

IN THE CIRCUIT COURT OF WISCONSIN

DANE COUNTY

PEOPLE OF THE STATE OF)
WISCONSIN,)
)
)
v.)
)
PAUL PICKLESIMER,)
)
)
Defendant.)

Case No. **2021CF001839**

DEFENDANT’S MOTION IN LIMINE RELATED TO AFFIRMATIVE DEFENSES
SUPPORTING RESCUE OF ANIMALS IN HARM

Defendant, Paul Picklesimer, respectfully requests the Court to issue an order allowing Defendant to introduce defense of others, coercion, and necessity at trial.

I. Introduction

This case poses a question of first impression for the Court—if someone is actively harming an animal they “own,” does the law permit a third party to intervene and stop that abuse? Most people would presume so—this is, in fact, the impetus behind the common situation in which it is permissible to break a car window to rescue an overheating dog. *See* Wis. Stat. § 895.484 (civil liability exemption for entering a vehicle to render assistance to a domestic animal). Wisconsin law affords the rescuer legal justification via the doctrines of defense of others, coercion, and necessity. It is, and should, ultimately be up to a jury to weigh the competing harms and determine a defendant’s guilt.

This case presents such a situation. Mx. Picklesimer, along with Mr. Hsiung, were aware of animal neglect and cruelty at Ridglan Farms—a factory farm where beagles are bred, kept confined in inadequate wire-floor cages, driven psychotic by their conditions, and neglected until

they are ultimately sold off for experiments where they are killed.¹ Mx. Picklesimer and Mr. Hsiung were intimately familiar with the inadequacies of regulatory agencies, who themselves have characterized enforcement of animal welfare as “basically meaningless”² and “ineffective,”³ as well as the futility of their own efforts to have state-actors adequately address and stop well documented animal cruelty.

On the night of April 17, 2017, they entered Ridglan through an unlocked door to document and investigate the conditions. They saw dogs actively suffering—with lesions on their paws from inadequate cage conditions and obvious signs of distress and psychosis.⁴ Upon leaving, Mx. Picklesimer and Mr. Hsiung did what anyone’s best instinct would lead them to do—they rescued three suffering dogs. All three dogs had signs of physical injuries and psychosis. The youngest, Julie, was blind. Mx. Picklesimer and Mr. Hsiung have been transparent about their actions and if it were not for their publication of their investigation and rescue, they would have never been charged with two felonies.

¹ Unless they are killed for space—a practice Ridglan sanitizes by referring to it as “culling.”

² See David Grimm, *Audit Questions U.S. Oversight of Lab Animal Welfare*, SCIENCE (Jan 8, 2015), <https://www.science.org/content/article/audit-questions-us-oversight-lab-animal-welfare>.

³ United States Dept. of Agriculture Office of Inspector General, “Animal and Plant Health Inspection Service Animal Care Program Inspections of Problematic Dealers,” (May 2010), p. 8 (“AC’s Enforcement Process was Ineffective Against Problematic Dealers”), available at https://www.aspc.org/sites/default/files/oig_audit_33002-4-sf.pdf (last accessed Feb. 25, 2024); See generally ASPCA, “ASPCA sues USDA for its Non-Enforcement Policy on the Animal Welfare Act,” (June 14, 2021), available at <https://www.aspc.org/about-us/press-releases/aspc-sues-usda-its-non-enforcement-policy-animal-welfare-act> (last accessed March 1, 2024); Cathy Liss, “Why won’t USDA enforce the Animal Welfare Act?” THE HILL (Sept. 21, 2019), available at <https://thehill.com/opinion/energy-environment/462348-why-wont-usda-enforce-the-animal-welfare-act/> (last accessed March 1, 2024).

⁴ It is well known that psychological harm can have a serious impact on the body. For example, stress can have myriad consequences on the body such as headaches, chest pain, back pain, sleeping issues, and gut health. In an insurance bad faith case, the Wisconsin Court of Appeals considered whether a reasonable person would understand psychological conditions to be within the concept of “sickness or disease.” *Wosinski v. Advance Cast Stone Co.*, 2017 WI App 51, ¶ 151, 377 Wis. 2d 596, 901 N.W.2d 797 (2017). The court held that where an insurance policy used “sickness or disease” to define “bodily injury,” that those terms included “mental, emotional or psychological conditions.” *Id.* at ¶ 152; *Tara N. v. Economy Fire & Casualty Ins. Co.*, 197 Wis.2d 77, 87, 540 N.W.2d 26 (Ct. App. 1995) (“Mental, emotional or psychological conditions are commonly considered as sickness or disease by both lay persons and medical professionals.”). The issue of “great bodily harm” is one of fact for the jury. See, e.g., *LaBarge v. State*, 74 Wis. 2d 327, 246 N.W.2d 794 (1976); see also Francis Shen, *Mind, Body, and the Criminal Law*, 97 MINN. L. REV. 2036, 2078-81 (where study subjects have differing opinions on whether bodily injury includes mental harm).

II. This was a necessary rescue.

At trial, Defendants Picklesimer and Hsiung have a good faith belief they will present evidence of the below.

1. Mx. Picklesimer and Mr. Hsiung first became aware of specific allegations of animal cruelty at Ridglan during a conversation with a former Dane County resident, Jeremy Beckham, in the months prior to their investigation. Mr. Beckham, who has a nearly two-decade history working in investigations of animal welfare conditions at laboratories for numerous organizations, including the Physicians Committee for Responsible Medicine, informed them, based on his prior knowledge and investigations, that Ridglan was raising beagles in factory farm conditions where many appeared to be suffering due to inadequate care. He has personally visited the site and noted that the dogs had no outdoor or exercise access – a potential violation of federal law – and that his observations at the facility (including the sheer number of dogs barking) suggested intensive confinement.
2. Mx. Picklesimer and Mr. Hsiung were aware that state regulatory bodies tasked with enforcing animal cruelty standards failed to sufficiently address animal suffering and cruelty. Mr. Hsiung is a nationally recognized expert on the deficiencies in legal protections for animals and was an invited speaker at Yale Law School on February 18, 2017, just months prior to the Ridglan investigation. He has subsequently given invited lectures at Stanford and Harvard Law School on deficiencies in legal protection for animals.
3. Mx. Picklesimer and Mr. Hsiung were also aware that the United States Department of Agriculture’s own Inspector General had determined that efforts to enforce animal welfare policy were “ineffective” and “basically meaningless.”⁵

⁵ See *supra* note 2-3.

4. Mx. Picklesimer and Mr. Hsiung were further aware of inaction by Dane County prosecutors. In 2010, the Dane County District Attorney concluded that researchers at the University of Wisconsin were liable for animal cruelty as a result of a decompression experiment, but declined to press charges citing “it would not be a wise use of resource....”⁶ People for the Ethical Treatment of Animals petitioned for a criminal complaint and Dane County Judge Hon. Amy Smith determined probable cause existed and appointed a special prosecutor to the matter.⁷
5. Mx. Picklesimer and Mr. Hsiung were aware of inaction by Wisconsin regulatory agencies related to issues at Ridgland. In 2006, Ridgland was investigated following complaints of overcrowded and unsanitary conditions and the smell of burning animals. Federal inspectors did document such conditions, but nothing further was done. *See Sources of Dogs and Cats.*⁸
6. In October 2016, the Wisconsin Department of Agriculture issued a violation of the Animal Welfare Act and Wisconsin administrative code against Ridgland for not having cage floors constructed in a manner that protects the dogs’ feet and legs from injuries. 9 CFR § 1(A)(3.6); ACTP 16.20(3)(c)(4). Inspectors saw puppies with their legs falling through

⁶ Bill Lueders, “Judge opens door to criminal charges over UW-Madison sheep experiments,” THE ISTHMUS (June 3, 2010), available at <https://isthmus.com/news/news/judge-opens-door-to-criminal-charges-over-uw-madison-sheep-experiments/> (last accessed Feb. 28, 2024).

⁷ *Id.* However, the Dane County District Attorney’s unwillingness to prosecute such animal abuse continues. Just last year, PETA petitioned for a criminal complaint against University of Wisconsin-Madison’s primate research center after the Dane County District Attorney declined to press charges. Dane County Circuit Court judge Hon. Nia Trammell found probable cause for animal cruelty but declined to appoint a special prosecutor. Bill Lueders, “Judge says UW-Madison primate center conditions are shocking, but reject calls for prosecution,” THE ISTHMUS (November 7, 2023), available at <https://isthmus.com/news/news/judge-says-uw-madison-primate-center-conditions-are-shocking/> (last accessed Feb. 28, 2024).

⁸ *Sources of Dogs and Cats*, DYING TO LEARN, available at <https://web.archive.org/web/20161025023256/http://www.dyingtolearn.org/sourceDealers.html> (last accessed Feb. 23, 2024).

the holes in the wire floor. *See Exhibit A – Wisconsin Inspection Reports*. Such issues continued in 2018 and 2023. *Id.*; *Exhibit B – December 2023 USDA Inspection Report*.

7. Through conversations with Mr. Beckham, Mx. Picklesimer and Mr. Hsiung became aware that local efforts to address the conditions in Ridgland would almost certainly be futile and ineffective in Dane County. Mr. Beckham had reported other incidents of cruelty in recent years, including unlawful experiments where sheep were forced to undergo painful decompression⁹ and where animals were forced to fight one another. Neither instance led to the filing of charges.
8. This is consistent with Mx. Picklesimer's and Mr. Hsiung's own experiences providing documented reports of animal cruelty to state-actors, only for nothing to be done. For example, Mr. Hsiung will testify at length to these efforts, including reporting to law enforcement in Illinois over two dozen instances of sick or injured animals with zero response.
9. This belief is bolstered by the lack of investigation or enforcement after the animal rights group Direct Action Everywhere published their findings from their Ridgland investigation.¹⁰
10. Informed by the above, Mx. Picklesimer and Mr. Hsiung entered Ridgland through an unlocked door to investigate and document these conditions.

⁹ *Supra* note 6.

¹⁰ Direct Action Everywhere, "The Dogs of Science: How We Betrayed Man's Best Friend" (May 2018), *available at* <https://static1.squarespace.com/static/515cca87e4b0bca14d767b61/t/5afaa0e6575d1ff8cda516c6/1526374722284/In+Cage+Report.pdf>; *see also* Glenn Greenwald, "Bred to Suffer: Inside the Barbaric U.S. Industry of Dog Experimentation," *The Intercept* (May 17, 2018), *available at* <https://theintercept.com/2018/05/17/inside-the-barbaric-u-s-industry-of-dog-experimentation/> (last accessed Feb. 27, 2024).

11. Inside, they witnessed dogs suffering immensely in small cages. *See Exhibit C-1.* They observed feces on the floor of the warehouse as well as the floor of the dogs' cages. *See Exhibit C-2.*
12. The dogs did not have any play objects or forms of inanimate enrichment in their cages.
13. Mx. Picklesimer and Mr. Hsiung specifically observed three dogs who appeared in great distress.
14. The three dogs¹¹ presented with substantial gait and mobility issues, including strange repetitive behaviors associated with pain and psychological torment (e.g., pacing and circling), or "stereotypical behavior." *See Exhibit C-3.*
15. The three dogs also had inflamed, red feet—consistent with the previously noted inadequacies of the cage flooring. A post-rescue veterinary inspection diagnosed all three with interdigital dermatitis.
16. Mx. Picklesimer and Mr. Hsiung also noticed that the three dogs they ultimately rescued, especially the dog named Julie, suffered from neurological and psychological symptoms that could lead to serious injury such as self-harm and were indicative of other problems. Julie was subsequently diagnosed as blind.
17. The defense intends to call an expert witness, Dr. Sherstin Rosenberg, regarding the need for immediate intervention based on the clinical signs exhibited by the dogs. Dr. Rosenberg will offer an expert opinion that dogs with foot infections and injuries, akin to a child with infected and swollen feet, would need to be rushed to an emergency vet appointment to receive appropriate care. This is particularly true where a dog's current environment is one with wire flooring that would inevitably exacerbate foot issues and cause medically

¹¹ Defendants observed similar conditions on many other dogs but could only rescue the three they reasonably believed were in the most need of care.

unacceptable levels of pain. Further, Dr. Rosenberg will testify that dogs exhibiting behavior such as spinning in a cage for many hours are showing signs of extreme stress, requiring immediate medical intervention and removal from their current housing environment. Failure to immediately remove the animal could lead to medically unacceptable levels of pain and self-harm, or to a failure to diagnose an underlying medical emergency causing the stress.

18. Dr. Rosenberg's expert opinion, moreover, will be corroborated by an October 2016 report from Wisconsin's own inspectors identifying dogs with the same conditions that Dr. Rosenberg will testify about. *See Exhibit A – Wisconsin Inspection Reports*. However, there was no meaningful action taken, and dogs in the same condition were discovered by the Defendants months later in April of 2017.

19. Given the ongoing harm to the dogs, the lack of enforcement, and the futility of other means, Mx. Picklesimer and Mr. Hsiung reasonably believed there was no other option but to remove the three dogs from the conditions that were actively causing them harm and take them to a vet. In other words, the evidence will show they reasonably believed their conduct was necessary—akin to rescuing an overheating dog from a car where the owner is nowhere to be found or unwilling to assist. Mx. Picklesimer and Mr. Hsiung only rescued three dogs they reasonably believed were in the most need of care.

III. The standard for affirmative defenses

A defendant has a constitutional right to raise an affirmative defense and have the jury instructed on it. *Holmes v. South Carolina*, 547 U.S. 319, 324 (2006); *see also Chambers v. Mississippi*, 410 U.S. 284, 302 (1973); U.S. Const. Amends. V, VI, XIV; Wisc. Const. Art. I § 7, 8. A defendant also has the right to present a defense. U.S. Const. Amends. V, VI, XIV; Wisc. Const. Art. I § 7, 8.

A jury must be instructed on these defenses when a defendant puts on “some” evidence supporting it. *State v. Johnson*, 2021 WI 61, ¶ 17 397 Wis. 2d 633, 961 N.W.2d 18; *accord State v. Kizer*, 2022 WI 58, ¶ 9, 403 Wis. 2d 142, 976 N.W.2d 356. The evidence must be viewed in the light most favorable to the defendant. *Johnson*, 2021 WI 61, ¶ 17. “The ‘some’ evidence standard is a relatively low threshold, in part because of the distinct functions of judge and jury.” *State v. Peters*, 2002 WI App 243, ¶ 27, fn. 4, 258 Wis. 2d 148, 653 N.W.2d 300. This “low benchmark” is met even if the evidence is slight, weak, insufficient, inconsistent, or of doubtful credibility. *Johnson*, 2021 WI 61, ¶ 17; *State v. Stietz*, 2017 WI 58, ¶ 17, 275 Wis. 2d 572, 895 N.W.2d 796. The state bears the burden to disprove an affirmative defense beyond a reasonable doubt. *Moes v. State*, 91 Wis. 2d 756, 766, 284 N.W.2d 66 (1979).

Defense of others, coercion, and necessity all share a common theme: they permit otherwise unlawful conduct to prevent the risk or reality of worse harm. *See State v. Brown*, 107 Wis. 2d 44, 54-55, 318 N.W.3d 270 (1982) (“The rationale of the defenses of coercion and necessity is that for reasons of social policy it is better to allow the defendant to violate the criminal law (a lesser evil) to avoid death or great bodily harm (a greater evil).”); *State v. Amundson*, 69 Wis. 2d 554, 568, 230 N.W. 2d 775 (1975) (noting that coercion “is highly analogous to the privilege of self-defense, both of which look to the reasonableness of the actor’s belief that his

only safe recourse is the commission of a criminal act”). The applicability of these affirmative defenses in the context of protecting animals is an issue of first impression in Wisconsin.

IV. Ridglan is not immune from animal cruelty laws.

At the outset, it should be acknowledged that Mx. Picklesimer and Mr. Hsiung’s rescue of Julie, Anna, and Lucy was not solely due to a moral objection to animal testing. Rather, their justification is based on their observations and reasonable conclusions that the three dogs they rescued were being held in impermissibly neglectful and cruel conditions and were actively suffering.

Wis. Stat. § 951.02 prohibits any person from treating any animal in a cruel manner. Under § 951.01(2), “cruel” means “causing unnecessary and excessive pain or suffering or unjustifiable injury or death.” The language in §§ 951.01 and 951.02 is unambiguous. *See, e.g., State ex rel. Kalal v. Cir. Ct. for Dane Cty.*, 2004 WI 58, ¶ 47, 271 Wis. 2d 633, 681 N.W.2d 110 (2004).

Ridglan is both a licensed research facility and a licensed breeder. As a breeding facility, Ridglan is not exempt from the laws prohibiting crimes against animals under Chapter 951.¹² *See, e.g.,* Wis. Stat. § 951.015(3). Wis. Stat. § 951.14(3)(b), directed at “person[s] owning or responsible for confining or impounding any animal,” requires that housing enclosures be “constructed and maintained so as to provide sufficient space to allow each animal adequate freedom of movement.” Offering further guidance, the statute provides that “[i]nadequate space may be indicated by evidence of debility, stress or abnormal behavior patterns.” *Id.*

Ridglan is also subject to Wisconsin’s administrative code for dog sellers as well as the Animal Welfare Act. Both require proper cage flooring. ACTP 16.20(3)(c)(4), 9 CFR §§ 1(A)(3.6),

¹² Teaching, research, or experimentation are exempt from Wisconsin’s animal cruelty laws. Wis. Stat. § 951.015(3)(a). The cruelty Mx. Picklesimer and Mr. Hsiung observed were not related to any experiment done by Ridglan but were based on Ridglan’s breeding and warehousing of dogs. Therefore, the exemption is inapplicable.

3.11. Ridglan has been cited for inadequate cage flooring in the past, but nevertheless they were observed by Mx. Picklesimer and Mr. Hsiung and still continue to be observed by inspectors. *See Exhibit B – December 2023 USDA Report.* Mx. Picklesimer and Mr. Hsiung observed cages that were not properly cleaned of excreta, causing harm to the animals. ACTP 16.22(8)(a); 9 CFR §§ 3.1(c)(3), 3.6(a)(2), 3.11(a). The dogs were exposed to constant, bright lights at all manners of the evening – in violation of a requirement for diurnal lighting. ACTP 16.22(7)(a); 9 CFR § 3.2(c). The rescued dogs were showing signs of clear distress from their conditions, indicating a lack of enrichment and exercise. ACTP 16.20(6)(c), 16.22(4); 9 CFR § 3.8.¹³ In other words, the dogs Mx. Picklesimer and Mr. Hsiung rescued were unnecessarily suffering in violation of a litany of animal cruelty regulations.

V. Defense of Others

Wisconsin’s self-defense law states:

[A] person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference.

Wis. Stat. § 939.48(1). “A person is privileged to defend a third person on the same basis he is privileged to defend himself provided he reasonably believes the third person would be privileged to act in self-defense and his intervention is necessary for the protection of the third person.” *Thomas v. State*, 53 Wis. 2d 483, 487, 192 N.W.2d 864 (1972); Wis. Stat. § 939.48(4). There are two components to claim defense of others: “(1) subjective—the defendant must have actually believed he or she was acting to prevent or terminate an unlawful interference; and (2) objective—

¹³ Julie was also alone in her cage, frantically circling. “All dogs shall have daily, full-body physical contact with other compatible dogs, except where such contact must be avoided for good cause.” Wisconsin ATCP 16.20(6)(a) requires

the belief must be reasonable.” *State v. Giminski*, 2001 WI App 211, ¶ 13, 247 Wis. 2d 750, 634 N.W.2d 604 (2001).

a. Defense of others includes animals.

The right to self-defense includes the right to use reasonable force to defend animals. “Other” or “third person” (in the context of the self-defense statute) is not defined nor has any Wisconsin case addressed whether defense of others is limited solely to human being. But other jurisdictions have permitted defense of another for defense of animals. *See, e.g., Commonwealth v. Whitson*, 151 N.E.3d 455, 458 (Mass. App. 2020) (defense of another was permitted by the trial court to defend a dog).¹⁴

The statute’s use of “third person” does not limit defense of others to exclusively human beings. Wisconsin law has often defined “person” broader than human beings to include corporations, *Industry to Industry, Inc. v. Hillsman Modular Molding, Inc.*, 2002 WI 51, ¶ 21, 252 Wis. 2d 544, 644 N.W.2d 236 (2002); cities, *Benson v. City of Madison*, 2017 WI 65, ¶ 33, 376 Wis. 2d 65, 897 N.W.2d 16 (2017); counties, *City of Madison v. Hyland, Hall & Co.*, 243 N.W.2d 422, 426 (1976); and the Board of Regents for the University of Wisconsin. *Board of Regents-UW System v. Decker*, 2014 WI 68, ¶ 28, 355 Wis. 2d 800, 850 N.W.2d 112, (2004). This is consistent with the law’s general flexibility when it comes to ascertaining personal rights to non-humans. *See People v. Graves*, 78 163 A.D.3d 16, 21 (N.Y. 2018) (“[I]t is common knowledge that personhood can and sometimes does attach to nonhuman entities like...animals[.]”); *e.g. Citizens United v. FEC*, 558 U.S. 310 (2010) (free speech rights for corporations); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014) (religious freedom rights for corporations); *Le Page v. the Center for Reproductive Medicine*, SC-2022-0515 (Ala. 2024) (child and person includes unborn embryos);

¹⁴ Defense of others in Massachusetts substantively mirrors Wisconsin, including the use of third person as the object of protection. *Compare Com. v. Martin*, 341 N.E.2d 885, 891 (Mass. 1976) with WI ST 939.48(a).

Palila v. Hawaii Dept. of Land and Natural Resources, 852 F.2d 1106, 1107 (9th Cir. 1988) (endangered species under ESA has legal status as plaintiff).¹⁵

Animals, especially dogs, are not mere things or objects: many are autonomous, cognitively complex, and sentient beings worthy of recognition and legal protections. The research is increasingly conclusive: nonhuman animals can feel, and suffer, and in fact have brains that function very similarly to our own. Bekoff, Marc, *Scientists Conclude Nonhuman Animals are Conscious Beings*, PSYCHOLOGY TODAY (Aug. 10, 2012) In 2013, a group of leading scientists signed the *Cambridge Declaration on Consciousness*, which explained that “non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors.”¹⁶

Society has shifted away from simply treating animals as mere property and our laws have reflected that progress. *See State v. Sheperd*, 170 A.3d 592, 601 (Vt. 2017) (recognizing animals occupy a special place somewhere between a person and a piece of property); *State v. Fessenden*, 355 Or. 759, 769-70 (2014) (“[W]e do not need a mirror to the past or a telescope to the future to recognize that the legal status of animals has changed and is changing still.”); *cf.*, *Cetacean Community v. Bush*, 386 F.3d 1169, 1175 (9th Cir 2004) (“[A]nimals have many legal rights, protected under both federal and state laws.”); Cass R. Sunstein, *Standing for Animals (with Notes on Animal Rights)*, 47 UCLA L. REV. 1333, 1335 (2000) (“[I]t is entirely clear that animals have legal rights, at least of a certain kind.”). Wisconsin has enacted numerous laws recognizing

¹⁵ Conversely, the law has also shamefully *denied* personhood to humans based on race, nationality, or gender. *See e.g. In re Goodall*, 39 Wis. 232 (1875) (refusing to allow a woman to practice law based on her gender); *Dredd Scott v. Sandford*, 60 U.S. 393, 408 (1857) (denying rights to people of Black African descent); *People v. Hall*, 4 Cal. 399, 404-05 (1854) (prohibiting Chinese people from testifying against a white man in court due race); *United States ex rel. Standing Bear v. Crook*, 25 F.Cas. 695 (C.C. Neb. 1879) (rejecting the argument of the United States government that Native Americans were not “persons”)

¹⁶ Philip Low, *Cambridge Declaration on Consciousness*, FRANCIS CRICK MEMORIAL CONFERENCE (July 7, 2012), <https://fcmconference.org/img/CambridgeDeclarationOnConsciousness.pdf> (last accessed Feb. 20, 2024).

animals' unique role in our society, as well as the rights and duties owed to them. *See e.g.*, Wis. Stat. Ch. 951 (Crimes against animals); Wis. Stat. §§ 29.604, 29.977, 29.983 (Endangered Species Act giving animals rights to preservation and protection); Wis. Stat. § 895.484 (civil liability exemption for entering a vehicle to render assistance to a domestic animal); Wis. Stat. § 701.0408 (permitting a trust to be established for a pet).

This heightened status afforded to animals above “mere property” is recognized in Wisconsin’s emergency aid exception to the warrant requirement. Wisconsin’s emergency aid doctrine states “that the Fourth Amendment does not bar a government official from making a warrantless intrusion ‘when the official reasonably believes that a person is in need of immediate aid or assistance.’” *State v. Ware*, 2021 WI App 83, ¶ 20, 400 Wis. 2d 118, 968 N.W.2d 752 (2021) (quoting *State v. Rome*, 200 WI App 243, ¶ 12, 239 Wis. 2d 591, 620 N.W.2d 225 (2000)). Because it justifies violating the letter of Fourth Amendment law in extreme circumstances, the emergency exception is akin to a “necessity” defense to commit an otherwise unlawful entry.

In *State v. Bauer*, this rule was extended to permit a warrantless entry to stop the “ongoing suffering of animals.” 127 Wis. 2d 401, 409, 379 N.W.2d 895 (Ct. App. 1985); *accord Com. v. Duncan*, 467 Mass. 746, 751, 7 N.E.3d 469, 473-74 (2014); *State v. Stone*, 92 P.3d 1178, 1184 (Mont. 2004). *Bauer* further holds that “[t]he exigent standard test applies to situations involving mistreatment of animals. . . . It is therefore state policy to render aid to relatively vulnerable and helpless animals when faced with people willing or even anxious to mistreat them.” 127 Wis. 2d at 409. In other words, in an analogous context in which Wisconsin courts *have* addressed whether animals can count as “someone,” they have held that animals do in fact have that status.

Accordingly, given animals’ special place above property and Wisconsin’s laws designed to provide them with rights and protections, “defense of others” must be construed to permit

situations where one would need to justifiably use force to protect an animal.¹⁷ Such a construction most intuitively addresses the answer to the hypothetical posed at the beginning of this motion asking when the law can protect reasonable, but unlawful, conduct to protect an animal from abuse.

b. Mx. Picklesimer and Mr. Hsiung's rescue constitutes defense of others.

Applied here, Mx. Picklesimer and Mr. Hsiung are entitled to avail themselves of the defense of others. They reasonably believed that Julie, Anna, and Lucy were not only at risk but were actively suffering from ongoing harm by Ridglan. Due to inadequate flooring and cleaning, the dogs suffered from interdigital dermatitis and exhibited substantial issues with their gait and physical actions. All three dogs demonstrated psychosis and other neurological issues because of the conditions at Ridglan. In fact, Julie was blind.

Mx. Picklesimer and Mr. Hsiung further reasonably believed that rescuing the dogs and taking them to a vet was necessary to stop their needless suffering. Alerting Ridglan themselves would prove absurd—in the same way it is absurd for a hen to ask a fox to guard the hen house. It was Ridglan's gross neglect that caused these conditions. Ridglan had been warned about the conditions by other agencies and nothing had been done. Likewise, Mx. Picklesimer and Mr. Hsiung reasonably believed immediately calling law enforcement would not alleviate the harm to these three dogs, as such efforts had been substantially futile in the past. *See State v. Spokane Cnty. Dist. Ct.*, 491 P.3d 119, 126 (Wash. 2021) (“If a legal alternative is only illusory or unavailable at the time it’s needed, it is an unreasonable alternative.”). This concern proved to be true as law enforcement did not conduct any inquiry into Ridglan once the investigation was released. Notably, inspectors once again observed improper caging inside Ridglan and yet there has been

¹⁷ To the extent there is ambiguity, the court must apply the rule of lenity. “When there is doubt as to the meaning of a criminal statute, a court should apply the rule of lenity and interpret the statute in favor of the accused.” *State v. Cole*, 2003 WI 59, ¶ 13, 663 N.W.2d 700 (2003).

no enforcement action—not even an official warning—done. *See Exhibit B – December 2023 USDA Inspection Report.*

Accordingly, Mx. Picklesimer and Mr. Hsiung’s conduct is sufficient for a jury to determine whether their actions are legally privileged as defense of others.

VI. Coercion

Wis. Stat. § 939.46(1) permits the affirmative defense of coercion when “[a] threat by a person other than the actor’s coconspirator which causes the actor *reasonably to believe* that his or her act is the only means of preventing imminent death or great bodily harm to the actor or another and which causes him or her so to act is a defense to a prosecution for any crime based on that act . . .” (emphasis added). A defendant is entitled to a coercion defense instruction if “(1) the defense relates to a legal theory of a defense, as opposed to an interpretation of evidence; (2) the request is timely made; (3) the defense is not adequately covered by other instructions; and (4) the defense is supported by sufficient evidence.” *State v. Coleman*, 206 Wis. 2d 199, 212-13, 556 N.W.2d 701 (1996).

The basis for the defense of coercion is that the conduct is justified because it “preserves or has a tendency to preserve some greater social value at the expense of a lesser one in a situation where both cannot be preserved.” *Brown*, 107 Wis. 2d at 53. In sum, Courts have recognized that a defendant’s reasonable fears, in the context of coercion, override any other inclination. *Id.*

As discussed above, Mx. Picklesimer and Mr. Hsiung reasonably believed Ridglan’s neglect and the conditions in which they kept the three rescued dogs demonstrated a threat to their safety and health, as evidenced by their own observations of the dogs’ maladies. Given the futility related to other alternatives, they reasonably believed the only option to prevent the dogs’ suffering from imminently causing great bodily harm or death was to rescue them and take them to a vet.

State v. Horn is inapplicable. There, anti-abortion protesters were denied the defense of coercion for trespassing because abortion was legal and, at the time, constitutionally protected. 126 Wis. 2d 447, 454-56, 377 N.W.2d 176 (Ct. App. 1985). Here, defendants did not rescue every dog they could nor did they rescue any dog solely because they disagreed with the laws permitting animal research. Rather, they rescued dogs they recognized as acutely suffering from what they reasonably believed were unlawful conditions and animal cruelty. *Cf. Maichle v. Jonovic*, 69 Wis. 2d 622, 628, 230 N.W.2d 789 (1975) (holding that the reasonableness of defendant's belief is not defeated by a subsequent determination that his beliefs were mistaken).

Thus, a jury should be tasked with deciding whether Mx. Picklesimer and Mr. Hsiung's conduct is legally privileged as a result of the coercion defense.

VII. Necessity

Necessity is similar to coercion. *Brown*, 107 Wis. 2d at 54-55. The Wisconsin Supreme Court has stated:

The defense of necessity is based on the policy that there are times when a higher value is promoted by violating a less significant value; that the greater good for society can, in some instances, only "be accomplished by violating the literal language of the criminal law." LaFave at 382. "The matter is often expressed in terms of choice of evils: When the pressure of circumstances presents one with a choice of evils, the law prefers that he avoid the greater evil by bringing about the lesser evil. LaFave at 382.

State v. Olsen, 99 Wis. 2d 572, 575-76, 299 N.W.2d 632 (1980) (citing W. LaFave & A. Scott, Jr., *Handbook on Criminal Law* at 381-88 (Hornbook Series 1972)). Wisconsin has codified the necessity defense:

Pressure of natural physical forces which causes the actor reasonably to believe that his or her act is the only means of preventing imminent public disaster, or imminent death or great bodily harm to the actor or another and which causes him or her so to act, is a defense to a prosecution for any crime based on that act, except that if the prosecution is for first-degree intentional homicide, the degree of the crime is reduced to 2nd-degree intentional homicide.

Wis. Stat. § 939.47.

“Natural physical forces” is not defined by statute, but some examples include “[s]torms, fires, and shipwrecks”—the kind of phenomena that are rarely controllable and take on a life of their own once set in motion. *Olsen*, 99 Wis. 2d at 576 (rejecting that the actions of a private industry shipping spent fuel was a natural physical force). Notably, the examples *Olsen* gives for natural physical forces are not solely limited to acts with zero human origins. Fires and shipwrecks can be, and often are, the result of human action. Thus, like a fire started by someone’s neglect that spreads and takes on a life of its own, the injuries and harm caused by Ridglan’s neglect of these animals *also* took on a life of its own, warranting necessary intervention before further great injury or death.¹⁸

Further, *Olsen* is distinguishable based on the nature of the act done by the defendants. In *Olsen*, demonstrators blocked a road to prevent transport of spent radioactive fuel rods in a truck with a defective cask. *Id.* at 573. The Court rejected necessity as a matter of law for *indirect* civil disobedience. *Id.* at 577. By contrast, Mx. Picklesimer and Mr. Hsiung rescued the animals as a direct intervention to save them from ongoing harm. As discussed above, Mx. Picklesimer and Mr. Hsiung reasonably believed rescue was necessary to stop the acute suffering of the dogs and, without intervention, would have resulted in great bodily harm or death.¹⁹ *See infra*, Part V(a) (animals constitute “others” in the context of defense of others). Further, they reasonably believed that efforts to appeal to Ridglan or report this conduct to law enforcement would be futile.

¹⁸ Admittedly, there is some tension between the defenses of coercion and necessity, namely whether the source of the harm is a human (coercion) or a natural physical force (necessity). The ongoing harms suffered by the dogs can plausibly be traced to human or natural forces: they are the result of Ridglan’s neglect and intentional actions, but the infections and psychoses also took on natural lives of their own beyond their human origins, not unlike a fire. It is for the jury to decide which defense fits better, if any. *See infra* Part VIII.

¹⁹ Mx. Picklesimer and Mr. Hsiung also reasonably believe that unnecessary animal cruelty is a public harm worthy of the invocation of the necessity defense.

Accordingly, the necessity defense is warranted for juror consideration.

VIII. A jury should be tasked with determining the legality of Mx. Picklesimer's and Mr. Hsiung's conduct.

Based on what Mx. Picklesimer and Mr. Hsiung believed before their investigation and what they observed inside of Ridglan, defense of others, coercion, and necessity apply. Both reasonably believed the animals were in peril due to the neglect and intentional conduct of Ridglan; that there was no reasonable alternative and alerting Ridglan or law enforcement would prove futile and ineffective to stop these dogs' unreasonable suffering; and that their act of rescue was sufficient to save these dogs. A jury should make the ultimate determination whether those beliefs constitute a legal justification for their conduct.

Under constitutional principles, a jury's role is unique and represents "the ideal of decentralized democracy" insofar as juries are the "vehicle through which community concerns could be made to bear on important political decisions." Jenia Iontcheva, *Jury Sentencing As Democratic Practice*, 89 VA. L. REV. 311, 323 (2003) (discussing the historical development of the jury in American democracy). Juries reflect the "conscience of the community." *Ring v. Arizona*, 536 U.S. 584, 615-16 (2002) (Breyer, J., concurring); *see also State v. Murdock*, 238 Wis. 2d 301, 319, 617 N.W.2d 175 (2000). The jury's role as the conscience of the community is particularly important in cases involving questions of necessity, which inherently require a weighing of conflicting values (whether the harm sought to be avoided outweighs the harm of the unlawful conduct).

Likewise, the reasonableness of the actor's belief must be judged objectively by the jury. *Amundson*, 69 Wis. 2d at 568; *Peters*, 2002 WI App 243, ¶ 27. To assess the reasonableness of the defendant's belief, the jury must apply an objective standard of the ordinary intelligent and prudent

person “in the position of the defendant under the circumstances existing at the time of the alleged offense.” *State v. Mendoza*, 80 Wis. 2d 122, 150, 258 N.W.2d 260 (1977); WIS JI-CRIMINAL 790. A belief may be reasonable even if it is mistaken. *Maichle*, 69 Wis. 2d at 628; WIS JI-CRIMINAL 790.

IX. Conclusion

Mx. Picklesimer and Mr. Hsiung found themselves face to face with dogs that were needlessly suffering. They reasonably believed that they were the only ones who could alleviate the dogs’ suffering and they acted upon their compassion and conscience. Given the low threshold required for the giving of an affirmative defense, this Court should permit the “conscience of the community” to weigh in as to whether the health and safety of Julie, Anna, and Lucy outweigh the harm of violating the letter of the law.

Respectfully submitted,

March 1, 2024

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Admitted pro hac vice
Counsel for Paul Picklesimer
CCarraway@law.du.edu

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EXHIBIT A –
WISCONSIN INSPECTION REPORTS



Wisconsin Department of Agriculture, Trade and Consumer Protection Division of Animal Health

Phone: (608) 224-4872

Fax: (608) 224-4871

Email:

Website: <http://datcp.wi.gov/>

Dog Seller and Dog Facility Operator Inspection

s.173.41, Wis. Stats and ch.16, Wis. Admin. Code

Inspection: Dog Seller Routine Inspection

Inspection Date: 10/26/2016

Inspector: Colin Benell

Legal Entity: Ridglan Farms, Inc.

License # / DBA: 267262-DS / Ridglan Farms, Inc.

Location: 10489 W. Blue Mounds Rd, Blue Mounds, WI 53517

Personal information you provide may be used for purposes other than that for which it was originally collected s.15.04(1)(m), Wis. Stats.

Inspection of your operation on revealed the following results.

| Regulation | Result | Comment |
|--|----------------|------------|
| 0. General License Information, s. ATCP 16.02, Wis. Adm. Code | | |
| General License Information | | |
| 0.1.1 Dog seller license and report are posted in a prominent place. | Compliant | See report |
| 0.1.2 Dog Seller license number is in advertisements. | Compliant | See report |
| I. Record Keeping, s. ATCP 16.14, Wis. Adm. Code | | |
| General Dog Records | | |
| 1.1.1. Records present and in written or readily readable electronic form. | Compliant | |
| 1.1.2. Records retained for at least 5 years and / or made available to the department. | Compliant | |
| Locations at Which Dogs are Kept | | |
| 1.2.1. Address of each location where dogs are kept. | Compliant | |
| 1.2.2. Name of individual responsible for administering that location. | Compliant | |
| 1.2.3. Name and address of home custody provider, if applicable. | Not applicable | |
| Dog Records | | |
| 1.3.1. Breed of dog recorded. | Compliant | |
| 1.3.2. Sex of dog recorded. | Compliant | |
| 1.3.3. Date of birth recorded. | Compliant | |
| 1.3.4. Approximate age of dog recorded. | Compliant | |
| 1.3.5. Color of dog recorded. | Compliant | |
| 1.3.6. Distinct markings on dog recorded. | Compliant | |
| 1.3.7. Location at which dog is kept (including home custody provider, if applicable) recorded. | Compliant | |
| 1.3.8. Record of official individual animal identification (tag, tattoo, microchip) if any assigned. | Compliant | |
| 1.3.9. Statement that the dog was born under license holder's custody or legal control, if that is the case. | Compliant | |
| 1.3.10. Dog was not born under the license holder's custody / control, date on which license holder acquired custody or control. | Compliant | |
| 1.3.11. Dog was not born under the license holder's custody / control, name and address of person from whom dog was acquired. | Compliant | |

| | | |
|--|-----------|--|
| 1.3.12. Dog was not born under the license holder's custody / control, person's USDA animal care facility license or registration number (if any). | Compliant | |
| 1.3.13. If dog is no longer under the license holder's custody or control, date on which the dog left custody / control of licensee. | Compliant | |
| 1.3.14. If dog is no longer under the license holder's custody or control, disposition of dog. | Compliant | |
| 1.3.15. If dog is no longer under the license holder's custody or control, identity of the person whom assumed custody / control. | Compliant | |
| 1.3.16. CVI that accompanied dog when it entered or left the licensee's custody / control. | Compliant | |
| 1.3.17. Records include vaccination information. | Compliant | |
| 1.3.18. Records include observation information. | Compliant | |
| 1.3.19. Records include any treatment that occurred & who administered the healthcare. | Compliant | |
| 1.3.20. Breed registration records kept if applicable. | Compliant | |

Behavior and Socialization Plan

| | | |
|--|-----------|--|
| 1.4.1. Behavior and socialization plan which meets requirements of 4.5.1 – 4.5.5 | Compliant | |
|--|-----------|--|

II. Dog Sales; Certificate of Veterinary Inspection, s. ATCP 16.16, Wis. Adm. Code

Dogs Sold are Accompanied by a Valid CVI

| | | |
|---|----------------|--|
| 2.1.1. Dogs sold are accompanied by a valid CVI. | Compliant | |
| 2.1.2. CVI contains signature of certified veterinarian. | Compliant | |
| 2.1.3. CVI is a valid form issued by the department. | Compliant | |
| 2.1.4. CVI contains name and address of seller. | Compliant | |
| 2.1.5. CVI contains the number, breed, sex and age of dog(s). | Compliant | |
| 2.1.6. CVI contains information regarding whether the dog is spayed, neutered or sexually intact. | Compliant | |
| 2.1.7. Dog(s) vaccination record contains the type of vaccine. | Compliant | |
| 2.1.8. Dog(s) vaccination record contains the manufacturer of the vaccine, | Compliant | |
| 2.1.9. Dog(s) vaccination record contains the serial and lot numbers of the vaccine. | Compliant | |
| 2.1.10. Dog(s) vaccination record contains the date administered & person administering. | Compliant | |
| 2.1.11. Information required for import under ss. ATCP 10.06(4) and ATCP 10.80, Wis. Adm. Code | Not Applicable | |
| 2.1.12. Valid negative Brucellosis test if dog(s) sold at public auction & is not spayed / neutered. | Not Applicable | |
| 2.1.13. Veterinarian statement, signature and date of signature on CVI. | Compliant | |
| 2.1.14. Valid issuance and expiration dates. | Compliant | |
| 2.1.15. Distribution of CVI copies to buyer, seller and issuing veterinarian. | Compliant | |
| 2.1.16. Re-issued CVIs updated, as necessary and copies distributed to buyer, seller an issuing veterinarian. | Not applicable | |
| 2.1.17. CVI incorporating information from prior CVI includes a statement identifying prior CVI. | Not applicable | |

III. Age at Which Dogs May be Sold, s. ATCP 16.18, Wis. Adm. Code

Dog(s) Sale and Custody Transfer Meets Necessary Criteria

| | | |
|-------------------------------------|-----------|-------------------|
| 3.1.1. Dog is at least 7 weeks old. | Compliant | Approved variance |
|-------------------------------------|-----------|-------------------|

IV. Dog Care; General, s. ATCP 16.20, Wis. Adm. Code

Food and Water

| | | |
|--|-----------|--|
| 4.1.1. Feeding frequency adequate. | Compliant | |
| 4.1.2. Size of ration and / or nutritional content adequate. | Compliant | |
| 4.1.3. Wholesome, uncontaminated and / or palatable. | Compliant | |

| | | |
|--|-----------|--|
| 4.1.4. Amount and quality of fresh water adequate. | Compliant | |
| 4.1.5. Food and water containers suitable. | Compliant | |
| 4.1.6. Adequate sanitization of food and water containers. | Compliant | |

Animal Health and Veterinary Care

| | | |
|--|-----------|--|
| 4.2.1. Proper handling. | Compliant | |
| 4.2.2. Daily body, mobility and behavior checks completed. | Compliant | |
| 4.2.3. Dogs suspected of communicable disease are isolated. | Compliant | |
| 4.2.4. Adequate grooming. (nails trimmed, no hair matting) | Compliant | |
| 4.2.5. Veterinarian exams or adherence to veterinarian recommendations. | Compliant | |
| 4.2.6. Sick or injured dogs receiving timely veterinarian care or humanely euthanized. | Compliant | |

Exercise

| | | |
|--|-----------|--|
| 4.3.1. Daily access to exercise area where a running stride can be achieved. | Compliant | |
| 4.3.2. Supervised physical activity. | Compliant | |

Dog Grouping and Separation

| | | |
|--|-----------|--|
| 4.4.1. Compatible grouping of dogs. | Compliant | |
| 4.4.2. Females in season appropriately separated. | Compliant | |
| 4.4.3. Aggressive dogs separated. | Compliant | |
| 4.4.4. Puppies under 4 months appropriately separated. | Compliant | |

Behavior and Socialization

| | | |
|--|-----------|-----------|
| 4.5.1. Daily contact with other compatible dogs without good cause. | Compliant | |
| 4.5.2. Daily positive human contact and socialization other than feeding time. | Compliant | See notes |
| 4.5.3. Play objects or other forms of inanimate enrichment in primary enclosure. | Compliant | See notes |
| 4.5.4. Dogs have contact, activity, enrichment. | Compliant | |
| 4.5.5. Written plan for meeting behavior and socialization requirements. | Compliant | |

V. Dogs Kept Indoors, s. ATCP 16.22, Wis. Adm. Code

| | | |
|---|----------------|----------------------|
| 5.1.1. Enclosure is structurally sound and maintained in good repair. | Not applicable | See ATCP 16.20(3)(c) |
|---|----------------|----------------------|

Floors and Interior Surfaces

| | | |
|--|----------------|----------------------|
| 5.2.1. Enclosure does not have dirt floor. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.2. Metal wire mesh floor is coated and / or has adequate gauge to prevent injury | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.3. Floor openings small enough to prevent dog's foot from passing through. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.4. Floor and interior surfaces keep dogs clean, dry, and safe from injuries. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.5. Floor and interior surfaces regularly cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |

Stacked Primary Enclosures

| | | |
|--|----------------|----------------------|
| 5.3.1. Floor of top enclosure is not higher than 52 inches from floor of room, when enclosures are stacked. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.2. Stacked enclosures adequate for safe handling, ventilation, temperature control, easy cleaning, sanitation and easy inspection. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.3. Front side of stacked enclosures ventilated and / or have solid floor that can be easily cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.4. Stacked enclosures stable when filled to maximum capacity with dogs. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.5. Dog(s) in stacked enclosures not exposed to excreta, urine, dirt or debris falling from higher enclosures. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 30 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.4.1. Floor area of enclosure adequate for largest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.2. Floor area of enclosure adequate to accommodate all dogs in the enclosure without crowding. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.3. Height of enclosure adequate for tallest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.4. Dogs have adequate time (at least 30 minutes) per day in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.5. Run or exercise area of adequate size to achieve running stride. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 120 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.5.1. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.2. Floor area of enclosure is adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.3. Height of enclosure adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.4. Dogs have adequate time (at least 120 minutes per day) in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.5. Run or exercise area of adequate size for achieving running stride. | Not applicable | See ATCP 16.20(3)(c) |

Whelping Enclosure

| | | |
|--|----------------|----------------------|
| 5.6.1. Enclosure appropriate for breed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.2. Appropriate solid floor in area accessible to puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.3. Height of enclosure is adequate for the dam to stand normally. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.4. Length and width of enclosure adequate for the dam to lay down, and stretch out to allow all pups to nurse. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.5. Size of enclosure is adequate for number and temperament of puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.6. Enclosure includes an area that is only accessible to dam and large enough for dam. | Not applicable | See ATCP 16.20(3)(c) |

Nursery Enclosure

| | | |
|---|----------------|----------------------|
| 5.7.1. Large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements. | Not applicable | See ATCP 16.20(3)(c) |
| 5.7.2. Large enough to encourage socialization and exercise. | Not applicable | See ATCP 16.20(3)(c) |

Temporary Enclosure for One Dog

| | | |
|---|----------------|----------------------|
| 5.8.1. Dog is kept in enclosure for no more than 12 hours. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.2. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.3. Floor area & height of enclosure adequate for the dog. | Not applicable | See ATCP 16.20(3)(c) |

Lighting, Temperature, and Ventilation

| | | |
|---|----------------|----------------------|
| 5.9.1. Adequate light for proper care, maintenance and inspection and / or diurnal lighting cycle. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.2. Adequate heating and cooling to protect dogs from temperatures and humidity that may be injurious to their health. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.3. Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture. | Not applicable | See ATCP 16.20(3)(c) |

Cleaning and Sanitation

| | | |
|---|----------------|----------------------|
| 5.10.1. Excreta removed daily or more often as needed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.2. Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.3. Primary enclosure cleaned and sanitized before new dog placed in it. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.4. Dogs removed from primary enclosure before it is cleaned and sanitized and / or are returned to the area after it is dry. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.5. Solid surface or bedding is appropriate for breed and maintained in clean, dry condition. | Not applicable | See ATCP 16.20(3)(c) |

VI. Dogs Kept Outdoors, s. ATCP 16.24, Wis. Adm. Code**Dogs Kept in Outdoor Primary Enclosure**

| | | |
|--|----------------|--|
| 6.1.1. Dog's breed, age, health and / or physical condition suited to outdoor temperatures and conditions. | Not applicable | |
| 6.1.2. Dog(s) acclimated to outdoor temperatures and variations that may occur in primary enclosure. | Not applicable | |

Outdoor Primary Enclosure; Minimum Area

| | | |
|--|----------------|--|
| 6.2.1. Size of enclosure meets requirements for an individual dog. | Not applicable | |
| 6.2.2. Size of enclosure meets requirements for additional dogs. | Not applicable | |

Outdoor Primary Enclosure; Construction

| | | |
|---|----------------|--|
| 6.3.1. Constructed and / or maintained to prevent escape. | Not applicable | |
| 6.3.2. Roof or overhead screen of appropriate height. | Not applicable | |

Shelter, Shade, and Wind block

| | | |
|---|----------------|--|
| 6.4.1. Outdoor primary enclosure contains at least one dog shelter that complies with dog shelter requirements below. | Not applicable | |
| 6.4.2. Adequate to shade all dogs in primary enclosure from direct sunlight during all sunlight hours without crowding. | Not applicable | |
| 6.4.3. Adequate to shelter all dogs in primary enclosure from wind. | Not applicable | |

Dog Shelter

| | | |
|--|----------------|--|
| 6.5.1. Made with durable material with 4 sides, a roof and solid flat floor. | Not applicable | |
| 6.5.2. Interior accessible by all dogs in primary enclosure. | Not applicable | |
| 6.5.3. Large enough to prevent crowding. | Not applicable | |
| 6.5.4. Large enough to allow tallest dog to stand. | Not applicable | |
| 6.5.5. Adequate to prevent injury, retain or dissipate enough body heat, allow dogs to remain clean and dry and / or provide reasonable protection from predators. | Not applicable | |

Tethering

| | | |
|---|----------------|--|
| 6.6.1. Appropriate for breed. | Not applicable | |
| 6.6.2. Dog can tolerate based on age, health and / or physical condition. | Not applicable | |
| 6.6.3. Dog can easily enter and lie down in a dog shelter that complies with dog shelter requirements above. | Not applicable | |
| 6.6.4. Dog is not a pregnant or nursing female. | Not applicable | |
| 6.6.5. Tether cannot become entangled with an object. | Not applicable | |
| 6.6.6. Tether has an anchor swivel. | Not applicable | |
| 6.6.7. Tether is at least 6 feet long and of sufficient length for size of dog. | Not applicable | |
| 6.6.8. Tether is attached to a non-tightening collar or harness of sufficient size. | Not applicable | |
| 6.6.9. Tether is used for a dog at an animal control facility or animal shelter for no more than 4 hours in a day, complies with above tethering requirements, and has caretaker on premises. | Not applicable | |

Runs and Exercise Areas

| | | |
|--|----------------|--|
| 6.7.1. More than 30 minutes a day of access to run or exercise area. | Not applicable | |
| 6.7.2. Adequate size for dog's size and temperament (considering number of dogs using at a given time) and large enough to achieve a running stride. | Not applicable | |
| 6.7.3. Adequate to shade all dogs from direct sunlight during hours in use without crowding. | Not applicable | |

Facility Maintenance

| | | |
|--|----------------|--|
| 6.8.1. Excreta removed from outdoor primary enclosures daily or more often as necessary. | Not applicable | |
| 6.8.2. Pests and parasites controlled as necessary to maintain dog health and comfort. | Not applicable | |
| 6.8.3. Bedding maintained in clean, dry condition or bedding is not provided but solid resting place is appropriate for dog's breed, age, health & physical condition. | Not applicable | |

| | | |
|--|----------------|--|
| 6.8.4. Facilities maintained to protect health / safety of dogs. | Not applicable | |
|--|----------------|--|

VII. Transporting Dogs, s. ATCP 16.26, Wis. Adm. Code

Portable Enclosures

| | | |
|---|-----------|--|
| 7.1.1. Constructed of a water-resistant and cleanable material. | Compliant | |
| 7.1.2. Adequate to keep dogs clean and dry. | Compliant | |
| 7.1.3. Adequate to protect dog's health and safety. | Compliant | |
| 7.1.4. Adequate ventilation openings. | Compliant | |
| 7.1.5. Securely closed when in use. | Compliant | |
| 7.1.6. Cleaned and sanitized frequently enough. | Compliant | |
| 7.1.7. Positioned for each dog to have access to sufficient air for normal breathing. | Compliant | |
| 7.1.8. Positioned for emergency removal of dogs. | Compliant | |
| 7.1.9. Positioned to protect dog from excreta falling from above. | Compliant | |
| 7.1.10. Secured as necessary to prevent reasonably foreseeable movement that may injure dogs. | Compliant | |

Care of Dogs During Transport

| | | |
|--|-----------|--|
| 7.2.1. Dogs protected from hypothermia or hyperthermia. | Compliant | |
| 7.2.2. Adequate space to turn, stand and lie down (except in transport for training, trialing and hunting). | Compliant | |
| 7.2.3. Food and water in accordance with s. ATCP 16.20(1), Wis. Adm. Code. | Compliant | |
| 7.2.4. Dogs separated from each other if required by s. ATCP 16.20(5), Wis. Adm. Code | Compliant | |
| 7.2.5. Dogs visually inspected every 4 hours. | Compliant | |
| 7.2.6. Dogs removed from vehicle at least once every 12 hours and allowed to urinate, defecate and exercise. (Unless vehicle is equipped for such needs) | Compliant | |
| 7.2.7. Dogs removed from vehicle in a timely fashion upon reaching destination. | Compliant | |

Transport Vehicles

| | | |
|---|-----------|--|
| 7.3.1. Vehicle equipped to provide fresh or filtered air without injurious drafts to all dogs transported in the vehicle. | Compliant | |
| 7.3.2. Cargo space construction and maintenance adequate to minimize the ingress of exhaust from the vehicle's engine. | Compliant | |

Ridglan Farms, Inc.

- License type: Dog Seller (Dog Breeder/ Dog Breeding Facility)
- Breed(s): Beagle
- Website: <http://www.ridglan.com>
- Hours of operation: Upon appointment
- Previous inspection: 9/24/2014 (routine)
- Veterinarian/ veterinary care provider:
 - Veterinarian onsite (Ridglan Farms, Inc.)

Facility Information:

Ridglan Farms, Inc. (RF) operates as a 'Dog Breeder' within the state who is also licensed with the US Department of Agriculture (#35-A-0009). RF breeds and sells beagles for the purposes of biomedical research.

Dogs are kept in four separate buildings on the property. Each of these buildings has artificial lighting, mechanical ventilation, and temperature control. Dogs are primarily separated between the buildings based upon their age class.

PRIMARY ENCLOSURES – Adult and sub-adult dogs are kept in various size enclosures. Many adult dogs are kept in two-level, stacked enclosures constructed of metal fencing and mesh flooring (floor area: approximately 8 ft², 2' x 4'). Other adult dogs may be kept in enclosures constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 25 ft², 5' x 5'). Younger stock are kept in enclosures constructed of chain-link fencing and mesh flooring (floor area: approximately 80 ft², 8' x 10').

WHELPING / ENCLOSURES – One of the buildings serves as the facility's nursery with approximately 20 nursery rooms. Each of these isolated rooms has two-levels of stacked enclosures for dams and their litters. Each of these enclosures is constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 16 ft², 4' x 4'). Dams whelp and nurse their litters in large plastic bins. After puppies are weaned they are moved to different buildings. Nursery enclosures in these buildings are constructed of chain-link fencing and a mesh flooring (floor area: approximately 25 ft², 5' x 5').

EXERCISE – Dogs are not removed from enclosures for exercise. Partitions between smaller enclosures are removed daily to allow for space to achieve a running stride. Other enclosures are large enough to allow dogs to achieve a running stride.

OUTDOOR FACILITIES – This facility has no outdoor enclosures.

- This facility has two approved variances on file with the Department, ATCP 16.18(1) and ATCP 16.20(3)(c)3.
- Some dogs on the property may be participants in research and have no breeding purpose.

Inspection summary:

October 26, 2016 (11:45 am) - Colin Benell (Companion Animal Inspector, DATCP) conducted a routine inspection of the dog breeding facility and relevant dog records at 10489 W. Blue Mounds Road in Blue Mounds, WI. Benell was accompanied by Amber Becker (Regulatory Specialist, DATCP) for training purposes. During the inspection of the facility Benell and Becker were assisted and accompanied by the Facility manager/veterinarian. The Office manager assisted during the records review. For the inspection of the facility RF provided a Tyvec suit, boot covers, and ear protection. During this inspection non-compliance was found which requires corrective action.

Dog inventory: 1,429 (over 6 months of age); 1,422 (under 6 months of age)

A FOLLOW-UP inspection shall be done to verify that corrective actions have been taken to address areas of non-compliance (see 'inspection result' below). Licensee is to email photographs of enclosure improvements by 11/15/2016 to complete the inspection.

Violation(s):

ATCP 16.20 Dog care; general. The following standards of care apply to all dogs kept pursuant to a license under s. ATCP 16.02 (1), including any dogs that the license holder consigns to a home custody provider:

(3) Housing and transportation.

(c) Paragraph (a) does not apply to a facility that is used only for the purpose of breeding, raising and selling dogs for scientific research, provided that all of the following apply:

4. The dogs are kept in enclosures that comply with 9 CFR, Chapter I, subchapter A (animal welfare).

9 CFR, Chapter 1, Subchapter A (Animal Welfare Act)

§ 3.6 - Primary enclosures.

*Primary enclosures for dogs and cats must meet the following minimum requirements:
General requirements.*

(2) Primary enclosures must be constructed and maintained so that they:

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

- Puppies within multiple nursery rooms were found to be upon coated, non-solid flooring with round openings; approximately 1.5" x 1.0" in size (see pictures 1-2). Within one of the nursery rooms each of the occupied enclosures were housing a dam and her litter of young puppies. Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings (see pictures 3-4). In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably and naturally upon the floored surface due to the large size of the openings. No injuries were observed.



Picture 1: Mesh flooring within whelping enclosure.



Picture 2: Puppies on top of same mesh flooring.



Pictures 3-4: Note white feet and legs of puppies passing through floor openings (view from below flooring). Pictures taken from two separate enclosures.

Inspection result:

The following corrective actions must be taken as soon as possible or no later than November 15, 2016:

- Floors within whelping enclosures must be constructed at all times in a manner that do not allow puppies' feet to pass through any openings in the floor as required under § 3.6(2)(x), CFR.

Photographs of the corrections must be submitted to Benell via email (colin.benell@wisconsin.gov) by 11/15/2016 to complete the follow-up inspection.

Discussion:

Floor openings – During the inspection Benell demonstrated to the facility manager that puppies' feet and legs were passing through the gaps in the flooring. Benell explained to the facility manager that within other licensed facilities in the state such findings would be a violation of ATCP Chapter 16. Benell explained that he was aware that RF was exempt from ATCP 16.22 according to ATCP 16.20(3)(a). Benell stated that under ATCP 16.20(3)(c)4 required provisions under CFR Chapter 1 must be met instead. Benell took photographs and stated that he was going to determine whether such flooring was compliant with CFR Chapter 1 following the inspection. The facility manager replied that in such instances the flooring was permitted by his USDA inspector as it allowed for better sanitation. Benell was then shown sheets of a floor covering with smaller gaps that was not in use. The facility manager stated that these sheets have been used in the past, but that they require very regular cleaning. Benell told the facility manager that he would contact him following the inspection.

On 10/31/2016 Benell spoke on the phone with the facility manager. The facility manager stated that he had reviewed CFR following the inspection and intended to take corrective action to address the non-compliance. The facility manager stated that RF would resume using the floor covering with smaller gaps and safely secure the material. The facility manager stated that he would provide photographs for the follow-up inspection within the coming days.

Notes:

- All records reviewed by Benell appeared complete and accurate. Dogs sold appeared to be covered under valid CVIs under ATCP 16.16(1). Dogs sold appeared to be at least 7 weeks of age or compliant with the approved variance under ATCP 16.18(1). All facilities were observed to be in good condition and clean. All facilities had adequate temperature, lighting, and ventilation. All observed dogs on premises were found to be in good body condition, well groomed, and in good health (or receiving appropriate veterinary care). All observed dogs were found to have adequate access to food and water.
 - Small portions of mesh flooring within some enclosures was found to have its coating removed. The facility manager stated that such damage is patched or the flooring is replaced as necessary.
 - Several observed dogs within the facility were being treated for foot health problems.
 - A number of adult dogs in the facility were displaying prominent stereotypical behaviors; such as: circling, pacing, and wall bouncing. This was discussed with the facility manager and office manager following the inspection. The facility manager stated that RF would consider Benell's recommendations. See 'recommendations' below.
- Benell informed the facility manager and office manager that a copy of the most recent inspection report needed to be posted prominently in addition to the Dog Sellers (DS) license in accordance with ATCP 16.12(5)(b). Only the DS license was posted. The facility manager stated that the matter would be addressed.
- Benell informed the facility manager that RF's DS license number must be posted on their website in accordance with ATCP 16.02(5). The facility manager stated that the matter would be addressed.

Recommendations:

- Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare. Modifications to housing and husbandry practices should be evaluated, such as: keeping adult dogs in pairs and providing additional forms of effective inanimate enrichment.

****A copy of this report must be posted in a prominent location at your facility in accordance with ATCP 16.12(5)(b)****

Inspector / Consultant Signature



10/31/2016

Owner / Operator / Manager Signature

A copy of this report was mailed to the licensee on 10/31/16



Wisconsin Department of Agriculture,
 Trade and Consumer Protection
 Division of Animal Health
 PO Box 8911, Madison WI 53708-8911
 Phone - (608) 224-4872 Fax – (608)-224-4871

OFFICE USE ONLY

OFFICIAL WARNING NOTICE

Issued under s. 93.06(10), Wis. Stats.

| | |
|---|---|
| NAME RIDGLAN FARMS, INC. | DATE OF VIOLATION 10/26/2016 |
| STREET ADDRESS 10489 W BLUE MOUNDS RD | INCIDENT LOCATION OR ADDRESS DOG BREEDING FACILITY |
| CITY / STATE / ZIP BLUE MOUNDS, WI 53517 | LICENSE OR PERMIT NUMBER 267262-DS |

VIOLATION(S) (describe):

ATCP 16.20 Dog care; general. The following standards of care apply to all dogs kept pursuant to a license under s. ATCP 16.02 (1), including any dogs that the license holder consigns to a home custody provider:

(3) Housing and transportation.

(c) Paragraph (a) does not apply to a facility that is used only for the purpose of breeding, raising and selling dogs for scientific research, provided that all of the following apply:

4. The dogs are kept in enclosures that comply with 9 CFR, Chapter I, subchapter A (animal welfare).

9 CFR, Chapter 1, Subchapter A (Animal Welfare Act)

§ 3.6 - Primary enclosures.

Primary enclosures for dogs and cats must meet the following minimum requirements:

General requirements.

(2) Primary enclosures must be constructed and maintained so that they:

(x) Have floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury, and that, if of mesh or slatted construction, do not allow the dogs' and cats' feet to pass through any openings in the floor;

- Puppies within multiple nursery rooms were found to be upon coated, non-solid flooring with round openings; approximately 1.5" x 1.0" in size. Within one of the nursery rooms each of the occupied enclosures were housing a dam and her litter of young puppies. Within several enclosures the feet and legs of puppies were found to be repeatedly passing through the floor openings. In these instances the legs of puppies were observed to have passed completely below the mesh flooring up to the puppy's chest. Puppies were observed to have noticeable difficulty standing or moving comfortably and naturally upon the floored surface due to the large size of the openings. No injuries were observed.

| | |
|---|---|
| In violation of Wis. Admin. Code section(s) ATCP: ATCP 16.20(3)(c)4 – HOUSING & TRANSPORTATION | In violation of Wis. Stats. section(s): |
|---|---|

By this date, notify the Department representative listed below, in writing or by telephone, of the actions you have taken to correct and prevent future violations of law.

Where the above violation can be corrected, correction must be made by (date): November 15, 2016.

- Floors within whelping enclosures must be constructed at all times in a manner that do not allow puppies' feet to pass through any openings in the floor as required under § 3.6(2)(x), CFR.

Photographs of the corrections must be submitted to Benell via email (colin.benell@wisconsin.gov) by 11/15/2016 to complete a follow-up inspection.

This is an official notice that you are operating in violation of the law(s) of the State of Wisconsin described above. This notice will be forwarded to department offices in Madison for review and evaluation. Further violations of law may result in penalties. Chapters 93 and 95, Wis. Stats., provide penalties for violations of the law, which are listed on the back of this form.

WARNING NOTICE ISSUED BY

| | |
|--|--|
| NAME  COLIN BENELL | ADDRESS / CITY / STATE / ZIP 2811 AGRICULTURE DR. PO BOX 8911 MADISON, WI 53708 |
| SIGNATURE & TITLE COMPANION ANIMAL INSPECTOR | TELEPHONE NUMBER (608) 575-3207 |
| FAX NUMBER (608) 224-4871 | DATE ISSUED 10/31/2016 |

COPY OF ABOVE WARNING NOTICE RECEIVED BY

I understand that this is an official notice that will be placed in department files. Any further violations of these laws may result in immediate penalties (see back of form). You may appeal this decision by requesting a hearing on this decision before the Secretary of the Department of Agriculture, Trade and Consumer Protection (DATCP). A request for such a hearing must be in the form of a written petition filed with the DATCP Secretary within 10 days of receipt of this notice. The written petition must state the legal and factual grounds for your hearing request, including identification of the facts you dispute, why you dispute them, the factual basis for the dispute and the remedy you are requesting. An appeal does not stop this action.

| | |
|-----------|---------------|
| NAME | TITLE |
| SIGNATURE | DATE RECEIVED |

FORM DISTRIBUTION: Copy 1 (Office of State Veterinarian) Copy 2 (Consultant/Inspector) Copy 3 (Violator)

Personal information you provide may be used for purposes other than that for which it was originally collected – sec.15.04(1)(m), Wis. Stats.

| LAW | STATUTE | PENALTY |
|--|-----------|--|
| Rabies | 95.21(10) | Failure to obtain rabies vaccination: forfeiture of not less than \$50 nor more than \$100 Refusal to comply with orders or quarantines: fine of not less than \$100, nor more than \$1000, or imprisoned not more than 60 days or both. Other violations: forfeiture of up to \$50. |
| Animal Markets | 95.68(9), | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| Animal Dealers | 95.69(9) | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| Animal Truckers | 95.71(9) | Conducting business after revocation: fine of not less than \$500, nor more than \$1,000 or imprisoned not to exceed 6 months or both |
| All other violations of law or department orders | 95.99(1) | First offense: fine of not more than \$1,000; subsequent offense fined not less than \$500 nor more than \$1,000, or imprisoned not more than 6 months or both |
| | 95.99(2) | Injunction restraining violation of Statute or Rule |
| | 95.99(3) | First offense: forfeiture of not less than \$200, nor more than \$5,000; 2 nd or subsequent offense within 5 years, forfeiture not less than \$400 nor more than \$5,000 [in lieu of criminal penalty under (1)] |

In addition to the above, the division may seek action against any license or registration you hold at the department.



Wisconsin Department of Agriculture, Trade and Consumer Protection Division of Animal Health

Phone: (608) 224-4872

Fax: (608) 224-4871

Email:

Website: <http://datcp.wi.gov/>

Dog Seller and Dog Facility Operator Inspection

s.173.41, Wis. Stats and ch.16, Wis. Admin. Code

Inspection: Dog Seller Follow-up Inspection

Inspection Date: 11/4/2016

Inspector: Colin Benell

Legal Entity: Ridglan Farms, Inc.

License # / DBA: 267262-DS / Ridglan Farms, Inc.

Location: 10489 W. Blue Mounds Rd, Blue Mounds, WI 53517

Personal information you provide may be used for purposes other than that for which it was originally collected s.15.04(1)(m), Wis. Stats.

Inspection of your operation on revealed the following results.

| Regulation | Result | Comment |
|--|----------------|---------------------|
| 0. General License Information, s. ATCP 16.02, Wis. Adm. Code | | |
| General License Information | | |
| 0.1.1 Dog seller license and report are posted in a prominent place. | Compliant | See previous report |
| 0.1.2 Dog Seller license number is in advertisements. | Compliant | See previous report |
| I. Record Keeping, s. ATCP 16.14, Wis. Adm. Code | | |
| General Dog Records | | |
| 1.1.1. Records present and in written or readily readable electronic form. | Compliant | |
| 1.1.2. Records retained for at least 5 years and / or made available to the department. | Compliant | |
| Locations at Which Dogs are Kept | | |
| 1.2.1. Address of each location where dogs are kept. | Compliant | |
| 1.2.2. Name of individual responsible for administering that location. | Compliant | |
| 1.2.3. Name and address of home custody provider, if applicable. | Not applicable | |
| Dog Records | | |
| 1.3.1. Breed of dog recorded. | Compliant | |
| 1.3.2. Sex of dog recorded. | Compliant | |
| 1.3.3. Date of birth recorded. | Compliant | |
| 1.3.4. Approximate age of dog recorded. | Compliant | |
| 1.3.5. Color of dog recorded. | Compliant | |
| 1.3.6. Distinct markings on dog recorded. | Compliant | |
| 1.3.7. Location at which dog is kept (including home custody provider, if applicable) recorded. | Compliant | |
| 1.3.8. Record of official individual animal identification (tag, tattoo, microchip) if any assigned. | Compliant | |
| 1.3.9. Statement that the dog was born under license holder's custody or legal control, if that is the case. | Compliant | |
| 1.3.10. Dog was not born under the license holder's custody / control, date on which license holder acquired custody or control. | Compliant | |
| 1.3.11. Dog was not born under the license holder's custody / control, name and address of person from whom dog was acquired. | Compliant | |

| | | |
|--|-----------|--|
| 1.3.12. Dog was not born under the license holder's custody / control, person's USDA animal care facility license or registration number (if any). | Compliant | |
| 1.3.13. If dog is no longer under the license holder's custody or control, date on which the dog left custody / control of licensee. | Compliant | |
| 1.3.14. If dog is no longer under the license holder's custody or control, disposition of dog. | Compliant | |
| 1.3.15. If dog is no longer under the license holder's custody or control, identity of the person whom assumed custody / control. | Compliant | |
| 1.3.16. CVI that accompanied dog when it entered or left the licensee's custody / control. | Compliant | |
| 1.3.17. Records include vaccination information. | Compliant | |
| 1.3.18. Records include observation information. | Compliant | |
| 1.3.19. Records include any treatment that occurred & who administered the healthcare. | Compliant | |
| 1.3.20. Breed registration records kept if applicable. | Compliant | |

Behavior and Socialization Plan

| | | |
|--|-----------|--|
| 1.4.1. Behavior and socialization plan which meets requirements of 4.5.1 – 4.5.5 | Compliant | |
|--|-----------|--|

II. Dog Sales; Certificate of Veterinary Inspection, s. ATCP 16.16, Wis. Adm. Code

Dogs Sold are Accompanied by a Valid CVI

| | | |
|---|----------------|--|
| 2.1.1. Dogs sold are accompanied by a valid CVI. | Compliant | |
| 2.1.2. CVI contains signature of certified veterinarian. | Compliant | |
| 2.1.3. CVI is a valid form issued by the department. | Compliant | |
| 2.1.4. CVI contains name and address of seller. | Compliant | |
| 2.1.5. CVI contains the number, breed, sex and age of dog(s). | Compliant | |
| 2.1.6. CVI contains information regarding whether the dog is spayed, neutered or sexually intact. | Compliant | |
| 2.1.7. Dog(s) vaccination record contains the type of vaccine. | Compliant | |
| 2.1.8. Dog(s) vaccination record contains the manufacturer of the vaccine, | Compliant | |
| 2.1.9. Dog(s) vaccination record contains the serial and lot numbers of the vaccine. | Compliant | |
| 2.1.10. Dog(s) vaccination record contains the date administered & person administering. | Compliant | |
| 2.1.11. Information required for import under ss. ATCP 10.06(4) and ATCP 10.80, Wis. Adm. Code | Not Applicable | |
| 2.1.12. Valid negative Brucellosis test if dog(s) sold at public auction & is not spayed / neutered. | Not Applicable | |
| 2.1.13. Veterinarian statement, signature and date of signature on CVI. | Compliant | |
| 2.1.14. Valid issuance and expiration dates. | Compliant | |
| 2.1.15. Distribution of CVI copies to buyer, seller and issuing veterinarian. | Compliant | |
| 2.1.16. Re-issued CVIs updated, as necessary and copies distributed to buyer, seller an issuing veterinarian. | Not applicable | |
| 2.1.17. CVI incorporating information from prior CVI includes a statement identifying prior CVI. | Not applicable | |

III. Age at Which Dogs May be Sold, s. ATCP 16.18, Wis. Adm. Code

Dog(s) Sale and Custody Transfer Meets Necessary Criteria

| | | |
|-------------------------------------|-----------|-------------------|
| 3.1.1. Dog is at least 7 weeks old. | Compliant | Approved variance |
|-------------------------------------|-----------|-------------------|

IV. Dog Care; General, s. ATCP 16.20, Wis. Adm. Code

Food and Water

| | | |
|--|-----------|--|
| 4.1.1. Feeding frequency adequate. | Compliant | |
| 4.1.2. Size of ration and / or nutritional content adequate. | Compliant | |
| 4.1.3. Wholesome, uncontaminated and / or palatable. | Compliant | |

| | | |
|--|-----------|--|
| 4.1.4. Amount and quality of fresh water adequate. | Compliant | |
| 4.1.5. Food and water containers suitable. | Compliant | |
| 4.1.6. Adequate sanitization of food and water containers. | Compliant | |

Animal Health and Veterinary Care

| | | |
|--|-----------|--|
| 4.2.1. Proper handling. | Compliant | |
| 4.2.2. Daily body, mobility and behavior checks completed. | Compliant | |
| 4.2.3. Dogs suspected of communicable disease are isolated. | Compliant | |
| 4.2.4. Adequate grooming. (nails trimmed, no hair matting) | Compliant | |
| 4.2.5. Veterinarian exams or adherence to veterinarian recommendations. | Compliant | |
| 4.2.6. Sick or injured dogs receiving timely veterinarian care or humanely euthanized. | Compliant | |

Exercise

| | | |
|--|-----------|--|
| 4.3.1. Daily access to exercise area where a running stride can be achieved. | Compliant | |
| 4.3.2. Supervised physical activity. | Compliant | |

Dog Grouping and Separation

| | | |
|--|-----------|--|
| 4.4.1. Compatible grouping of dogs. | Compliant | |
| 4.4.2. Females in season appropriately separated. | Compliant | |
| 4.4.3. Aggressive dogs separated. | Compliant | |
| 4.4.4. Puppies under 4 months appropriately separated. | Compliant | |

Behavior and Socialization

| | | |
|--|-----------|---------------------|
| 4.5.1. Daily contact with other compatible dogs without good cause. | Compliant | |
| 4.5.2. Daily positive human contact and socialization other than feeding time. | Compliant | See previous report |
| 4.5.3. Play objects or other forms of inanimate enrichment in primary enclosure. | Compliant | See previous report |
| 4.5.4. Dogs have contact, activity, enrichment. | Compliant | |
| 4.5.5. Written plan for meeting behavior and socialization requirements. | Compliant | |

V. Dogs Kept Indoors, s. ATCP 16.22, Wis. Adm. Code

| | | |
|---|----------------|----------------------|
| 5.1.1. Enclosure is structurally sound and maintained in good repair. | Not applicable | See ATCP 16.20(3)(c) |
|---|----------------|----------------------|

Floors and Interior Surfaces

| | | |
|--|----------------|----------------------|
| 5.2.1. Enclosure does not have dirt floor. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.2. Metal wire mesh floor is coated and / or has adequate gauge to prevent injury | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.3. Floor openings small enough to prevent dog's foot from passing through. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.4. Floor and interior surfaces keep dogs clean, dry, and safe from injuries. | Not applicable | See ATCP 16.20(3)(c) |
| 5.2.5. Floor and interior surfaces regularly cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |

Stacked Primary Enclosures

| | | |
|--|----------------|----------------------|
| 5.3.1. Floor of top enclosure is not higher than 52 inches from floor of room, when enclosures are stacked. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.2. Stacked enclosures adequate for safe handling, ventilation, temperature control, easy cleaning, sanitation and easy inspection. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.3. Front side of stacked enclosures ventilated and / or have solid floor that can be easily cleaned and sanitized. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.4. Stacked enclosures stable when filled to maximum capacity with dogs. | Not applicable | See ATCP 16.20(3)(c) |
| 5.3.5. Dog(s) in stacked enclosures not exposed to excreta, urine, dirt or debris falling from higher enclosures. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 30 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.4.1. Floor area of enclosure adequate for largest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.2. Floor area of enclosure adequate to accommodate all dogs in the enclosure without crowding. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.3. Height of enclosure adequate for tallest dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.4. Dogs have adequate time (at least 30 minutes) per day in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.4.5. Run or exercise area of adequate size to achieve running stride. | Not applicable | See ATCP 16.20(3)(c) |

Primary Enclosures for One or More Dogs that Get at Least 120 Minutes of Exercise Each Day

| | | |
|--|----------------|----------------------|
| 5.5.1. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.2. Floor area of enclosure is adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.3. Height of enclosure adequate for size of dog. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.4. Dogs have adequate time (at least 120 minutes per day) in run or exercise area. | Not applicable | See ATCP 16.20(3)(c) |
| 5.5.5. Run or exercise area of adequate size for achieving running stride. | Not applicable | See ATCP 16.20(3)(c) |

Whelping Enclosure

| | | |
|--|----------------|----------------------|
| 5.6.1. Enclosure appropriate for breed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.2. Appropriate solid floor in area accessible to puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.3. Height of enclosure is adequate for the dam to stand normally. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.4. Length and width of enclosure adequate for the dam to lay down, and stretch out to allow all pups to nurse. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.5. Size of enclosure is adequate for number and temperament of puppies. | Not applicable | See ATCP 16.20(3)(c) |
| 5.6.6. Enclosure includes an area that is only accessible to dam and large enough for dam. | Not applicable | See ATCP 16.20(3)(c) |

Nursery Enclosure

| | | |
|---|----------------|----------------------|
| 5.7.1. Large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements. | Not applicable | See ATCP 16.20(3)(c) |
| 5.7.2. Large enough to encourage socialization and exercise. | Not applicable | See ATCP 16.20(3)(c) |

Temporary Enclosure for One Dog

| | | |
|---|----------------|----------------------|
| 5.8.1. Dog is kept in enclosure for no more than 12 hours. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.2. No more than one dog is kept in enclosure. | Not applicable | See ATCP 16.20(3)(c) |
| 5.8.3. Floor area & height of enclosure adequate for the dog. | Not applicable | See ATCP 16.20(3)(c) |

Lighting, Temperature, and Ventilation

| | | |
|---|----------------|----------------------|
| 5.9.1. Adequate light for proper care, maintenance and inspection and / or diurnal lighting cycle. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.2. Adequate heating and cooling to protect dogs from temperatures and humidity that may be injurious to their health. | Not applicable | See ATCP 16.20(3)(c) |
| 5.9.3. Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture. | Not applicable | See ATCP 16.20(3)(c) |

Cleaning and Sanitation

| | | |
|---|----------------|----------------------|
| 5.10.1. Excreta removed daily or more often as needed. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.2. Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.3. Primary enclosure cleaned and sanitized before new dog placed in it. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.4. Dogs removed from primary enclosure before it is cleaned and sanitized and / or are returned to the area after it is dry. | Not applicable | See ATCP 16.20(3)(c) |
| 5.10.5. Solid surface or bedding is appropriate for breed and maintained in clean, dry condition. | Not applicable | See ATCP 16.20(3)(c) |

VI. Dogs Kept Outdoors, s. ATCP 16.24, Wis. Adm. Code**Dogs Kept in Outdoor Primary Enclosure**

| | | |
|--|----------------|--|
| 6.1.1. Dog's breed, age, health and / or physical condition suited to outdoor temperatures and conditions. | Not applicable | |
| 6.1.2. Dog(s) acclimated to outdoor temperatures and variations that may occur in primary enclosure. | Not applicable | |

Outdoor Primary Enclosure; Minimum Area

| | | |
|--|----------------|--|
| 6.2.1. Size of enclosure meets requirements for an individual dog. | Not applicable | |
| 6.2.2. Size of enclosure meets requirements for additional dogs. | Not applicable | |

Outdoor Primary Enclosure; Construction

| | | |
|---|----------------|--|
| 6.3.1. Constructed and / or maintained to prevent escape. | Not applicable | |
| 6.3.2. Roof or overhead screen of appropriate height. | Not applicable | |

Shelter, Shade, and Wind block

| | | |
|---|----------------|--|
| 6.4.1. Outdoor primary enclosure contains at least one dog shelter that complies with dog shelter requirements below. | Not applicable | |
| 6.4.2. Adequate to shade all dogs in primary enclosure from direct sunlight during all sunlight hours without crowding. | Not applicable | |
| 6.4.3. Adequate to shelter all dogs in primary enclosure from wind. | Not applicable | |

Dog Shelter

| | | |
|--|----------------|--|
| 6.5.1. Made with durable material with 4 sides, a roof and solid flat floor. | Not applicable | |
| 6.5.2. Interior accessible by all dogs in primary enclosure. | Not applicable | |
| 6.5.3. Large enough to prevent crowding. | Not applicable | |
| 6.5.4. Large enough to allow tallest dog to stand. | Not applicable | |
| 6.5.5. Adequate to prevent injury, retain or dissipate enough body heat, allow dogs to remain clean and dry and / or provide reasonable protection from predators. | Not applicable | |

Tethering

| | | |
|---|----------------|--|
| 6.6.1. Appropriate for breed. | Not applicable | |
| 6.6.2. Dog can tolerate based on age, health and / or physical condition. | Not applicable | |
| 6.6.3. Dog can easily enter and lie down in a dog shelter that complies with dog shelter requirements above. | Not applicable | |
| 6.6.4. Dog is not a pregnant or nursing female. | Not applicable | |
| 6.6.5. Tether cannot become entangled with an object. | Not applicable | |
| 6.6.6. Tether has an anchor swivel. | Not applicable | |
| 6.6.7. Tether is at least 6 feet long and of sufficient length for size of dog. | Not applicable | |
| 6.6.8. Tether is attached to a non-tightening collar or harness of sufficient size. | Not applicable | |
| 6.6.9. Tether is used for a dog at an animal control facility or animal shelter for no more than 4 hours in a day, complies with above tethering requirements, and has caretaker on premises. | Not applicable | |

Runs and Exercise Areas

| | | |
|--|----------------|--|
| 6.7.1. More than 30 minutes a day of access to run or exercise area. | Not applicable | |
| 6.7.2. Adequate size for dog's size and temperament (considering number of dogs using at a given time) and large enough to achieve a running stride. | Not applicable | |
| 6.7.3. Adequate to shade all dogs from direct sunlight during hours in use without crowding. | Not applicable | |

Facility Maintenance

| | | |
|--|----------------|--|
| 6.8.1. Excreta removed from outdoor primary enclosures daily or more often as necessary. | Not applicable | |
| 6.8.2. Pests and parasites controlled as necessary to maintain dog health and comfort. | Not applicable | |
| 6.8.3. Bedding maintained in clean, dry condition or bedding is not provided but solid resting place is appropriate for dog's breed, age, health & physical condition. | Not applicable | |

| | | |
|--|----------------|--|
| 6.8.4. Facilities maintained to protect health / safety of dogs. | Not applicable | |
|--|----------------|--|

VII. Transporting Dogs, s. ATCP 16.26, Wis. Adm. Code

Portable Enclosures

| | | |
|---|-----------|--|
| 7.1.1. Constructed of a water-resistant and cleanable material. | Compliant | |
| 7.1.2. Adequate to keep dogs clean and dry. | Compliant | |
| 7.1.3. Adequate to protect dog's health and safety. | Compliant | |
| 7.1.4. Adequate ventilation openings. | Compliant | |
| 7.1.5. Securely closed when in use. | Compliant | |
| 7.1.6. Cleaned and sanitized frequently enough. | Compliant | |
| 7.1.7. Positioned for each dog to have access to sufficient air for normal breathing. | Compliant | |
| 7.1.8. Positioned for emergency removal of dogs. | Compliant | |
| 7.1.9. Positioned to protect dog from excreta falling from above. | Compliant | |
| 7.1.10. Secured as necessary to prevent reasonably foreseeable movement that may injure dogs. | Compliant | |

Care of Dogs During Transport

| | | |
|--|-----------|--|
| 7.2.1. Dogs protected from hypothermia or hyperthermia. | Compliant | |
| 7.2.2. Adequate space to turn, stand and lie down (except in transport for training, trialing and hunting). | Compliant | |
| 7.2.3. Food and water in accordance with s. ATCP 16.20(1), Wis. Adm. Code. | Compliant | |
| 7.2.4. Dogs separated from each other if required by s. ATCP 16.20(5), Wis. Adm. Code | Compliant | |
| 7.2.5. Dogs visually inspected every 4 hours. | Compliant | |
| 7.2.6. Dogs removed from vehicle at least once every 12 hours and allowed to urinate, defecate and exercise. (Unless vehicle is equipped for such needs) | Compliant | |
| 7.2.7. Dogs removed from vehicle in a timely fashion upon reaching destination. | Compliant | |

Transport Vehicles

| | | |
|---|-----------|--|
| 7.3.1. Vehicle equipped to provide fresh or filtered air without injurious drafts to all dogs transported in the vehicle. | Compliant | |
| 7.3.2. Cargo space construction and maintenance adequate to minimize the ingress of exhaust from the vehicle's engine. | Compliant | |

Ridglan Farms, Inc.

- License type: Dog Seller (Dog Breeder/ Dog Breeding Facility)
- Breed(s): Beagle
- Website: <http://www.ridglan.com>
- Hours of operation: Upon appointment
- Previous inspection: 10/26/2016 (routine)
- Veterinarian/ veterinary care provider:
 - Veterinarian onsite (Ridglan Farms, Inc.)

Facility Information:

Ridglan Farms, Inc. (RF) operates as a 'Dog Breeder' within the state who is also licensed with the US Department of Agriculture (#35-A-0009). RF breeds and sells beagles for the purposes of biomedical research.

Dogs are kept in four separate buildings on the property. Each of these buildings has artificial lighting, mechanical ventilation, and temperature control. Dogs are primarily separated between the buildings based upon their age class.

PRIMARY ENCLOSURES – Adult and sub-adult dogs are kept in various size enclosures. Many adult dogs are kept in two-level, stacked enclosures constructed of metal fencing and mesh flooring (floor area: approximately 8 ft², 2' x 4'). Other adult dogs may be kept in enclosures constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 25 ft², 5' x 5'). Younger stock are kept in enclosures constructed of chain-link fencing and mesh flooring (floor area: approximately 80 ft², 8' x 10').

WHELPING / ENCLOSURES – One of the buildings serves as the facility's nursery with approximately 20 nursery rooms. Each of these isolated rooms has two-levels of stacked enclosures for dams and their litters. Each of these enclosures is constructed of metal fencing, fiberglass panels, and a mesh flooring (floor area: approximately 16 ft², 4' x 4'). Dams whelp and nurse their litters in large plastic bins. After puppies are weaned they are moved to different buildings. Nursery enclosures in these buildings are constructed of chain-link fencing and a mesh flooring (floor area: approximately 25 ft², 5' x 5').

EXERCISE – Dogs are not removed from enclosures for exercise. Partitions between smaller enclosures are removed daily to allow for space to achieve a running stride. Other enclosures are large enough to allow dogs to achieve a running stride.

OUTDOOR FACILITIES – This facility has no outdoor enclosures.

- This facility has two approved variances on file with the Department, ATCP 16.18(1) and ATCP 16.20(3)(c)3.
- Some dogs on the property may be participants in research and have no breeding purpose.

Inspection summary:

October 26, 2016 (11:45 am) - Colin Benell (Companion Animal Inspector, DATCP) conducted a routine inspection of the dog breeding facility and relevant dog records at 10489 W. Blue Mounds Road in Blue Mounds, WI. Benell was accompanied by Amber Becker (Regulatory Specialist, DATCP) for training purposes. During the inspection of the facility Benell and Becker were assisted and accompanied by the Facility manager/veterinarian. The Office manager assisted during the records review. For the inspection of the facility RF provided a Tyvec suit, boot covers, and ear protection. During this inspection non-compliance was found which required corrective action. Photographs of corrections were to be emailed to Benell by 11/15/2016 to complete a follow-up inspection.

October 31, 2016 – An Official Warning Notice was issued to RF.

November 4, 2016 (1:53 pm) - Benell received an email from RF with four photographs attached. The photographs demonstrated how whelping enclosures were improved to comply with § 3.6(2)(x), 9 CFR, Chapter 1, Subchapter A and ATCP 16.20(3)(c)4.

Correction of Violation from 10/26/2016 inspection:

ATCP 16.20(3)(c)4 – HOUSING AND TRANSPORTATION

Puppies were found to be kept in several whelping enclosures that did not comply with 9 CFR, Chapter I, subchapter A (animal welfare). Puppies' feet and legs were found to pass through the floor openings in mesh flooring.

- On November 4, 2016 RF emailed Benell photographs of the corrective action that had been taken (see pictures 1-4). RF had begun placing a flooring material with much smaller openings on top of the flooring documented in the previous report. This flooring with smaller openings was assessed by Benell on 10/26/2016 and found to be appropriate for use. Based upon this assessment and a review of the provided photographs these smaller openings would prevent the feet of young puppies from passing through.

Based upon these findings this violation has been appropriately corrected. No further action required.



Picture 1: Smaller openings (RF) **Picture 2:** Puppies on new flooring (taken by RF).



Pictures 3-4: Puppies on flooring with smaller openings. Note size of paws relative to size of gaps (taken by RF).

Notes:

- This was a focused inspection. A physical inspection of the facility was not completed for this follow-up inspection. A review of photographs was utilized to determine compliance. Check boxes above show findings from the follow-up inspection and 10/26/2016 routine inspection.
- See previous report for 'notes.'

Recommendations:

- Efforts should be taken to address dog's abnormal, stereotypical behaviors. Such behaviors are an indicator of the dog's welfare. Modifications to housing and husbandry practices should be evaluated, such as: keeping adult dogs in pairs and providing additional forms of effective inanimate enrichment.

****A copy of this report must be posted in a prominent location at your facility in accordance with ATCP 16.12(5)(b)****

Inspector / Consultant Signature

A handwritten signature in black ink, appearing to read "C. Ball".

11/7/2016

Owner / Operator / Manager Signature

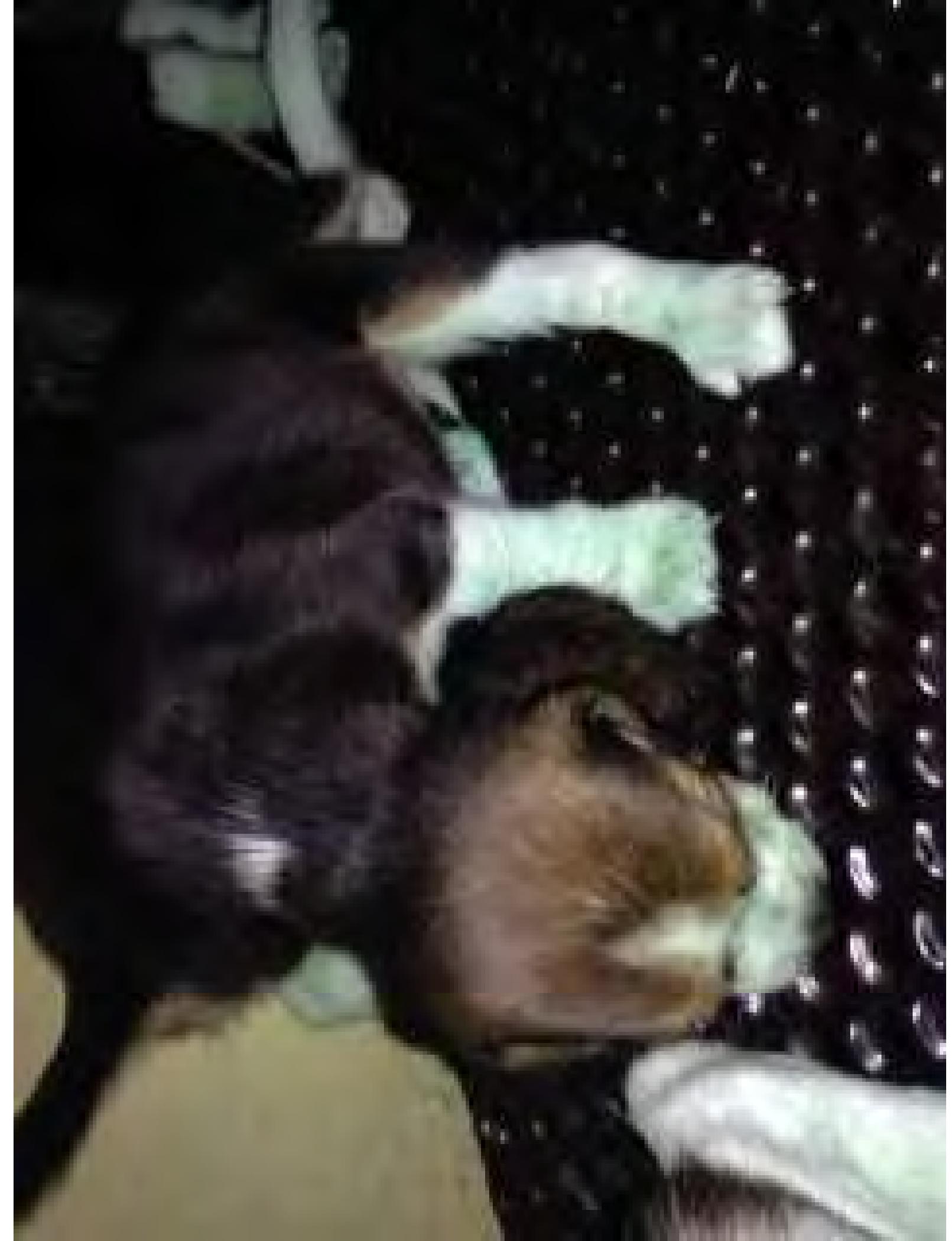
A copy of this report was emailed to the licensee on 11/7/16

Ondercin, Christopher J - DATCP

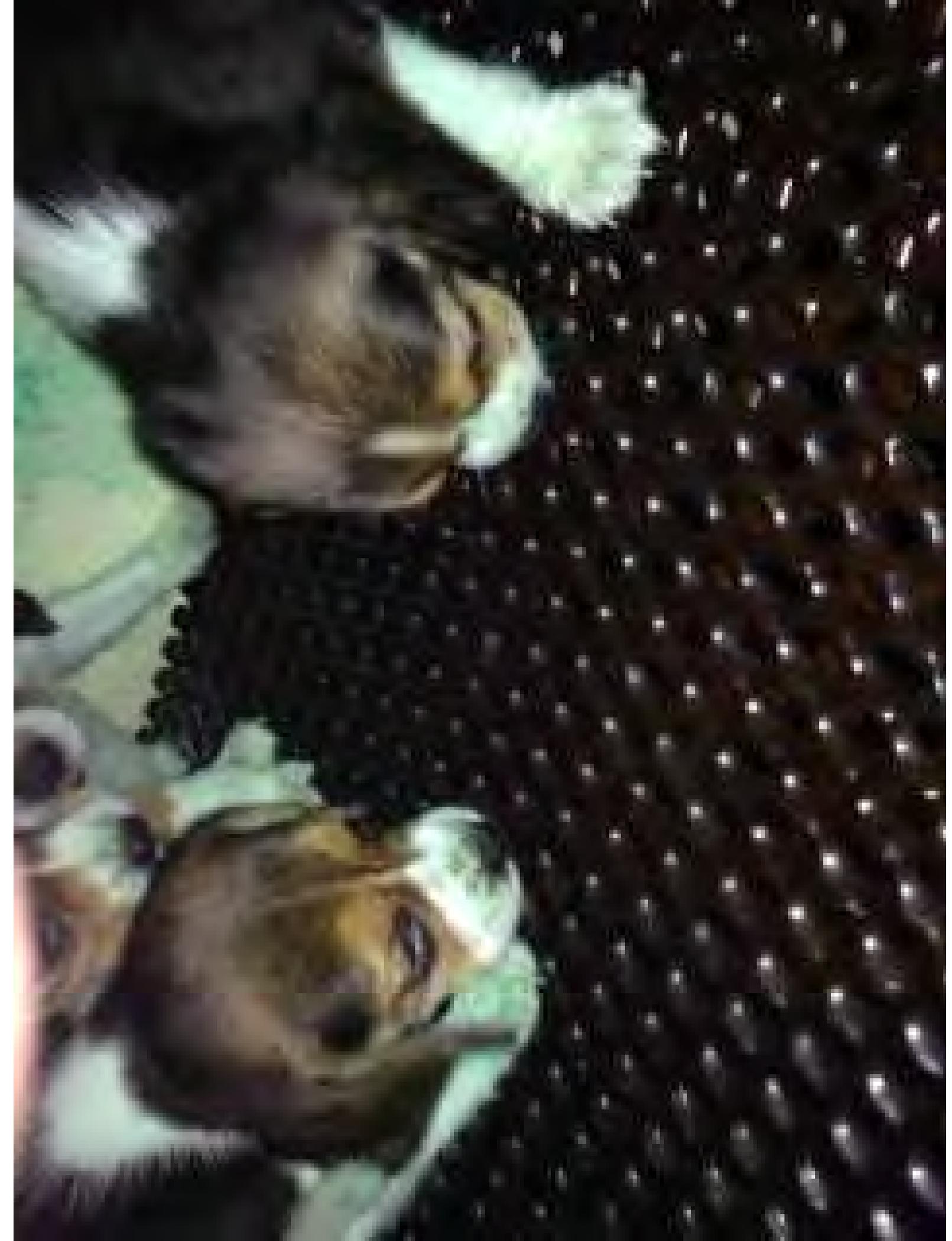
From: Rick <rickvan@mhtc.net>
Sent: Friday, November 4, 2016 1:53 PM
To: Benell, Colin T - DATCP
Subject: Corrections following inspection
Attachments: photo 1.JPG; photo 3.JPG; photo 4.JPG; photo 5.JPG

Attached are photographs of corrections made by License #267262-DS following the inspection on 26Oct16 by Colin Benell.









| | | |
|--|---|---|
|  | Wisconsin Department of Agriculture, Trade and Consumer Protection Division of Animal Health PO Box 8911 Madison WI 53708-8911 Phone 608-224-4872 Fax 608-224-4871 | Case Number: <u>8119</u> Insp. Type <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Re-inspection \$150 <input type="checkbox"/> Follow-up <input type="checkbox"/> Pre-Licensing <input type="checkbox"/> Out of Business |
|--|---|---|

DOG SELLER INSPECTION REPORT
 s. 173.41, Wis. Stats.
 Ch. ATCP 16, Wis. Admin. Code

| | |
|--------------------------|-----------------------------|
| License Number 267262-DS | Date of Inspection 11-15-18 |
|--------------------------|-----------------------------|

| | |
|-------------------------------------|----------------------------------|
| Legal Entity Ridglan Farms, Inc. | Doing Business as (if different) |
|-------------------------------------|----------------------------------|

| | |
|--|---|
| Location Address 10489 W Blue Mounds Rd City / State / ZIP Blue Mounds WI 53517 County Dane | The entity is: <input type="checkbox"/> An animal control facility <input type="checkbox"/> An animal shelter <input type="checkbox"/> A dog breeder <input type="checkbox"/> A dog dealer <input checked="" type="checkbox"/> A research facility |
|--|---|

| | |
|---|---|
| Is there an active variance in place for this dog seller? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
|---|---|

| | |
|--|---|
| More than one location under this license? | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

| | |
|--|---|
| Does this entity operate more than one licensed location? (separate licenses) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

| | |
|--|---|
| Other locations at which dogs are kept or raised by another non licensed entity? (HCPs) | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
|--|---|

I. GENERAL LICENSE REQUIREMENTS S. ATCP 16.02
 Check the appropriate box for **Compliant (C)**, **Non-Compliant (N/C)** or **Not Applicable (N/A)** with State regulations.

| | | C | N/C | N/A |
|--|-------------------------------------|--------------------------|--------------------------|-----|
| 1. Dog seller license is posted in a prominent place. (4) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Dog Seller license number is in advertisements. (5) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Dog seller has posted in a prominent place a copy of the most recent inspection report related to that location [16.12(5)(b)] | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

II. RECORD KEEPING S. ATCP 16.14

| | | C | N/C | N/A |
|--|-------------------------------------|--------------------------|--------------------------|-------------------------------------|
| 1. Records present and in written or readily readable electronic form. (1) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2. Records retained for at least 5 years and made available to the department. (1) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3. Complete records are kept of each location at which dogs are kept: If noncompliant, check the items that were OMITTED from the records <input type="checkbox"/> Address of each location where dogs are kept. <input type="checkbox"/> Name of individual responsible for administering that location <input type="checkbox"/> Name and address of home custody provider, if applicable | (2) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | | | |
|---|--|---|---|
| <p>4. Complete records are kept for each dog, including any dog the person consigns to a home custody provider: (3)(a)-(i)</p> <p>If noncompliant, check the items that were OMITTED from the records</p> <p><input type="checkbox"/> Breed of dog recorded</p> <p><input type="checkbox"/> Sex of dog recorded</p> <p><input type="checkbox"/> Date of birth or approximate age recorded</p> <p><input type="checkbox"/> Color of dog recorded</p> <p><input type="checkbox"/> Distinct markings on dog recorded</p> <p><input type="checkbox"/> Official individual animal identification (tag, tattoo, microchip) and any other ID, if any assigned</p> <p><input type="checkbox"/> Statement that the dog was born under license holder's custody or legal control, if that is the case</p> <p><input type="checkbox"/> If dog was not born under the license holder's custody/control, all of the following: (check info omitted)</p> <ul style="list-style-type: none"> <input type="checkbox"/> date on which license holder acquired custody or control <input type="checkbox"/> name and address of person from whom dog was acquired <input type="checkbox"/> person's USDA animal care facility license or registration number (if any) <p><input type="checkbox"/> If dog is no longer under the license holder's custody or control, all of the following: (check info omitted)</p> <ul style="list-style-type: none"> <input type="checkbox"/> date on which the dog left custody/control of licensee <input type="checkbox"/> disposition of dog <input type="checkbox"/> identity of the person whom assumed custody / control <p><input type="checkbox"/> CVI that accompanied dog when it entered or left the licensee's custody/control</p> <p><input type="checkbox"/> Vaccination information</p> <p><input type="checkbox"/> Observation information</p> <p><input type="checkbox"/> Treatment that occurred & who administered the healthcare</p> <p><input type="checkbox"/> Breed registration records kept, if applicable</p> | <p>C</p> <p><input checked="" type="checkbox"/></p> | <p>N/C</p> <p><input type="checkbox"/></p> | <p>N/A</p> <p><input type="checkbox"/></p> |
|---|--|---|---|

III. DOG IMPORTS

| | | | |
|--|---|---|--|
| <p>1. Dogs imported to Wisconsin ATCP 10.80</p> <p>If noncompliant, check the items that were NOT COMPLIANT</p> <p><input type="checkbox"/> Dog is accompanied by a valid CVI</p> <p><input type="checkbox"/> Dog has a current rabies vaccination administered by a licensed veterinarian</p> <p><input type="checkbox"/> A veterinarian statement, signature and date of signature</p> <p><input type="checkbox"/> Valid issuance and expiration dates.</p> | <p>C</p> <p><input type="checkbox"/></p> | <p>N/C</p> <p><input type="checkbox"/></p> | <p>N/A</p> <p><input checked="" type="checkbox"/></p> |
| <p>2. Sexually intact canines purchased or obtained from auctions outside Wisconsin have not been imported without an import permit and negative B. canis test conducted within 30 days prior to import. (Test method must be approved by DATCP). See Order AH Docket No, 35PM09126-1 Amendment 1</p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| <p>3. Dogs found to be positive on a heartworm test in the state of origin have not been imported to Wisconsin without meeting one of the following requirements: See Policy DIS-001</p> <p><input type="checkbox"/> Completing the appropriate treatment protocol as recommended by the American Heartworm Society (see https://www.heartwormsociety.org). The veterinarian must state that the dog was treated for heartworm and record all treatment dates on the CVI.</p> <p><input type="checkbox"/> Obtaining a special permit from the state veterinarian granting permission to import an untreated heartworm positive dog.</p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |

IV. DOGS SOLD/CVI REQUIRED, s. ATCP 16.16

| | | | |
|--|--|---|---|
| <p>1. Dogs sold are at least 7 weeks old.</p> | <p>C</p> <p><input checked="" type="checkbox"/></p> | <p>N/C</p> <p><input type="checkbox"/></p> | <p>N/A</p> <p><input type="checkbox"/></p> |
| <p>2. Heartworm positive dogs are not sold/transferred/adopted without meeting one of the following requirements: See Policy DIS-001</p> <p><input type="checkbox"/> Completing the appropriate treatment protocol as recommended by the American Heartworm Society (see https://www.heartwormsociety.org). The veterinarian must state that the dog was treated for heartworm and record all treatment dates on the CVI.</p> <p><input type="checkbox"/> Disclosing that the dog is heartworm positive and is untreated and has submitted to the state veterinarian a signed statement from the buyer/recipient/adoptioner saying that the dog will be treated with the appropriate treatment. (Statement must be approved by the state veterinarian.)</p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| <p>3. CVI is a valid form issued by the department. (3)</p> | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |

| | | | |
|--|---|--|--|
| <p>4. Dogs sold are accompanied by a valid CVI containing all of the following information (1)&(4) If noncompliant, check the items that were OMITTED from the records:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and address of seller. (4)(a) <input type="checkbox"/> The number, breed, sex and age of dog(s) <input type="checkbox"/> Whether the dog is spayed, neutered or sexually intact <input type="checkbox"/> Vaccination record of the dog listing all of the following: (check info omitted) <ul style="list-style-type: none"> <input type="checkbox"/> The type of vaccine <input type="checkbox"/> The manufacturer of the vaccine <input type="checkbox"/> The serial and lot numbers of the vaccine <input type="checkbox"/> The date administered & person administering the vaccine <input type="checkbox"/> If dog was imported to Wis., valid information on the CVI that accompanied the dog must be replicated on the CVI that will accompany the dog when sold. (4)(e) <input type="checkbox"/> Documentation showing that the dog has tested negative on an approved Brucellosis test, if dog(s) is sold at public auction & is not spayed / neutered. <input type="checkbox"/> A veterinarian statement, signature and date of signature (Dogs have been inspected and show no signs of infectious disease . . .) <input type="checkbox"/> Valid issuance and expiration dates (5) | <p>C <input checked="" type="checkbox"/></p> | <p>N/C <input type="checkbox"/></p> | <p>N/A <input type="checkbox"/></p> |
| <p>5. The CVI is distributed to buyer, seller and issuing veterinarian. (6)</p> | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |
| <p>6. Re-issued CVIs are valid and new seller keeps a copy and provides a copy to the buyer. (7)(a)</p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| <p>7. CVI incorporating information from prior CVI includes a statement identifying prior CVI. (the pertinent info incorporated from prior certificate on this certificate has been copied from . . .) (7)(b)</p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| <p>8. CVI is only written or updated by a veterinarian</p> | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |
| V. DOG CARE; GENERAL ATCP 16.20 | | | |
| <p>1. Food and water (1)(a)-(f) If noncompliant, check the items that were NOT COMPLIANT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Feeding frequency adequate (at least once a day). <input type="checkbox"/> Size of ration and nutritional content adequate (based on dog's age, condition, size, weight). <input type="checkbox"/> Wholesome, uncontaminated, palatable & stored properly. <input type="checkbox"/> Amount and quality of fresh water adequate. <input type="checkbox"/> Food and water containers suitable <input type="checkbox"/> Adequate sanitization of food and water containers | <p>C <input checked="" type="checkbox"/></p> | <p>N/C <input type="checkbox"/></p> | <p>N/A <input type="checkbox"/></p> |
| <p>2. Animal health and veterinary care (2)(a)-(f) If noncompliant, check the items that were NOT COMPLIANT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dogs are handled properly and in a humane manner <input type="checkbox"/> Daily body, mobility and behavior checks are completed by caretaker <input type="checkbox"/> Dogs suspected of communicable disease are isolated <input type="checkbox"/> Dogs are adequately groomed (nails trimmed, no hair matting) <input type="checkbox"/> Dogs are examined by veterinarian for adequate health care and licensee adheres to veterinarian recommendations <input type="checkbox"/> Sick or injured dogs receive timely veterinarian care or humanely euthanized | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |
| <p>3. Exercise (4) If noncompliant, check the items that were NOT COMPLIANT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Daily access to exercise area is provided where a running stride can be achieved <input type="checkbox"/> Dogs are not left unattended while performing repetitive physical activity (treadmill) unless for good cause | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |
| <p>4. Dog grouping and separation (5)(a)-(d) If noncompliant, check the items that were NOT COMPLIANT</p> <ul style="list-style-type: none"> <input type="checkbox"/> Compatible grouping of dogs <input type="checkbox"/> Females in season appropriately separated from intact males <input type="checkbox"/> Aggressive dogs are separated <input type="checkbox"/> Puppies under 4 months appropriately separated | <p><input checked="" type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> |

| | | | |
|--|---|--|---|
| <p>5.. Behavior and socialization If noncompliant, check the items that were NOT COMPLIANT (6)(a)-(e)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Daily contact with other compatible dogs is provided unless there is good cause <input type="checkbox"/> Daily positive human contact and socialization provided other than feeding time <input type="checkbox"/> Play objects or other forms of inanimate enrichment in primary enclosure is provided unless denied for good cause <input type="checkbox"/> Dogs have contact, activity, and enrichment, unless there is good cause <input type="checkbox"/> There is a written plan for meeting these behavioral and socialization requirements | C <input checked="" type="checkbox"/> | N/C <input type="checkbox"/> | N/A <input type="checkbox"/> |
| <p>6. Dogs 5 months or older are vaccinated against rabies by a veterinarian or veterinary technician under s.453.05(2)(d) 95.21(2)(a)</p> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| VI. DOGS KEPT INDOORS ATCP 16.22 | | | |
| <p>1. Primary enclosures If noncompliant, check the items that were NOT COMPLIANT (1)(b) 173.41(10)(d)2</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enclosure is structurally sound and maintained in good repair <input type="checkbox"/> Enclosure has dirt floor (dirt floors are prohibited) <input type="checkbox"/> Metal wire mesh floor is coated and has adequate gauge to prevent injury <input type="checkbox"/> Floor openings are small enough to prevent dog's foot from passing through <input type="checkbox"/> Floor and interior surfaces keep dogs clean, dry, and safe from injuries <input type="checkbox"/> Floor and interior surfaces regularly cleaned and sanitized | C <input type="checkbox"/> | N/C <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| <p>2. Stacked primary enclosures If noncompliant, check the items that were NOT COMPLIANT (1)(c)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Floor of top enclosure is not higher than 52" from floor of room <input type="checkbox"/> Stacked arrangement provides for safe dog handling, adequate ventilation and temperature control, easy cleaning and sanitization and inspection. <input type="checkbox"/> Front side of stacked enclosures are ventilated and have solid floor for easy cleaning/sanitization <input type="checkbox"/> Stacked enclosures are stable when filled to maximum capacity with dogs <input type="checkbox"/> Dogs in stacked enclosures are not exposed to excreta, urine, dirt or debris falling from higher enclosures | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>3. Primary enclosures for one or more dogs that get at least 30 minutes of exercise a day If noncompliant, check the items that were NOT COMPLIANT (2)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Floor area of enclosure meets size requirements for the largest dog <input type="checkbox"/> Floor area of enclosure meets size requirements for additional dogs <input type="checkbox"/> Height of enclosure is adequate for tallest dog <input type="checkbox"/> Each dog in primary enclosure has access for at least 30 minutes each day to a run or exercise area | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>4. Primary enclosures for one or more dogs that get at least 120 minutes of exercise a day If noncompliant, check the items that were NOT COMPLIANT (3)</p> <ul style="list-style-type: none"> <input type="checkbox"/> No more than one dog is kept in the enclosure <input type="checkbox"/> Floor area of enclosure is adequate for the size of dog <input type="checkbox"/> Height of enclosure adequate for the size of dog <input type="checkbox"/> The dog has access for at least 120 minutes a day to a run or exercise area | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>5. Run or exercise area If noncompliant, check the items that were NOT COMPLIANT (2)(e)&(3)(d)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Area is large enough for the dog's size and temperament, considering the number of dogs that may use the area at the same time <input type="checkbox"/> Area is large enough for the dog to achieve a running stride | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>6. Whelping enclosures If noncompliant, check the items that were NOT COMPLIANT (4)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enclosure is appropriate for breed <input type="checkbox"/> Enclosure has solid floor in area accessible to puppies <input type="checkbox"/> Enclosure is tall enough for the dam to stand normally and comfortably <input type="checkbox"/> Enclosure is large enough for dam to lie down and stretch out for all puppies to nurse <input type="checkbox"/> Enclosure is large enough for the number and temperament of the puppies <input type="checkbox"/> Enclosure includes area that is only accessible to and large enough for dam | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| <p>7. Nursery enclosures (weaning-4 months) If noncompliant, check the items that were NOT COMPLIANT (5)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Enclosure is large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements <input type="checkbox"/> Enclosure is large enough to encourage socialization and exercise | C <input type="checkbox"/> | N/C <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| <p>8. Temporary enclosure for one dog If noncompliant, check the items that were NOT COMPLIANT (6)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dog is kept in enclosure for no more than 12 hours <input type="checkbox"/> No more than one dog is kept in the enclosure <input type="checkbox"/> Enclosure is large enough (floor area and height) for the dog | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>9. Lighting, temperature and ventilation If noncompliant, check the items that were NOT COMPLIANT (7)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Adequate light for proper care, maintenance and inspection and diurnal lighting cycle <input type="checkbox"/> Adequate heating and cooling to protect dogs (based on breed) from temperatures and humidity that may be injurious to their health <input type="checkbox"/> Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>10. Cleaning and sanitation If noncompliant, check the items that were NOT COMPLIANT (8)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Excreta is removed daily or more often as needed <input type="checkbox"/> Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards <input type="checkbox"/> Enclosures are cleaned and sanitized before new dog is placed in it <input type="checkbox"/> Dogs are removed from enclosure before it is cleaned and sanitized and are returned to the area after it is dry <input type="checkbox"/> Solid surface or bedding is appropriate for breed and maintained in clean, dry condition | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| VII. DOGS KEPT OUTDOORS ATCP 16.24 | | | |
| <p>1. Dogs kept outdoors If noncompliant, check the items that were NOT COMPLIANT (1)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dog's breed, age, health and physical condition are suited to outdoor temperatures and conditions <input type="checkbox"/> Dog is acclimated to outdoor temperatures and variations that may occur | C <input type="checkbox"/> | N/C <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| <p>2. Outdoor primary enclosure; minimum area and construction If noncompliant, check the items that were NOT COMPLIANT (2)&(3)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Size of primary enclosure meets size requirements for an individual dog <input type="checkbox"/> Size of primary enclosure meets size requirements for additional dogs <input type="checkbox"/> Constructed and maintained to prevent escape <input type="checkbox"/> Roof or overhead screen of appropriate height | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>3. Shelter, shade and windbreak If noncompliant, check the items that were NOT COMPLIANT (4)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Outdoor primary enclosure contains at least one dog shelter that complies with dog shelter requirements below <input type="checkbox"/> Primary enclosure has adequate shade to protect all dogs, without crowding, from direct sunlight at times when heat stress may occur. <input type="checkbox"/> Primary enclosure has windbreak adequate to shelter all dogs from wind. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| <p>4. Dog shelter If noncompliant, check the items that were NOT COMPLIANT (5)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Is made of durable material and has 4 sides, a roof and flat solid floor <input type="checkbox"/> It's interior is accessible by all dogs in primary enclosure <input type="checkbox"/> It's large enough to accommodate all dogs without crowding <input type="checkbox"/> It's tall enough for largest dog to stand normally <input type="checkbox"/> It's constructed/maintained to prevent injury, provide protection from predators, and to allow dogs to retain or dissipate body heat and remain dry and clean | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

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| <p>5. Tethering If noncompliant, check the items that were NOT COMPLIANT (6)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dog is of a breed that can tolerate tethering <input type="checkbox"/> Dog can tolerate tethering based on age, health and physical condition <input type="checkbox"/> Dog can easily enter and lie down in a dog shelter that complies with the dog shelter requirements above <input type="checkbox"/> Dog is not pregnant or nursing <input type="checkbox"/> Tether cannot become entangled with any object <input type="checkbox"/> Tether has an anchor swivel <input type="checkbox"/> Tether is at least 6 feet long and of sufficient length for the size of dog <input type="checkbox"/> Tether is attached to a non-tightening collar or harness of sufficient size <input type="checkbox"/> Tether is used for a dog at an animal control facility or shelter for no more than 4 hours a day, complies with tethering requirements, and has caretaker on premises | <p>C <input type="checkbox"/></p> | <p>N/C <input type="checkbox"/></p> | <p>N/A <input checked="" type="checkbox"/></p> |
| <p>6. Runs or exercise areas If noncompliant, check the items that were NOT COMPLIANT (7)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dogs kept outdoors have at least 30 minutes a day to run/exercise <input type="checkbox"/> Area is large enough for the dog's size and temperament, considering the number of dogs that may use the area at the same time <input type="checkbox"/> Area is large enough for the dog to achieve a running stride <input type="checkbox"/> Area includes a shaded area large enough to shade all dogs using it without crowding | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| <p>7. Facility maintenance If noncompliant, check the items that were NOT COMPLIANT (8)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Facilities maintained to protect health and safety of dogs <input type="checkbox"/> Excreta removed from outdoor primary enclosures daily <input type="checkbox"/> Pests and parasites controlled as necessary to maintain dog health and comfort <input type="checkbox"/> Bedding maintained in clean, dry condition or bedding is not provided but solid resting place is appropriate for dog's breed, age, health and physical condition | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |
| VIII. TRANSPORTING DOGS ATCP 16.26 | | | |
| <p>1. Portable enclosures If noncompliant, check the items that were NOT COMPLIANT (3)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Constructed of water-resistant and cleanable material <input type="checkbox"/> Designed to keep all dogs clean and dry <input type="checkbox"/> Designed to protect the health and safety of dogs <input type="checkbox"/> Has ventilation openings to ensure dogs' comfort <input type="checkbox"/> Securely closes when in use <input type="checkbox"/> Cleaned and sanitized between use and more often as necessary <input type="checkbox"/> When on a transport vehicle, enclosure must be: <ul style="list-style-type: none"> <input type="checkbox"/> Positioned so each dog has access to sufficient air for normal breathing <input type="checkbox"/> Positioned for emergency removal of dogs <input type="checkbox"/> Positioned to protect all dogs from the elements <input type="checkbox"/> Positioned to protect dogs from excreta falling from above <input type="checkbox"/> Secured to prevent reasonably foreseeable movement that may injure dogs | <p>C <input type="checkbox"/></p> | <p>N/C <input type="checkbox"/></p> | <p>N/A <input checked="" type="checkbox"/></p> |
| <p>2. Care of dogs during transport If noncompliant, check the items that were NOT COMPLIANT (2)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Dogs protected from hypothermia and hyperthermia (heated/cooled if necessary) <input type="checkbox"/> Adequate space to turn, stand and lie down (except in transport for training, trialing and hunting) <input type="checkbox"/> Access to food at least once a day and adequate access to water <input type="checkbox"/> Dogs separated from each other, if necessary (females in season, aggressive dogs, puppies) <input type="checkbox"/> Dogs visually inspected every 4 hours <input type="checkbox"/> Dogs are removed from vehicle at least every 12 hours to urinate, defecate and exercise (unless vehicle is equipped for such needs) <input type="checkbox"/> Dogs are removed from vehicle in a timely fashion upon reaching destination | <p>C <input type="checkbox"/></p> | <p>N/C <input type="checkbox"/></p> | <p>N/A <input checked="" type="checkbox"/></p> |
| <p>3. Transport vehicles If noncompliant, check the items that were NOT COMPLIANT (3)</p> <ul style="list-style-type: none"> <input type="checkbox"/> Vehicle is equipped to provide fresh or filtered air without injurious drafts to dogs <input type="checkbox"/> Cargo space construction and maintenance adequate to minimize the ingress of exhaust from the vehicle | <p><input type="checkbox"/></p> | <p><input type="checkbox"/></p> | <p><input checked="" type="checkbox"/></p> |

IX. PROHIBITED CONDUCT ATCP 16.28

| | | | |
|--|---|--|--|
| Person has not: | | | |
| 1. Prevented DATCP employee from performing his/her duties | C <input checked="" type="checkbox"/> | N/C <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 2. Physically assaulted a DATCP employee | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 3. Refused or failed to produce required records or responded to department subpoena or investigative demand (without just cause) | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 4. Violated s. 95.13 (misrepresenting breeds) or 95.19 (diseased animals), Stats | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| 5. Accepted custody or control of a dog from any person knowing that person is required to be licensed as a dog seller unless all of the following apply: <input type="checkbox"/> Person took control of the dog to protect its health, safety or welfare <input type="checkbox"/> The person notified the department | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

X. NEXT ACTION

Routine
 Re-inspection
 Follow-up
 Compliance

| | |
|---|------------------|
| INSPECTOR / CONSULTANT SIGNATURE <i>Colin Castle</i> | DATE 11-16-18 |
|---|------------------|

| | |
|---|------------------|
| THIS FORM WAS PROVIDED TO THE OWNER VIA <input checked="" type="checkbox"/> EMAIL <input type="checkbox"/> US MAIL ON <u>11-16-18</u> (date) | DATE 11-16-18 |
|---|------------------|

INSPECTOR COMMENTS/NOTES

Ridglan Farms, Inc. (RF):

- **License Type: Dog Breeder or Dog Breeding Facility**
- **Hours of Operation: By appointment**
- **Veterinarian/Veterinary Clinics: On-site veterinary care by Ridglan Farms, Inc.**
- **Previous inspection or contact: 11-4-16 Follow-up by Colin Benell**

Facility Information:

- Ridglan Farms, Inc. operates as a Dog Breeder within the state and is also licensed by the US Department of Agriculture (35-A-0009). RF breeds and sells Beagles for the purpose of biomedical research.
- The facility has two approved variances on file with the Department: ATCP 16.18(1) and ATCP 16.20(3)(c)(3)
- Dogs are housed within four separate buildings on the property. Each building has artificial lighting, mechanical ventilation, and temperature control. Dogs are housed within indoor primary enclosures in all buildings.
 - Whelping enclosures are located within multiple, separate rooms. Each room contains 20 enclosures. Whelping/nursery enclosures are two-level stacked units constructed of metal fencing, fiberglass panels, and plastic coated expanded metal flooring with a floor area of approximately 16 ft². Dams whelp in plastic bins within these enclosures.
 - Weaned puppies are moved to separate buildings. Weaned puppies are housed in groups within enclosures constructed of chain link fencing and plastic coated expanded metal flooring with a floor area of approximately 25 ft².
 - Adult dogs are housed within enclosures of varying sizes. Adult dogs may be housed singly or in pairs. Some adult dogs are housed in two-level, stacked enclosures constructed of chain link fencing and plastic coated expanded metal flooring, with a floor area of approximately 8 ft². Two of

these enclosures joined together may house two dogs and provide a floor area of 16 ft². Adult dogs may also be housed in enclosures constructed of chain link fencing and plastic coated expanded metal flooring with a floor area of approximately 25 ft². Sub-adult dogs may be housed within larger groups in enclosures constructed of chain link fencing and expanded metal flooring with a floor area of approximately 80 ft².

- Dogs are not removed from their enclosures for exercise. Partitions between smaller enclosures are opened daily to allow for space to achieve a running stride. Other enclosures are large enough to allow dogs to achieve a running stride.
- Electronic and paper records are kept.

Inspection Summary:

- On November 15, 2018, Erin Carter (Companion Animal Inspector, DATCP) and Amber Becker (Regulatory Specialist, DATCP) conducted an unannounced, routine inspection at 10489 W Blue Mounds Rd., Blue Mounds, WI.
- Carter and Becker were accompanied and assisted by the Facility Manager/Veterinarian during the inspection. RF provided a Tyvek suit, boot covers, and hearing protection.
- The facility was clean, temperature appropriate, well-ventilated, and in good repair at the time of inspection.
- Approximately 3,277 dogs (adults and puppies) were present at the time of inspection. Dogs were provided with clean food, water, and inanimate enrichment within their primary enclosures.
- All records reviewed (disposition records, CVIs, health records, behavior and socialization plan) were complete and accurate.

Violations:

- None

Summary of Discussion with Operator(s):

- RF has begun experimenting with different types of toys in order to improve the facility's enrichment program.
- Carter and Becker discussed with the Facility Manager that five whelping/nursery enclosures at the facility contained flooring with openings which allowed the feet of small puppies housed within the enclosures to pass through. Flooring with openings of appropriate size was placed in these enclosures. RF has created a Standard Operating Procedure (SOP) to address flooring within enclosures housing small puppies in all Ridgland Farm buildings, received via email by Carter on 11-15-18.

Inspection Result:

The next inspection will be routine.

A copy of this inspection report must be posted in a prominent location at the facility in accordance with s. ATCP 16.12(5)(b).

Personal information you provide may be used for purposes other than that for which it was originally collected – sec. 15.04(1)(m), Wis. Stats.

EXHIBIT B –
DECEMBER 2023 USDA INSPECTION REPORT



Inspection Report

RIDGLAN FARMS INC
PO Box 318
Mt. Horeb
Mount Horeb, WI 53572

Customer ID: **769**
Certificate: **35-A-0009**
Site: 001
RIDGLAN FARMS INC

Type: ROUTINE INSPECTION
Date: 05-DEC-2023

3.6(a)(2)(x)

Primary enclosures.

Some of the weaned puppies and preweaning-aged puppies in eleven enclosures were observed to have feet or legs pass through the smooth-coated mesh floors when they walked. The facility reports mats with smaller mesh holes had been removed a little early for these groups for sanitation reasons. While the facility reports no injuries have occurred, floors have to be maintained so that dogs/puppies' feet cannot pass through the floor to prevent risk of injury. Ensure that processes are in place to keep enclosure floors in a manner that prevent feet/legs from passing through.

***Item was promptly corrected by the facility prior to the end of the inspection. Ensure corrective processes remain in place.

This inspection and exit interview were conducted with facility representatives.

Additional Inspectors:

CATHERINE HOVANCSAK, Supervisory Animal Care Specialist

Catherine Beckwith, Supervisory Animal Care Specialist

Prepared By: SCOTT WELCH
USDA, APHIS, Animal Care
Title: VETERINARY MEDICAL OFFICER

Date:
08-DEC-2023

Received by Title: Facility Representative

Date:
08-DEC-2023



Species Inspected

| Cust No | Cert No | Site | Site Name | Inspection |
|---------|-----------|------|-------------------|-------------|
| 769 | 35-A-0009 | 001 | RIDGLAN FARMS INC | 05-DEC-2023 |

| Count | Scientific Name | Common Name |
|--------|-------------------------|-------------|
| 001608 | <i>Canis familiaris</i> | DOG ADULT |
| 001502 | <i>Canis familiaris</i> | DOG PUPPY |
| 003110 | Total | |

EXHIBIT C –
To be filed conventionally