

2. On May 5, 2020, this Court entered its consent judgment (the “Consent Judgment”) finding that Defendant violated the ACFA and the regulations adopted thereunder and ordered Defendant to comply with the laws.

3. The Court also imposed a civil penalty of \$5,000, suspending the entire penalty on the condition that the Defendant complies with the injunction contained in the Consent Judgment and has no violation of the ACFA.

4. On March 27, 2023, Plaintiff filed a Motion to Enforce the Consent Judgment, Application for Show Cause Order, and Motion for Judgment of Contempt, citing continuing violations of the Consent Judgment and the Order of this Court on May 5, 2020.

5. On May 12, 2023, Defendant was served the Show Cause Order.

6. On January 4, 2024, the Court conducted a hearing and evidence was adduced.

7. The Court now finds the Defendant in contempt of court. The Court finds that the Defendant had actual knowledge of the Court’s May 5, 2020 Order and Consent Judgment, and has continually and willfully disregarded the Courts lawfully issued May 5, 2020 Order and Consent Judgment, and Defendant’s such disregard interferes with the administration of justice, does constitutes contempt of this Court.

8. The Court specifically finds that the Defendant has violated the Court’s May 5, 2020 Order and Consent Judgment as follows:

- a. Since February 1, 2022, Defendant has allowed her ACFA Commercial Dog Breeder License, License # AC000GKG, to lapse, all the while

failing to meet the exempt status as described in § 273.342, RSMo, by harboring more than three (3) intact females.

- b. On February 7, 2023 Defendant was found to harbor more than three (3) intact females at the Facility, requiring her to have a commercial dog breeder license pursuant to § 273.327, RSMo.
- c. On October 24, November 4, November 16, December 7 (a.m.), December 7 (p.m.), 2022; January 12, January 17, January 18, and February 1, 2023, Defendant failed to make her Facility available for inspection, even after she provided potential dates for inspection of the Facility to Missouri Department of Agriculture (“MDA”) Animal Welfare Officials.
- d. On February 7, 2023, Defendant housed in the garage, a number of adult Labrador Retrievers housed singly in wire pet crates or airline style pet crates, and a number of weaned puppies in a built in enclosure, without MDA’s expressed, written consent to house dogs in the garage because the garage has not met ACFA inspection standards.
- e. On February 7, 2023, Defendant failed to provide continuous access to potable water that is not frozen, and is generally free of debris, feces, algae, and other contaminants, where dogs housed in wire style crates and airline carrier crates were found to have empty, overturned, and broken water bowls, in violation of 2 CSR 30-9.030(2)(D)1.

- f. On February 7, 2023, Defendant failed to provide covered dogs, housed in wire style crates and airline carrier crates, which were being used as a primary enclosure, with constant and unfettered access to the outdoors, in violation of 2 CSR 30-9.030(2)(B)4 and § 273.345, RSMo.
- g. On February 7, 2023, Defendant failed to provide the required 6 inches of headspace, calculated above the head of the tallest dog in the enclosure when in its normal standing position, for multiple dogs housed in wire style crates and airline carrier crates used as primary enclosures for dogs, in violation of 2 CSR 30-9.030(1)(F)3.A.(III).
- h. On February 7, 2023, Defendant failed to provide the required additional space requirements for dogs subject to § 273.345, RSMo (CCPA), with the minimum standard for floor space of 57.04 square feet, where one adult female was only provided 9.5 square feet of floor space, and a second adult female was only provided 4.8 square feet of floor space, in violation of 2 CSR 30-9.030(1)(F)3.C and § 273.345, RSMo.
- i. On February 7, 2023, Defendant failed to provide a current hands-on veterinary examination record of all covered dogs, in violation of 2 CSR 30-9.020(8)(c) and § 273.345, RSMo.
- j. On February 7, 2023, Defendant failed to complete required daily observation of all animals to assess their health and well-being, where a female yellow Labrador Retriever, microchip #OAO2541053, was

observed by Dr. Rachel Cook to have a soft tissue mass of at least 2 inches in diameter on the ventral chest, in violation of 2 CSR 30-9.020(8)(B)4.

9. Accordingly, the Court now orders the following:

a. ~~Finding Defendant in contempt of court, the Court now Orders the Defendant.~~

~~i. To be confined in the Phelps County Jail, for a period of time not to exceed _____ days. Defendant shall surrender to the custody of the Phelps County Sheriff's Office on _____, 2024, to serve a period of confinement not to exceed _____ days; AND~~

~~ii. To pay a compensatory per diem fine of \$_____, payable to the Court no later than the date of _____, 2024.~~

b. The Court orders executed the \$ 5,000⁰⁰ of the suspended penalty from the Consent Judgment for the Defendant's continuing violations of the Court's May 5, 2020 Order and Consent Judgment. The \$ 5,000⁰⁰ shall be payable by certified check to the State of Missouri-Phelps County School Fund, as set forth in Art. IX, Section 7 of the Missouri Constitution **on or before February 5, 2024**. On the certified check, Defendant shall include the name of the case and the

case number and shall provide a copy of said check to counsel for the State of Missouri. The certified check shall be sent to:

Collections Specialist
Missouri Attorney General's Office
P.O. Box 899
Jefferson City, Missouri 65102-0899

- c. The Court permanently enjoins and orders: Defendant cannot harbor more than three (3) intact female dogs at any time during the ten (10) years following the date of entry of this Judgment.
- d. The Court permanently enjoins and orders: Defendant can only harbor two (2) intact male dogs at any time during the ten (10) years following the date of entry of this Judgment
- e. The Court permanently enjoins and orders: Defendant cannot harbor more than ten (10) adult dogs (over six months of age) in total at any time during the ten (10) years following the date of entry of this Judgment.
 - a. The ten (10) dogs in total described herein shall include the three (3) intact female dogs [described in ¶9-c] and the two (2) intact male dogs [described in ¶9-d].
- f. The Court permanently enjoins and orders: all remaining dogs currently in Defendant's possession, less the 10 dogs described in Paragraph 9-e, as of the date of entry of this Judgment, to be seized by the Missouri Department of Agriculture and to be delivered to the Humane Society of Missouri. Seizure will take place on Jan. 9, 2024.

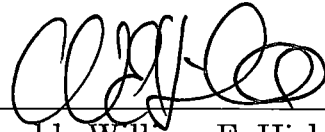
- i. Defendant will allow MDA and the Humane Society of Missouri access to all properties leased or owned by Defendant to effect the aforementioned seizure.
- g. On or before Jan. 5, 2024, Defendant shall provide a written list of the names or microchip # of the ten (10) dogs in total [described in ¶9-e] Defendant will keep and the ones to be surrendered to MDA on or before Jan. 5, 2024, to Matt Rold, with MDA-Animal Care Program.
- h. The Court permanently enjoins and prohibits the advertisement or sale of any offspring except the offspring of three (3) intact females, and no dogs from any other source except those three (3) females.
- i. The Court permanently enjoins and orders: Defendant 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, at any time during the ten (10) years following the date of entry of this Judgment.
- j. The Court permanently enjoins and orders: Defendant shall refrain from any activity which requires an ACFA license and will remain ineligible to obtain an ACFA license for a period of ten (10) years following the date of entry of this Judgment.
- k. The Court permanently enjoins and orders: Defendant shall make her premises available for inspection during normal business hours or at other times mutually agreeable, up to three (3) unannounced

inspections of her premises per calendar year, any time during the ten (10) years following the date of entry of this Judgment.

The Court retains jurisdiction over this matter in order to enforce each and every order of this Judgment.

Nothing in this Judgment shall preclude the State from seeking equitable or legal relief for violations of the ACFA and its implementing regulations not specifically described herein.

SO APPROVED, ADJUDGED, DECREED, AND ORDERED.



Honorable William E. Hickle
Circuit Judge

4-4-2024
Date