



COMMONWEALTH of VIRGINIA

Todd P. Haymore
Commissioner

**Department of Agriculture and Consumer Services
Division of Animal & Food Industry Services
Office of Veterinary Services**

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August 21, 2009

Bill Hobgood
Animal Control Officer
County of Augusta
P.O. Box 590
Verona, VA 24482

Dear Officer Hobgood,

On August 21, 2009 I assisted you with the inspection of Oak Leaf Kennel, a commercial dog breeding facility, in order to evaluate compliance with the Virginia Comprehensive Animal Care laws. The facility, belonging to Mr. Kyle Brydger, is located at 468 China Clay Rd. Stuarts Draft, Virginia. The facility consisted of 51 outdoor pens, 12 of which had access to an out building. We arrived on the premises at approximately 9:30 AM present at that time were you, Mr. Brydger, Ms. Brydger, their son, Officer Ayers, and myself. In total there were 101 small and large breed dogs over one year of age currently being maintained for breeding purposes housed outdoors, 77 of which were females that appeared to be over or around 18 months of age. There were also 10 more adult dogs within the residence along with 1 cat, 4 kittens, and numerous mice and reptiles.

An audit of the records found the following noncompliances:

- The current number of adult dogs exceeds 50.
- Inadequate annual breeding certificates.
- No records.

Code of Virginia Section 3.2-6500 defines a commercial dog breeder as any person who, during any 12-month period, maintains 30 or more adult female dogs for the primary purpose of the sale of their offspring as companion animals. Therefore, Mr. Brydger appears to fit the definition of a commercial dog breeder. Section 3.2-6507.2 of the Code of Virginia limits commercial breeders to 50 dogs over one year of age. Currently, Mr. Brydger is maintaining approximately 100 adult dogs at his facility which are intended to be used for breeding purposes.

As a commercial dog breeder Mr. Brydger is required under Section 3.2-6507.2 of the Code of Virginia to obtain an annual breeding certificate issued by a licensed veterinarian

for every breeding female before he is able to breed them. Mr. Brydger did present me a certificate which stated that his veterinarian found all the dogs he had vaccinated against rabies on August 30, 2008 to be healthy and suitable for breeding. However, the certificate did not indicate which dogs or how many dogs this was to include.

Section 3.2-6507.2 of the Code of Virginia states that commercial dog breeders shall maintain accurate records for at least five years including: a. The date on which a dog enters the operation; b. The person from whom the animal was purchased or obtained, including the address and phone number of such person; c. A description of the animal, including the species, color, breed, sex, and approximate age and weight; d. Any tattoo, microchip number, or other identification number carried by or appearing on the animal; e. Each date that puppies were born to such animal and the number of puppies; f. All medical care and vaccinations provided to the animal, including certifications required by a licensed veterinarian under this chapter; and g. The disposition of each animal and the date. During our inspection Mr. Brydger was unable to produce any records for the 101 dogs he was currently maintaining.

Inspection of the dogs and their environment revealed that Mr. Brydger was not providing all the dogs in his care with the required provisions of Section 3.2-6503 of the Virginia Comprehensive Animal Care laws. Specifically, the following were observed:

Adequate Feed

Feed was not readily observed during the investigation by myself but was observed by you. However, I did observe dog food within most of the pens. Most of the dogs on the premises were of satisfactory body condition. However, 41 of the dog's body condition scores (BCS) were below a body condition score of 3 on a 5 point scale, including 3 dogs which were found to be severely emaciated. The ideal BCS is 3 out of 5. A BCS of 1 out of 5 is indicative of a severely emaciated animal, while a BCS of 5 is indicative of a severely obese animal. A low BCS is most commonly associated with anorexia (resulting from either an underlying disease process or lack of total feed provided) or malnutrition. Weight loss can also be caused by other disease processes such as dental disease and endoparasite (worm) infestations. Further work-up is needed to determine the underlying cause of these dogs weight loss.

A few dogs had molded food in their automatic feeders. According to the Code of Virginia adequate feed means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; is accessible to each animal; is prepared so as to permit ease of consumption for the age, species, condition, size and type of each animal; is provided in a clean and sanitary manner; is placed so as to minimize contamination by excrement and pests; and is provided at suitable intervals for the species, age, and condition of the animal, but at least once daily, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species. Therefore, their food was not being provided in a clean and sanitary manner and additionally the ingestion of molded feed can be detrimental to the dogs' health.

Adequate Water

Adequate water was not being provided to the dogs on the premises. Adequate water is defined by section 3.2-6500 of the Code of Virginia to mean the provision of and access to clean, fresh, potable water of a drinkable temperature that is provided in a suitable manner, in sufficient volume, and at suitable intervals appropriate for the weather and temperature, to maintain normal hydration for the age, species, condition, size and type of each animal, except as prescribed by a veterinarian or as dictated by naturally occurring states of hibernation or fasting normal for the species; and is provided in clean, durable receptacles that are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

The dogs in Mr. Brydge's care were not being provided with clean, fresh, or potable water. The water the dogs were being provided with ranged from slightly dirty to filthy and many of the dogs were found to have no water available to them. Mr. Brydge reported to me that he had not been out to care for the dogs since 2:00PM the previous day and was unsure how long the dogs were without water. Thirty five of the dogs examined were found to be clinically dehydrated one of which required immediate (life saving) emergency veterinary care due to its excessive degree of dehydration. It is important to note that animals must be at least 5% dehydrated before one is able to detect dehydration on physical examination. Water deficits of more than a few percentages of total body water are incompatible with health and with larger water deficits of twelve to fifteen percent death is imminent. Under normal circumstances thirst ensures that water intake meets or exceeds the requirement for water. Inadequate water intake also limits food intake. Decreased water intake may result from reduced or no availability, water temperature extremes, or poor water quality. Inadequate water intake can lead to dehydration and death. Dehydration can lead to kidney damage or renal failure, electrolyte abnormalities, coma, shock, and death. Dehydration unlike starvation leads to death within days. In addition, ingestion of dirty water can lead to endoparasitism, coccidia, giardia, and GI bacterial overgrowth and therefore presents a direct and immediate threat to the health of the dogs provided with this water. Not having access to water or providing only dirty to filthy water is a direct and immediate threat to the dog's health and life.

It was noted that the high on the day of inspection was 92°F and that the high the previous day was 94°F. It was also noted during inspection that numerous lactating dams were without water upon arrival. It is especially important to provide lactating dams with water at all times as they are putting so much water into their milk and can easily and quickly dehydrate.

Adequate Shelter

Adequate shelter was not being provided for the dogs on the premises. Adequate shelter is defined by Section 3.2-6500 of the Code of Virginia to mean the provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly lighted; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species.

Some of the dog houses failed to protect the dogs from the rain, sleet, snow, hail, or the adverse effects of the heat or cold, as they had a large openings which allowed for the various elements to enter the shelter and did not serve even as a suitable wind break. The shelters ranged from dog crates, to plastic igloo style dog houses, to plastic barrels. Some of the shelters contained water, dirt, urine, and/or feces and therefore did not allow for the animals to remain clean or dry.

A dog's inability to escape from the elements and the cold can lead to hypothermia, especially if the dogs are of low body condition score as some of these dogs were and therefore present a direct and immediate threat to the health (and in some cases life) of the dogs.

None of the enclosures were properly cleaned as one could see on average 20 or more distinct piles of feces as well as molded feces. "Properly cleaned" as defined in section 3.2-6500 of the Code of Virginia means that carcasses, debris, food waste, and excrement are removed from the primary enclosure with sufficient frequency to minimize the animals' contact with the above-mentioned contaminants; the primary enclosure is sanitized with sufficient frequency to minimize odors and the hazards of disease; and the primary enclosure is cleaned so as to prevent the animals confined therein from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants. Constant exposure to feces can lead to pododermatitis (infection of the dogs' feet) and endoparasites (worms) and therefore present a direct and immediate threat to the health of the dogs.

It was also observed during the investigation that the enclosures were not cleaned in a manner that prevented the dogs from being directly or indirectly sprayed with the stream of water, or directly or indirectly exposed to hazardous chemicals or disinfectants, as they were not removed from the enclosures during cleaning.

Adequate Space and Exercise

Adequate space and exercise was provided for the dogs on hand and appeared to be sufficient to allow the dogs to exhibit normal behaviors and maintain muscle mass. However, not all of the dogs appear to be appropriately housed in small compatible groups, as at least one fight was witnessed during our investigation and some of the dogs were found to have puncture wounds consistent with that of dog bites.

Adequate Care and Treatment

Adequate care and treatment were not being provided. "Adequate care" or "care" means the responsible practice of good animal husbandry, handling, production, management, confinement, feeding, watering, protection, shelter, transportation, treatment, and, when necessary, euthanasia, appropriate for the age, species, condition, size and type of the animal and the provision of veterinary care when needed to prevent suffering or impairment of health.

The care provided to these animals was not in keeping with the responsible practice of good animal husbandry as evidenced by the numerous medical conditions resulting from Mr. Brydger's care.

Veterinary Care

It appears that veterinary care was not being provided as needed. "Veterinary treatment" is defined by the Code of Virginia to mean the treatment by or on the order of a duly licensed veterinarian. Many animals being maintained by Mr. Brydger required veterinary treatment. All of the 101 dogs housed outdoors were briefly examined. Many of the dogs required veterinary care as well as emergency veterinary care. One dog required immediate (life saving) emergency veterinary care. Most of these dogs required veterinary care as they were dehydrated, had ophthalmic findings, dermatological findings, enlarged lymph nodes, masses, ear infections, dental disease, or various other conditions. Veterinary care was necessary for these dogs to alleviate suffering and stop the progression of such disease processes as these dogs were in direct and immediate threat to their health and in some cases their lives.

Attached are specific findings and photographic evidence for each dog housed outdoors at 468 China Clay Rd. Stuarts Draft, Virginia on August 21, 2009.

In addition to Mr. Brydger not providing his dogs with adequate care some of his dogs were also not being provided with necessary food, water, or emergency veterinary treatment as required by Section 3.2-6570 of the Code of Virginia.

Given the severity of the deprivation of adequate care and the direct and immediate threat to the health, and in some cases lives, of the dogs housed outdoors Augusta County Animal Control (following consultation with my office) exercised their authority to seize 99 of Mr. Brydger's dogs pursuant to §3.2-6569.

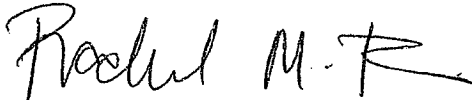
Two of the dogs housed outdoors which were family pets were allowed to stay on the property under the condition that the male Mastiff receive veterinary care as he was found to have yellow ocular discharge in his left eye, both ears appeared to be red and contained debris, and his left front dew claw was broken. The other dogs remaining on the premises appeared to be in good health with the exception of an elderly Chihuahua who was currently receiving veterinary care.

Based on my observations my recommendations at this time are:

1. That Augusta County Animal Control ensure that adequate care be provided for each of Mr. Brydge's dogs while in their custody.
2. That Augusta County Animal Control continues to perform unannounced inspection of this facility to ensure that the remaining dogs are receiving adequate care.

This concludes my observations of the animals belonging to Mr. Brydge. If you have any questions regarding my findings and recommendations, or require additional assistance, please feel free to contact the Office of Animal Care and Health Policy.

Sincerely,



Rachel M. Touroo, DVM
Staff Veterinarian for Animal Care
Office of Animal Care and Health Policy
Division of Animal and Food Industry Services
Virginia Department of Agriculture and Consumer Services