

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Pless, LLC d/b/a Blue Ridge Kennel,  
and Blue Ridge Kennels, Inc.  
d/b/a Blue Ridge Kennel,  
  
Respondents.

AWA Docket Nos. 23-J-0027  
23-J-0028  
  
COMPLAINT

REC'D - USDA/OALJ/HCO  
2023 FEB 16 8:30 AM

There is reason to believe that the Respondents named herein have violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (AWA or Act), and the regulations (9 C.F.R. Part 2) (Regulations) and standards issued thereunder (9 C.F.R. Part 3) (Standards). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Pless, LLC is an Alabama domestic limited liability company (No. 000459673), doing business as Blue Ridge Kennel, whose registered address is 2934 Rifle Range Road, Wetumpka, Alabama 36093 and whose registered agent is Janice L. Plessner,<sup>1</sup> 2934 Rifle Range Road, Wetumpka, Alabama 36093. At all times material herein, Respondent Pless, LLC, doing business as Blue Ridge Kennel, was a research facility, as that term is defined in the Act and the Regulations,<sup>2</sup> and held AWA registration number 64-R-0102.
2. Respondent Blue Ridge Kennels, Inc. is an Alabama domestic corporation (No. 000160519), doing business as Blue Ridge Kennel, whose registered address is 2934 Rifle

<sup>1</sup> Complainant has reason to believe that Janice L. Plessner is deceased. Accordingly, the complaint and future documents will be served by the Hearing Clerk's Office, United States Department of Agriculture, on Janice L. Plessner, Respondents' kennel manager, Malinda Walker, and Respondents' institutional official, John Plessner.

<sup>2</sup> See 7 U.S.C. § 2132(e) and 9 C.F.R. § 1.1.

Range Road, Wetumpka, Alabama 36093 and whose registered agent is Janice L. Plessner.<sup>3</sup> At all times material herein, Respondent Blue Ridge Kennels, Inc., doing business as Blue Ridge Kennel, was a registered research facility, as that term is defined in the Act and the Regulations, and held AWA registration number 64-R-0102.

#### ALLEGED VIOLATIONS

3. On or about August 31, 2021, Respondents violated the Regulations (9 C.F.R. § 2.32(a)) by failing to ensure that all personnel involved in animal care and treatment were qualified to perform their duties.
4. On or about August 31, 2021, Respondents violated the Regulations by failing to have an attending veterinarian to provide adequate veterinary care to their animals and failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the daily observation of animals to assess their health and well-being as follows:
  - a. Respondents failed to maintain formal arrangements with their part-time attending veterinarian, including an accurate program of veterinary care and regularly scheduled visits. 9 C.F.R. § 2.33(a)(1).
  - b. Respondents failed to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and oversee the adequacy of other aspects of animal care and use. 9 C.F.R. § 2.33(a)(2).
  - c. Respondents failed to establish and maintain methods in place to ensure healthy teeth for the animals. Numerous dogs had excessive tartar build-up and reddened

---

<sup>3</sup> *Supra* note 1, the complaint and future documents will be served by the Hearing Clerk's Office, United States Department of Agriculture, on Janice L. Plessner, Respondents' kennel manager, Malinda Walker, and Respondents' institutional official, John Plessner.

gums. 9 C.F.R. § 2.33(b)(2).

- d. Respondents lacked a mechanism of direct and frequent communication with the attending veterinarian on animal health, behavior, and well-being problems.

Specifically, three dogs were identified at inspection in need of immediate veterinary care. 9 C.F.R. § 2.33(b)(3).

- 5. On or about August 31, 2021, Respondents violated the Regulations (9 C.F.R. §2.35(b)), by failing to make, keep, and maintain acquisition records for approximately sixteen dogs and failed to make, keep, and maintain acquisition records that fully and correctly disclosed acquisition information required by section 2.35(b) of the Regulations for at least ten dogs.
- 6. On or about August 31, 2021, Respondents violated the Regulations (9 C.F.R. § 2.38(k)), by failing to meet the Standards as follows:
  - a. The fencing of an exercise pen and a turnout pen had holes large enough for a dog to get wedged in the fencing. 9 C.F.R. § 3.1(a).
  - b. Respondents did not have enough employees to carry out the level of husbandry practices and care required to ensure the dogs' well-being and achieve adequate functioning of the facility. 9 C.F.R. § 3.12.
- 7. On or about November 22, 2021, Respondents violated the Regulations (9 C.F.R. §2.35(a)(1)) by failing to maintain accurate minutes of Institutional Animal Care and Use Committee (IACUC) meetings including accurate records of attendance and deliberations on finances.
- 8. On or about November 22, 2021, Respondents violated the Regulations (9 C.F.R. § 2.38(k)), by failing to meet the Standards. Specifically, one of the turnout pens had a hole

that was large enough for a dog to get wedged in the fencing. 9 C.F.R. § 3.1(a).

9. On or about March 21, 2022, Respondents violated the Act (7 U.S.C. § 2146(a)) and the Regulations (9 C.F.R. § 2.38(b)) by failing to allow APHIS officials to inspect Respondents' facility, property, and animals.

10. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.31) as follows:

- a. Respondents' IACUC approved animal use protocol did not provide a detailed description of how the proposed study would be conducted to assure that discomfort and pain to animals is minimized whenever possible. 9 C.F.R. § 2.31(e)(4)).

11. Between approximately July 27, 2022 and September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.31) as follows:

- a. Respondents' IACUC approved animal use protocol did not include any written assurance that the proposed activities do not unnecessarily duplicate previous experiments. 9 C.F.R. § 2.31(d)(1)(iii).
- b. Respondents' IACUC approved animal use protocol did not provide an adequate rationale for the appropriateness of the number of animals proposed to be used. 9 C.F.R. § 2.31(e)(2).

12. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33(b)(2)) by failing to use appropriate methods to prevent, control, diagnose, and treat diseases and injuries of its dogs as follows:

- a. A redbone coonhound that was found to have worms and ordered to be given double feedings by the attending veterinarian in May 2022, was thin and observed

with abdominal tuck and a prominent waist. Respondents had not consulted the attending veterinarian about this dog since May 2022.

- b. A yellow Labrador retriever was observed with dropped hips, a prostrated stance, and pressure sores on its elbows and legs. Respondents had not consulted the attending veterinarian about this dog since May 2022.
- c. A black Labrador retriever's ears were thickened into the ear canal. Respondents failed to record treatments in the dog's medical records and failed to consult the attending veterinarian on next treatment steps.

13. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)) by keeping leftover food in rolled up bags sealed with tape. 9 C.F.R. § 3.1(e).

14. On or about July 27, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)) by failing to meet the Standards. Specifically, Respondents failed to keep medical records that included the date and a description of health problems, examination findings, plans for treatment and care, and treatment and procedures performed for at least six dogs. 9 C.F.R. § 3.13(b)(2)).

15. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33) by failing to follow the attending veterinarian and adequate veterinary care regulations for research facilities as follows:

- a. A redbone hound dog was very thin with prominent ribs, backbone, and hip bones with abdominal tuck. The attending veterinarian evaluated the dog for weight loss and recommended the dog be retired on September 23, 2022, but the dog was still on study at the time of inspection. 9 C.F.R. §§ 2.33(a)(2), 2.33(b)(2).
- b. Four dogs previously identified as experiencing weight loss were observed at the

inspection to be very thin with prominent ribs, backbone, and hips. 9 C.F.R. § 2.33(b)(2).

- c. Approximately four dogs were identified with medical issues that had not been identified by the facility prior to the inspection. 9 C.F.R. § 2.33(b)(3).

16. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.35(b)), by failing to make, keep, and maintain accurate records of the number of dogs in their possession or under their control at their facility, and records that fully and correctly disclosed the identification number assigned to each dog by the facility.

17. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(l)) by failing to follow the contingency planning for research facilities regulations as follows:

- a. Respondents' written contingency plan had not been updated since 2013 and contained the names and contact information for former personnel, did not address who in the chain of command was responsible for fulfilling specific tasks, and did not address the feeding of dogs in protracted severe weather events. 9 C.F.R. § 2.38(l)(1).
- b. Respondents have not provided training for its personnel regarding their roles and responsibilities under the contingency plan. 9 C.F.R. § 2.38(l)(3).

18. On or about September 26, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)), by failing to meet the Standards as follows:

- a. The guillotine doors in dog kennels, chain link gates in outdoor kennels, and chain link fences in outdoor exercise pens of the facility were in disrepair. 9 C.F.R. § 3.1(a).

- b. The plastic dog platforms or beds were damaged and had sharp areas, irregular surfaces, and holes. 9 C.F.R. § 3.1(c)(2).
  - c. Two floor drains were clogged and had standing water with debris present in the drain. 9 C.F.R. § 3.1(f).
  - d. Numerous areas of indoor and outdoor kennels throughout the facility had cracks in the concrete floor. 9 C.F.R. § 3.6(a)(2)(ix).
  - e. Respondents did not have enough employees to carry out the level of husbandry practices and care required to ensure the dogs' well-being and achieve adequate functioning of the facility. 9 C.F.R. § 3.12.
  - f. Respondents' program of veterinary care did not include a schedule for sampling internal, external, or blood parasites. 9 C.F.R. § 3.13(a)(3).
  - g. Multiple dogs' medical records did not include the dates of administration for medications the dogs received. 9 C.F.R. § 3.13(b)(3).
19. On or about October 12, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33(b)(3)) by failing to communicate to the attending veterinarian the health problems of at least three dogs that had hairless lumps or masses on their feet.
20. On or about October 12, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)) by failing to meet the Standards as follows:
- a. At least three dogs had medical issues that had been identified by facility staff but were not recorded in the dogs' medical records. 9 C.F.R. § 3.13(b)(2).
  - b. At least four dogs received treatment for which the name and dates of administration were not recorded in the dogs' medical records. 9 C.F.R. § 3.13(b)(3).

21. On or about December 14, 2022, Respondents violated the Regulations (9 C.F.R. § 2.33(b)(3)) by failing to observe and communicate to the attending veterinarian the health, behavior, and well-being of three extremely thin dogs that had prominent ribs, backbone, and hip bones and abdominal tuck.
22. On or about December 14, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(f)(1)) by failing to ensure dogs in the same pen or enclosure were compatible with each other. Specifically, a German short hair pointer had a wound on its left lower back side from a dog fight that occurred on or about October 24, 2022, when it was placed in an exercise yard with another dog.
23. On or about December 14, 2022, Respondents violated the Regulations (9 C.F.R. § 2.38(k)) by failing to meet the Standards. Specifically, numerous areas of indoor and outdoor kennels throughout the facility had cracks in the concrete floor. 9 C.F.R. § 3.6(a)(2)(ix).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact violated the Act and the Regulations and Standards issued under the Act, this Complaint shall be served upon Respondents. Respondents shall file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R §1.130 *et seq.*). Failure to file a timely answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in conformity with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.



Done at Washington DC  
this 15<sup>th</sup> day of Feb 2023

---

Kevin Shea  
Administrator  
Animal and Plant Health Inspection Service

Danielle Park, Esq.  
Attorney for Complainant  
Marketing, Regulatory, and Food Safety Programs Division  
Office of the General Counsel  
United States Department of Agriculture  
14<sup>th</sup> & Independence Avenue, S.W.  
Room 2330 South Building  
Washington, D.C. 20250

danielle.park@usda.gov