b. On November 28, 2022, Mincey failed to provide adequate veterinary care when Dr. Rachel Cook, ACFA Program Veterinarian, noted significant matting on multiple adult Pomeranians at the Facility.

14. Mincey acknowledges that she violated the CCPA § 273.345.3(2), RSMo and ACFA Regulation 2 CSR 30-9.020(8) by failing to employ a licensed veterinarian to administer a program of veterinary care and to provide hands-on veterinarian examinations for each covered dog at least once yearly.

15. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.020(8)(B)3, requiring Mincey to maintain individual health records on all animals over the age of eight (8) weeks or that have been weaned or that have been treated with a medical procedure, whichever occurs first, in that:

- a. On November 28, 2022, Mincey failed to provide an individual or litter health record for a Miniature Pinscher puppy, microchip #992000001409345, born on August 26, 2022.

16. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.020(8)(C), requiring Mincey to establish and maintain programs of veterinary care that include: review of disease prevention techniques, vaccination protocols, parasite protocols, pest control, nutrition, euthanasia, and guidance on preventative care; and approval of these practices must be certified by the attending veterinarian and included with the written program of veterinary care, in that:

- a. On November 28, 2022, Mincey failed to provide a written program of veterinary care, including, but not limited to, review of disease prevention techniques, vaccination protocols, parasite protocols, pest control, nutrition, euthanasia, and guidance on preventative care.

Inadequate Health and Husbandry

17. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.030(2)(D)1, requiring Mincey to provide continuous access to potable drinking water

to animals in her care that is not frozen and is generally free of debris, feces, algae, and other contaminants, in that:

- a. On November 28, 2022, Mincey failed to provide continuous access to potable drinking water that is generally free of debris, feces, algae, and other contaminants due to MDA observing several water bowls that contained green water.

18. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.030(2)(E)2.B, requiring Mincey to sanitize at least once every two weeks all food and water receptacles for animals, using at least one (1) method prescribed in this section, and more often if necessary to prevent accumulation of dirt, debris, food waste, excreta, and other disease hazards, in that:

- a. On November 28, 2022, Mincey failed to properly sanitize a number of water receptacles located in the stacked cages in the whelping building, due to MDA inspectors observing a buildup of green algae on the inside of the water receptacles.

19. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.030(2)(A)3, requiring Mincey to ensure that animals housed in the same primary enclosure must be compatible and that puppies four (4) months of age or less may not be housed in the same primary enclosure with adult dogs other than their dams or foster dams, except when permanently maintained in breeding colonies, in that:

- a. On November 28, 2022, Mincey failed to remove puppies four (4) months of age or less, being housed in the same primary

enclosure with adult dogs, when a deceased newborn puppy less than four months of age was removed from an enclosure housing four adult dogs, where, and upon closer inspection by Dr. Rachel Cook, observed and noted puncture wounds on each side of the puppies trunk with some bruising.

Recordkeeping Requirements

20. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.020(11)(A)1.E, requiring Mincey to maintain records when a dog or cat was acquired or disposed of, or both, and the method of disposition, including death or euthanasia, in that:

- a. On November 28, 2022, Mincey failed to provide any acquisition records of puppies born since the last completed inspection on July 6, 2022, and acquisition or disposition records of multiple puppies that had died from canine parvovirus, admitted to by Mincey.

21. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.020(11)(A)2, requiring Mincey to maintain individual medical records on all animals bought, sold, raised, or otherwise obtained, held, kept, maintained, sold, donated or otherwise disposed of, including by death or euthanasia, which shall specify all treatments and all medications given and all procedures performed on the animal, to include reasons for or the condition requiring the treatment, medication, or procedure, in that:

- a. On November 28, 2022, Mincey was only able to produce a single veterinary invoice for one puppy diagnosed with canine parvovirus, despite Mincey admitting that multiple puppies had died from the disease, no other records of examination or treatment were provided for the other puppies affected by the disease.

General Requirements

22. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.030(1)(A)3.C, requiring Mincey to spot-clean daily and sanitize all hard surfaces with which dogs or cats come into contact with, to prevent the accumulation of excreta and reduce disease hazards, in that:

- a. On November 28, 2022, MDA inspectors observed in the sheltered portion of the whelping building, both the inside and outside sections of the enclosures, to have an excessive accumulation of feces.
- b. On November 28, 2022, MDA inspectors observed in the outdoor enclosure housing the Saint Bernards to have an excessive accumulation of feces.
- c. On November 28, 2022, MDA inspectors observed in the adult sheltered building housing the Miniature Pinchers and Pomeranians to have an excessive accumulation of feces, in both the inside and outside sections of the enclosures.

23. Mincey acknowledges that she violated the ACFA Regulation 2 CSR 30-9.030(1)(A)6, requiring Mincey to provide regular and frequent collection, removal, and disposal of animal and food waste, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks, in that:

- a. On November 28, 2022, MDA inspectors observed in the whelping building (including the floor under and around the nursery pens) were in need of cleaning because of the buildup of feces, hair, food waste, cobwebs, and dead flies, in addition to the presence of a strong odor.
- b. On November 28, 2022, MDA inspectors observed in the adult kennel building, in both the facility and dog enclosures, were in need of a thorough cleaning because of the buildup of feces, hair, food waste, cobwebs, and dead flies.
- c. On November 28, 2022, MDA inspectors observed a drain in the adult sheltered building adjacent the Pomeranians that had a buildup of dirt, feces, and other waste that was too large to go down the drain or the drain was no longer functioning.
- d. On November 28, 2022, MDA inspectors observed a large wheelbarrow full of feces outside the Saint Bernard enclosure that had not been emptied for some time.

24. The Court has considered the State's Petition, which alleges that the Respondent violated the ACFA, CCPA, and the implementing rules promulgated in Title 2, Division 30, Chapter 9 of the Code of State Regulations.

25. The Court is satisfied that the provisions of the Consent Judgment are intended to resolve the issues raised by the Petition and that the parties desire to terminate this controversy by consenting to the entry of this judgment without trial. The Court further finds that this Consent Judgment is in the public interest.

III. Parties Bound

26. The provisions of this Consent Judgment jointly and severally bind all parties to this action as well as their respective agents, servants, employees, heirs, successors, assigns, successors in elected or appointed office. Additionally, these provisions bind all persons, firms, corporations, and other entities who are, or who will be, acting in concert or privity with, or on behalf of, the parties to this action or their agents, servants, employees, heirs, successors, assigns, and successors in elected or appointed office. The parties consent to this Consent Judgment through the State by its duly authorized representative, and Mincey, in her individual capacity and as owner/operator of Puppy Love Kennel.

IV. Satisfaction and Reservation of Rights

27. This Consent Judgment resolves all claims the State and the Department have or may have against Respondent for the acts alleged in the Petition.

28. This Consent Judgment shall not be construed to limit the rights of the Attorney General or the Director to obtain penalties or injunctive relief under the

ACFA, CCPA, and its implementing rules, or under other state laws or regulations, except as expressly stated in this Consent Judgment. Without limiting the foregoing, the parties expressly agree that:

- a. Nothing in this Consent Judgment shall prevent the Attorney General or the Director from applying to this Court for further orders or relief if violations of this Consent Judgment occur.
- b. Nothing in this Consent Judgment shall preclude the State or the Department from seeking equitable or legal relief for violations of Missouri laws or regulations that were not alleged in the Petition, or discovered or known by, the Department prior to the execution of this Consent Judgment.
- c. Nothing in this Consent Judgment shall preclude the State or the Department from seeking equitable or legal relief for future violations of ACFA, CCPA, and its implementing rules.
- d. Nothing in this Consent Judgment affects or resolves any issue Mincey may have with the Missouri Department of Revenue, Missouri Agricultural and Small Business Development Authority, or any other state or local agency.

29. The State reserves all legal and equitable remedies to address any imminent and substantial endangerment to the welfare of animals posed by Respondent's acts or omissions, whether related to the violations addressed in this Consent Judgment or otherwise.

V. Permanent Injunction

30. The Court permanently enjoins and orders: Mincey shall surrender her ACFA license, license no. AC000ATS, refrain from any activity which requires an ACFA license, and will remain ineligible to obtain an ACFA license for a period of eight (8) years after the date of entry of this Consent Judgment.

31. The Court permanently enjoins and orders: Mincey shall refrain from the business of buying dogs or cats for resale or exchange, or any other activity which might qualify her as a dealer as defined in § 273.325, RSMo.

32. The Court permanently enjoins and orders: Mincey cannot harbor more than three (3) intact female dogs or cats, in the aggregate, any time during the eight (8) years after the date of entry of this Consent Judgment, the same *de minimus* exemption as prescribed in § 273.342, RSMo.

33. The Court permanently enjoins and orders: Mincey cannot act as an animal shelter, boarding kennel, commercial kennel, contract kennel, dealer, hobby or show breeder, pet shop, or dog pound, all of which are defined in § 273.325, RSMo, any time during the eight (8) years after the date of entry of this Consent Judgment.

34. The Court permanently enjoins and orders: Mincey is prohibited from allowing any person, corporation, limited liability corporation, or entity to act as an animal shelter, boarding kennel, commercial kennel, contract kennel, dealer, hobby or show breeder, pet shop, or dog pound, all of which are defined in § 273.325, RSMo, on any property owned, leased, rented, or held by Mincey any time during the eight (8) years after the date of entry of this Consent Judgment.

35. The Court permanently enjoins and orders: Mincey is prohibited from acting or functioning as a partner, employee, contractor, or any other assigned third party for any such investment or enterprise engaging in any activity defined as an animal shelter, boarding kennel, commercial kennel, contract kennel, dealer, hobby or show breeder, pet shop, or dog pound, as defined in § 273.325, RSMo, any time during the eight (8) years after the date of entry of this Consent Judgment.

36. The Court permanently enjoins and orders: Mincey shall reduce her inventory to three or less intact females in her care and custody within thirty (30) days after the date of entry of this Consent Judgment, and Mincey shall submit to an inventory verification inspection within seven (7) days after the expiration of the thirty (30) days after entry of this Consent Judgment. Any additional intact females over and above the allowed three (3) as set forth in Paragraph 32, shall be immediately surrendered and seized by MDA and turned over to the care and custody of the Humane Society of Missouri.

37. The Court permanently enjoins and orders: that the required reinspection fee for the November 2, 2022 and November 28, 2022 inspections of the Facility pursuant to § 273.338, RSMo, are set aside and discharged.

38. The Court permanently enjoins and orders: that as long as Mincey harbors only three (3) intact females, as stated in Paragraph 32, Mincey is exempt from any requirement of inspection except that MDA shall conduct an annual inventory for the purpose of monitoring and recording compliance with this Consent

Judgment, and also for show cause should Mincey harbor over and above the allowed three (3) intact females as set forth in Paragraph 32.

VI. Civil Penalty

39. Mincey consents to the entry of judgment in favor of the State of Missouri for a civil penalty of \$10,000.00. Of this amount, \$10,000.00 shall be suspended and forgiven if there are no violations of the ACFA and CCPA, and the implementing regulations, and Mincey complies with the injunction contained in this Consent Judgment for a period of eight (8) years after the date of entry of this Consent Judgment. The suspended penalty shall be due and payable only as ordered by the Court, upon the Department filing a motion alleging that Mincey violated the terms of this Consent Judgment within a period of eight (8) years after the date of entry of this Consent Judgment, and after a hearing by this Court.

40. Suspended penalties shall be payable within thirty (30) days following an order of the Court. Mincey shall pay the authorized suspended penalties by certified check made payable to the “*State of Missouri (Dallas County School Fund)*” and mailed, along with a copy of the Court’s Order for suspended penalties to be paid, to: **Collections Specialist, Missouri Attorney General’s Office, P.O. Box 899, Jefferson City, MO 65102-0899**. The certified check will be forwarded to the Dallas County Treasurer as Custodian of the Dallas County School Fund, as per Art. IX, Section 7 of the Missouri Constitution.

VII. Retention of Jurisdiction and Modification

41. The Court retains jurisdiction over this matter in order to enforce each and every term of this Amended Consent Judgment. The Court further retains jurisdiction to modify any provision hereof upon written consent and joint motion of the parties.

VIII. Records

42. Both parties agree and have advised the Court that the State and the Department will maintain any records that Mincey provides to either office as public records in accordance with the Sunshine Law and the offices' applicable records retention policy.

IX. Costs

43. Mincey shall pay all court costs associated with this action. Each party shall bear its own attorney's fees and litigation expenses incurred as a result of the investigation or litigation of this lawsuit, and neither side shall have any financial responsibility for the attorney's fees, court costs, and litigation expenses incurred by the other side.

X. Signatures

By their signatures below, the parties hereby acknowledge their consent, personally or through their duly authorized representatives as indicated below, to entry of this Consent Judgment.

RESPONDENT CORY MINCEY d/b/a PUPPY LOVE KENNEL

Cory Mincey
Cory Mincey, d/b/a Puppy Love Kennel

2-8-23
Date

FOR PETITIONER STATE OF MISSOURI

MISSOURI DEPARTMENT OF
AGRICULTURE

Matt Rold
Name (Signature)

Matt Rold
Name (Print)

Animal Care Program Manager
Title

February 8, 2023
Date

MISSOURI ATTORNEY GENERAL'S
OFFICE,

Richard N. Groeneman
Name (Signature)

Richard N. Groeneman
Assistant Attorney General, #57157

02/08/2023
Date

SO APPROVED, ADJUDGED, DECREED, AND ORDERED.

[Signature]
Honorable Michael O. Hendrickson

Date: _____