TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN

Town Board Meeting Minutes Regarding a Conditional Use Permit Issued to Christy and Charles Mikula for Dog Kennel Located at 8511 Middle Road, Oostburg, Wisconsin 53070

January 19, 2015

(The following constitute excerpts of the Town Board meeting regarding the above topic. See Town Clerk minutes of this same date for the balance of the meeting unrelated to the above topic.)

CALL TO ORDER

Town Chairperson David Gartman called to order the meeting to consider the renewal, modification, or non-renewal of the conditional use permit ("CUP") issued to Christy and Charles Mikula for a dog kennel located at 8511 Middle Road, Oostburg, Wisconsin 53070. Present were Chairperson Gartman and Supervisors DesJardins, Rostollan, Senkbeil and Sommer. Also present were Town Clerk Georgene Lubach, Town Treasurer Laurie Pankratz, and Town Attorney John St. Peter. Appearing for the applicant were Christy Tuchel (a/k/a Christy Mikula) and Anthony James Keyport (together referred to as "Applicant"). In addition, approximately 20 members of the public were present. The Town Clerk confirmed open meeting notice to the public and actual notice to the Applicant.

PROCEDURAL BACKGROUND

Attached as Exhibit A, and incorporated by reference, is the existing CUP, which expired on May 21, 2014. Despite the CUP's expiration, the Town consented to a series of requests by the Applicant to continue the operation of the kennel pursuant to the expired CUP. During this interim the Town's Plan Commission and Town Board held various public hearings on this subject. The most recent occurred on January 12, 2015. After conducting this latest public hearing the Plan Commission recommended the renewal of the CUP subject to modifications deemed necessary to address substantial performance deficiencies found to have occurred under the existing CUP. Attached as Exhibit B, and incorporated by reference, is the Plan Commission's recommended renewal CUP.

PUBLIC COMMENTS

As noted above, this meeting was preceded by various public hearings. Nevertheless, the Town Board consented to receiving comments from both the public and the Applicant considering the

significant public interest in the subject matter. However, before receiving these public comments, the Town Clerk noted receipt of correspondence from Charles Mikula, the former spouse of Christy Tuchel. Mr. Mikula informed the Town Board that he has been relieved of all responsibility for the kennel as of September 17, 2013. He also stated that he is not responsible for the business or the real estate and requested that he be removed from all further documents or mailing lists. He closed by expressing his concern with the manner in which the kennel has been operated since his departure.

The following individuals spoke as their interest may appear:

- Julie Kleefish – 533 S. 26th Street, Sheboygan. Ms. Kleefish spoke in opposition to the renewal of the CUP noting the poor care for the dogs kept at the kennel. Ms. Kleefish purchased a dog from the Applicant. She informed the Board that at the time of purchase the dog was in poor health, underfed and frightened. The animal has since received attention from a veterinarian and has recovered.

- Leah Helms, 3107 N. 20th Street, Sheboygan. Ms. Helms is Executive Director of the Sheboygan Humane Society. She expressed concern of the Humane Society over the excessive number of dogs being kept at the kennel, alleging in excess of 110 dogs. She also stated that the Humane Society is available to assist the Town or the Applicant in the event that the kennel is closed for any reason.

- Mary Alice Eschweiler, 32022 W. Highway K, Hartland. Ms. Eschweiler is a concerned dog owner and a delegate of the American Kennel Club. Ms. Eschweiler expressed her concern about the excessive number of dogs kept at the kennel. She is a breeder of Bernese mountain dogs and said that she and other breeders of these dogs are willing to assist in the placement of the Bernese mountain dogs if the kennel is closed for any reason.

- Jayne Zabrowski, 212 White Tail Run, Sheboygan. Ms Zabrowski urged that the CUP be non-renewed because of the excessive number of dogs for the facility and the poor care of the dogs that are located at the facility. Ms. Zabrowski stated that she attended the December 8, 2014 Plan Commission meeting, at which time the Applicant stated that there were in excess of 91 dogs on the premises over the age of 5 months. Ms. Zabrowski also noted that the Applicant assured the Plan

Commission that by January 5, 2015 all licenses payable to the Town and the state would be paid in full. However, according to Ms. Zabrowski no licenses have been purchased nor have any late fees been paid. Ms. Zabrowski closed by urging the non-renewal of the CUP because the Applicant has repeatedly demonstrated a lack of good faith toward the Town and its administration of the CUP.

- Cathy Schnur, 5337 Heather Field Court, Sheboygan. Ms. Schnur spoke in favor of the renewal of the CUP. She also stated that the Plan Commission's recommendation that the CUP authorize no more than 55 dogs on the kennel premises is unreasonable. Finally, Ms. Schnur stated that it was her understanding the Wisconsin DATCP license would be issued to the Applicant if and when the Town renews the current CUP.

APPLICANT PRESENTATION

Chairperson Gartman offered Christy Mikula and Anthony James Keyport the opportunity to provide evidence or argument in support of their application for the renewal of the CUP. In conjunction with the Applicant's presentation Mr. St. Peter provided the Board with copies of correspondence that he received from the Applicant's attorney, Mr. Joseph Cincotta, dated December 5, 2014 and January 19, 2015. The Board reviewed Mr. Cincotta's correspondence. There followed comments by the Applicant, which included the following arguments. (Throughout the Applicant's presentation there were questions and answers between the Board and the Applicant regarding the operation of the kennel and related matters. The Town Board did not place any time limitations on the Applicant.)

- The Plan Commission's recommendation to limit the number of dogs to 55 is financially uneconomic. The kennel needs at least 75 dogs to maintain sufficient income. Furthermore, the Applicant contends that the Town is acting beyond its powers by imposing any limitation on the number of dogs. The number of dogs should be determined by the Wisconsin DATCP.

- The Applicant admitted that there were currently a total of approximately 130 dogs at the kennel. The Applicant further conceded that they have exceeded the current CUP's 75 adult dog limitation on various occasions since the issuance of the current CUP on May 21, 2012. Further, the Applicant conceded that they currently exceed the CUP's 75 adult dog limitation. Finally, the Applicant admitted that, currently, there were too many dogs at the kennel. During the course of this portion of

the Applicant's presentation Supervisor DesJardins noted that the most recent Wisconsin DATCP inspection report dated July 22, 2014 discloses 85 adult dogs and 51 puppies that were present at the time of the state inspection. The Applicant did not contest the number of dogs cited in the inspection report. A copy of the state inspection report is attached as Exhibit C and incorporated by reference.

- The Applicant acknowledged that the kennel has failed to obtain all of the necessary dog licenses required by Chapter 174 of the Wisconsin Statutes and Section 62.07 of the Town's Ordinance. Ms. Tuchel alleged that there may have been a misunderstanding over the timing of the purchase of licenses, although no specifics were provided.

- The Wisconsin DATCP kennel license period is from October 1 through September 30 of each year. The Applicant acknowledged that the kennel's Wisconsin DATCP license has been expired since September 30, 2014 and, further, that a renewal license has not been obtained. Attached as Exhibit D and incorporated by reference is confirmation of the above. In addition, the Applicant acknowledged that for the 2013/2014 license period, the Applicant also did not seek renewal until December 22, 2013.

- The Applicant provided a copy of correspondence from the Applicant's veterinarian, Dr. Diane Dommer. Dr. Dommer expressed her opinion that the dogs are well cared for. However, she also noted the Applicant's plan to transfer dogs to "Forever Homes" in order to keep the kennel number of dogs at a lower level. Attached as Exhibit E and incorporated by reference is a copy of Dr. Dommer's correspondence.

BOARD ACTION

As noted above, there was discussion between the Applicant and the Board throughout the Applicant's presentation. The Board duly considered the comments of both the Applicant and their attorney, Joseph Cincotta. The Board also duly considered the comments, pro and con, offered by the public. Finally, the Board duly considered the recommendation of the Plan Commission and the various exhibits referenced above.

After further discussion, motion by Supervisor DesJardins with a second by Supervisor Senkbeil to non-renew the CUP for the following reasons:

(1) The Applicant has exceeded the 75 adult dog limitation in the CUP.

(2) The Applicant has failed to timely obtain and pay for all required dog licenses with the Town.

(3) The Applicant has failed to provide timely reports from its veterinarian on an annual basis as required by the CUP.

(4) The Applicant has failed to provide the Town with the Wisconsin DATCP inspection report within 5 days of issuance.

(5) The Applicant has failed to maintain its Wisconsin DATCP license as required by the CUP. More specifically, the Wisconsin DATCP license period is from October 1 through September 30 of each year. For the 2013/2014 license period, the Applicant did not seek renewal until December 22, 2013. For the 2014/2015 license period, the Applicant has not yet obtained a renewal license

(6) The Applicant has failed to timely provide a vaccination certificate for all dogs over 5 months old.

(7) The Applicant has failed to demonstrate a good faith willingness to comply with the terms and conditions of the current CUP as reflected in the violations enumerated in #1 through #6 above, together with the Applicant's failure to provide complete and timely information to the Town during the renewal process which began in June 2013.

The above resolution, including the specific findings contained in the resolution were approved by roll call vote 4 to 1 (Supervisor Sommer voting nay).

Chairman Gartman instructed Mr. St. Peter to prepare the necessary Order implementing the Board's action to non-renew the CUP. Mr. St. Peter informed the Board that the CUP would remain in effect until this Order was presented to the Applicant or the Applicant's legal counsel. Mr. St. Peter also informed the Board that if the Applicant failed to comply with the Board's Order the Town should seek a court order from the Sheboygan County Circuit Court.

(There followed other Town Board meeting business unrelated to this topic.)

TOWN OF WILSON

By: Georgene Lubach
Georgene Lubach, Town Clerk

TOWN OF WILSON
CONDITIONAL USE PERMIT

NAME: Charles & Christy Mikula
MAILING ADDRESS: 8511 Middle Road, Oostburg, WI 53070
PROPERTY ADDRESS: Same

DATE OF ISSUANCE OF CONDITIONAL USE PERMIT: June 20, 2007

CONDITIONS:

1.) Operations of a dog kennel;
2.) Breeds limited to Bernese Mountain Dogs, Labradors & Golden Retrievers;
3.) Maximum of 30 adult dogs - further limited to 15 breeding age females;
4.) All dogs must have valid rabies certificate and be licensed at 5 months of age;
5.) Any documented violation from a welfare organization will reopen the conditional use permit;
6.) Review of the conditional use permit in one year.

DATE OF REVIEW AND RENEWAL: 5/29/2008
DATE OF REVIEW AND RENEWAL: 4/19/2010

DATE OF REVIEW AND RENEWAL: 5/21/2012

7.) Kennel to provide a WI State Inspection Report within 5 days;
8.) Above condition #3 amended to "maximum number of 75 adult dogs";
9.) Kennel to provide a vaccination certificate for any dogs over 5 months old;
10.) Fee rate for dog licenses to follow Sheboygan County and Town of Wilson fee schedule;
11.) If a dog tag is renewed, the old rabies vaccination number and new rabies certificate is provided to the Town with the $7 fee within 2 weeks from the date of vaccination;
12.) Kennel to provide Annual Report from veterinarian supporting operations of kennel conditions;
13.) If additional dogs are requested a new Conditional Use Permit Application shall be filed and a public hearing will be required

PRELIMINARY DRAFT
FOR DISCUSSION
PURPOSES ONLY

TOWN OF WILSON
SHEBOYGAN COUNTY, WISCONSIN

CONDITIONAL USE PERMIT

KNOW ALL MEN BY THESE PRESENTS, that on the _____ day of _____, 2015, a conditional use permit was issued to Christy Tuchel a/k/a Christy Mikula, Charles Mikula and Kinship Companion Canines LLC (together, "Kinship") pursuant to the Town's Zoning Code. The term of this permit shall be for one year, beginning _____, 2015 and expiring _____, 2016. This permit authorizes Kinship to operate a dog kennel at 8509 Middle Road, Oostburg, Wisconsin 53070 ("the premises"). This permit is subject to the following general and special conditions:

GENERAL CONDITIONS

1. Default. Any of the following occurrences shall constitute an event of default and revocation under this permit (whatever the reason for such event of default, and whether it shall be voluntary or involuntary or be caused by the operation of law or pursuant to any judgment, order or regulation):

   a. If Kinship abandons the kennel or discontinues the operation of the kennel; or

   b. If a petition is filed by Kinship under any bankruptcy, reorganization, arrangement, insolvency, dissolution or liquidation law of any jurisdiction and is not dismissed within 60 days after such filing; or

   c. If Kinship fails to observe or perform any condition or provision hereof for a period of 30 days after receiving written notice of such failure from the Town; or

   d. If Kinship fails to comply with any statute, regulation, rule or permit administered by any federal, state or county department, agency or commission within 30 days after receiving written notice of a violation by such federal, state or county department, agency or commission. Kinship shall notify the Town Clerk in writing of any alleged violation, order or enforcement proceeding within 7 days of receipt. The failure to notify the Town Clerk of any alleged violation, order or enforcement proceeding is an event of default under this permit.

2. Notice of Intent to Revoke/Rights Reserved. This permit will not be revoked by the Town without first providing Kinship with a notice of a hearing and a hearing at which Kinship

shall be given the opportunity to respond to the alleged default. However, the Town reserves all rights to pursue penalties as authorized by its ordinance and under Wisconsin law.

3. Non-Assignability. The rights granted by this permit are not assignable or transferable to any person, firm or corporation, whether by operation of law or otherwise, without the express prior written consent of the Town.

4. Waiver. No waiver or inaction by the Town or its officials shall be deemed to be made unless the same shall be in writing and signed by a duly authorized Town official. Each waiver, if any, shall be a waiver only with respect to the specific instance involved and shall in no way impair the rights of the Town in any other respect at any other time.

5. Performance Standards. All relevant federal, state, and county statutes, administrative regulations and rules relating to the operation of a kennel are incorporated by reference and shall be deemed performance standards. In addition to the preceding, substantial compliance with all Town of Wilson ordinances shall be deemed a performance standard.

6. Renewal. The Town makes no representations to Kinship regarding the renewal of this permit. All rights available under law or in equity are reserved by the Town in determining whether this permit will be renewed. Furthermore, Kinship is hereby informed that it has no property right in the expectation of the renewal of this permit.

7 Delinquent Taxes. To the extent authorized by state statutes or Town ordinances, the timely payment of required fees and taxes shall be deemed a performance standard.

SPECIAL CONDITIONS

1. Attached as Exhibit A and incorporated by reference is a list of special conditions applicable to this permit.

2. Inspections. Representatives of the Town shall be allowed to inspect the kennel premises at all times when the kennel is open to the public. Kinship shall promptly grant access to the Town's representative for the inspection.

3. Enforcement Fees. Kinship shall promptly reimburse the Town for its reasonable legal fees and costs incurred in the enforcement of this permit.

4. Proper Maintenance. The kennel's facilities and operations shall be properly maintained and conducted in accordance with all applicable Town, county, state and federal requirements, including, without limitation, Wisconsin Department of Agriculture, Trade and Consumer Protection—Division of Animal Health Administrative Code regulations applicable to dog sellers and dog facility operators.

Dated this _____ day of _____, 2015.

TOWN OF WILSON

By: _____
David Gartman, Town Chairperson

Attest:

_____
Georgene Lubach, Town Clerk

The general and special conditions of this permit are hereby accepted by the undersigned authorized representative of Kinship.

_____ Dated: _____
Authorized Representative

EXHIBIT A

Special Conditions for Kinship Conditional Use Permit

List of Special Conditions:

1. The business operation of the kennel shall be owned and conducted by Kinship Companion Canines LLC ('the LLC") The LLC shall be maintained in good standing with the Wisconsin Department of Financial Institutions.

2. The Articles of Organization of the LLC shall provide that it is to be manager-managed.

3. The operating agreement of the members shall provide that the members agree to delegate the management of the LLC to Anthony James Keyport.

4. The LLC shall enter into and maintain a contract with Anthony James Keyport under which Keyport is primarily responsible for the management of the LLC.

5. The keeping and breeding of dogs is to be restricted to the pole building and existing fenced area located at 8509 Middle Road ("the kennel premises").

6. No more than 35 dogs over five months of age shall be kept on the kennel premises at any time, unless fewer are required by law.

7. No more than 20 dogs of five months of age or less shall be kept on the kennel premises at any time.

8. No more than 55 dogs shall be kept on the kennel premises at any time, regardless of their age.

9. Kinship shall at all times be licensed by the State of Wisconsin as a dog breeder and operator of a dog breeding facility.

10 Kinship shall at all times keep and make available to town officials for inspection all records required under Wis. Stats. Section 173.41 and ATCP Section 16.14 to be kept by persons required to be licensed under Section 16.02 of the Wisconsin Administrative Code.

11. Kinship is permitted under this CUP to keep, breed and sell only the Bernese Mountain Dog, Labrador and Golden Retriever breeds. Neither the cross-breeding nor the keeping or selling of crosses of these breeds shall be permitted.

12. Kinship shall maintain full compliance with all state statutes and regulations including but not limited to those requiring the licensing, tagging and vaccination of dogs. Kinship shall maintain such compliance even if she is not required to be licensed under ATCP Section

16.02. That is, for the purposes of the conditional use permit granted hereunder, Kinship shall be deemed to be selling at least 25 dogs per year regardless of the actual number of dogs that she sells or expects to sell in any year or twelve-month period.

13. Kinship shall file with the town clerk an annual report from a licensed veterinarian on the kennel's operation and conditions, which report must be based on veterinarian's personal inspection within 30 days preceding the report.

14. Kinship shall promptly file with the town clerk the biennial inspection report (required once in every two license years) and all other reports of inspections conducted by or for the Wisconsin Department of Agriculture, Trade and Consumer Protection.

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: 07/22/2014 **Inspector:** Erin Carter

Legal Entity: Kinship Companions, LLC

License # / DBA: 268699 / Kinship Companions, LLC

Location (Property):

8509 Middle Rd Oostburg, WI 53070 Sheboygan County

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 07/22/2014 revealed the following results.

Regulation	Result	Comment
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	Compliant	
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, micro chip) 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. Date on which license holder acquired custody or legal control, if 3i does not apply	Compliant	
1.3.11. Name and address of person from whom dog was acquired, if 3i does not apply	Compliant	
1.3.12. Person's USDA animal care facility license or registration number (if any), if 3i does not apply	Compliant	
1.3.13. If dog is no longer under the license holder's custody or legal 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 legal control, disposition of dog.	Compliant	
1.3.15. If dog is no longer under the license holder's custody or legal 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.	Compliant	
1.3.20. Breed registration records kept if applicable	Compliant	

EXHIBIT
C

Behavior and Socialization Plan

1.4.1. Behavior and socialization plan.	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.	Compliant	
2.1.11. Information required for import under ss. ATCP 10.06(4) and ATCP 10.80, Wis. Adm. Code	Compliant	
2.1.12. Valid negative Brucellosis test if dog(s) sold at public auction	Compliant	
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.	Compliant	
2.1.17. CVI incorporating information from prior CVI includes a statement identifying prior CVI	Compliant	

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	
3.1.2. Dog is accompanied by dam	Compliant	
3.1.3. Transfer approved in writing by department	Compliant	

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	Compliant	corrected from 5-29-14
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	
4.5.3. Play objects or other forms of inanimate enrichment in primary enclosure	Compliant	
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	Compliant	

Primary Enclosures; General

5.2.1. Size and configuration of primary enclosures.	Compliant	

Floors and Interior Surfaces

5.3.1. Enclosure does not have dirt floor	Compliant	
5.3.2. Metal wire mesh floor is coated and / or has adequate gauge to prevent injury	Compliant	
5.3.3. Floor openings small enough	Compliant	
5.3.4. Floor and interior surfaces keep dogs clean, dry, and safe from injuries.	Compliant	
5.3.5. Floor and interior surfaces regularly cleaned and sanitized	Compliant	

Stacked Primary Enclosures

5.4.1. Floor of top enclosure is not higher than 52 inches from floor of room, when enclosures are stacked	Compliant	
5.4.2. Stacked enclosures adequate for safe handling, ventilation, temperature control, easy cleaning, sanitation and easy inspection.	Compliant	
5.4.3. Sides of stacked enclosures ventilated and / or have solid floor that can be easily cleaned and sanitized.	Compliant	
5.4.4. Stacked enclosures stable when filled to maximum capacity with dogs	Compliant	
5.4.5. Dog(s) in stacked enclosures not exposed to excreta, urine, dirt or debris falling from higher enclosures.	Compliant	

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

5.5.1. Floor area of enclosure adequate for largest dog	Compliant	
5.5.2. Floor area of enclosure adequate to accommodate all dogs in the enclosure without crowding	Non-Compliant	
5.5.3. Height of enclosure adequate for tallest dog	Compliant	
5.5.4. Dogs have adequate time (at least 30 minutes) per day in run or exercise area.	Compliant	corrected from 5-29-14
5.5.5. Run or exercise area of adequate size to achieve running stride	Compliant	

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

5.6.2. No more than one dog is kept in enclosure	Compliant	
5.6.2. Floor area of enclosure is adequate for size of dog	Compliant	
5.6.3. Height of enclosure adequate for size of dog	Compliant	

5.6.4. Dogs have adequate time (at least 120 minutes per day) in run to exercise area	Compliant	
5.6.5. Run or exercise area of adequate size for achieving running stride	Compliant	

Whelping Enclosure

5.7.1. Enclosure appropriate for breed	Compliant	
5.7.2. Appropriate solid floor in area accessible to puppies	Compliant	
5.7.3. Height of enclosure is adequate for the dam to stand normally.	Compliant	
5.7.4. Length and width of enclosure adequate for the dam to lay down and simultaneously nurse	Compliant	
5.7.5. Size of enclosure is adequate for number and temperament of puppies	Compliant	
5.7.6. Enclosure includes an area that is only accessible to dam and large enough for dam	Compliant	

Nursery Enclosure

5.8.1. Large enough to allow all puppies to turn around, stand up, lie down and exercise normal postural movements.	Compliant	
5.8.2. Large enough to encourage socialization and exercise	Compliant	

Temporary Enclosure for One Dog

5.9.1. Dog is kept in enclosure for no more than 12 hours	Compliant	corrected from 5-29-14
5.9.2. No more than one dog is kept in enclosure	Compliant	
5.9.3. Floor area of enclosure adequate for the dog	Compliant	

Lighting, Temperature, and Ventilation

5.10.1. Adequate light for proper care, maintenance and inspection and / or diurnal lighting cycle	Compliant	
5.10.2. Adequate heating and cooling to protect dogs from temperatures and humidity that may be injurious to their health.	Compliant	
5.10.3. Adequate fresh or filtered air to maintain health of dogs and minimize odor, drafts, ammonia levels and moisture.	Compliant	

Cleaning and Sanitation

5.11.1. Excreta removed daily or more often as needed	Compliant	
5.11.2. Enclosures and areas cleaned rinsed and sanitized appropriately to be free of dirt, debris and disease hazards.	Compliant	
5.11.3. Primary enclosure cleaned and sanitized before new dog placed in it	Compliant	
5.11.4. Dogs removed from primary enclosure before it is cleaned and sanitized and / or are returned to the area after it is dry.	Compliant	
5.11.5. Bedding is appropriate for breed or maintained in clean, dry condition	Compliant	

VI. Dogs Kept Outdoors, s. ATCP 16.24, Wis. Adm. Code

Dogs Kept In Outdoor Primary Enclosure

6.1.2. Dog's breed, age, health and / or physical condition suited to outdoor temperatures and conditions	Compliant	
6.1.2. Dog(s) acclimated to outdoor temperatures and variations that may occur in primary enclosure.	Compliant	

Outdoor Primary Enclosure; Minimum Area

6.2.1. Size of enclosure meets requirements for an individual dog	Compliant	
6.2.2. Size of enclosure meets requirements for additional dogs	Compliant	

Outdoor Primary Enclosure; Construction

6.3.1. Constructed and / or maintained to prevent escape	Compliant	
6.3.2. Roof or overhead screen of appropriate height.	Compliant	

Shelter, Shade, and Windblock

6.4.1. Shelter complies with sub. (5)	Compliant	
6.4.2. Adequate to shade all dogs in primary enclosure from direct sunlight during all sunlight hours without crowding.	Compliant	
6.4.3. Adequate to shelter all dogs in primary enclosure from wind	Compliant	

Dog Shelter

6.5.1. Made of durable material and / or lack of 4 sides a roof and solid flat floor.	Compliant	
6.5.2. Interior accessible by all dogs in primary enclosure.	Compliant	
6.5.3. Large enough to prevent crowding	Compliant	
6.5.4. Large enough to allow tallest dog to stand	Compliant	

Dog Shelter

6.6.1. Appropriate for breed.	Compliant	
6.6.2. Dog can tolerate due to age, health and / or physical condition	Compliant	
6.6.3. Dog can easily enter and lie down in a dog shelter that complies with sub. (5)	Compliant	
6.6.4. Dog is not a pregnant or nursing female	Compliant	
6.6.5. Adequate to prevent injury, retain or dissipate enough body heat, allow dogs to remain clean and dry and / or provide reasonable protection from predators.	Compliant	
6.6.5. Dog may not become entangled with an object.	Compliant	
6.6.6. Tether has a anchor swivel	Compliant	
6.6.7. Tether is at least 6 feet long and of sufficient length for size of dog.	Compliant	
6.6.8. Tether is not attached to a non-tightening collar or harness of sufficient size.	Compliant	
6.6.9. Tether is used for a dog at an animal control facility or a animal shelter and is in compliance with par. (a) and / or tether used for no more than 4 hours in a day.	Compliant	

Runs and Exercise Areas

6.7.1. More than 30 minutes a day of access to run or exercise area	Compliant	
6.7.2. Adequate size for dogs size and temperament (considering number of dogs using at a given time) and large enough to achieve a running stride.	Compliant	
6.7.3. Adequate to shade all dogs from direct sunlight during hours in use without crowding	Compliant	

Facility Maintenance

6.8.1. Excreta removed from outdoor primary enclosures daily or more often as necessary	Compliant	
6.8.2. Pests and parasites controlled as necessary to maintain dog health and comfort.	Compliant	
6.8.3. Bedding maintained in clean, dry condition	Compliant	
6.8.4. Facilities maintained to protect health / safety of dogs.	Compliant	

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 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 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(6), 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.	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	

Comments:

Kinship Companions, LLC (KC):
(CA 3742)

- DBA: Kinship Companions
- License Type: Dog Seller-Dog Breeder
- Hours of Operation: For inspections, Monday through Friday, 1-6 p.m.
- Contact information: kinshipcompanions@gmail.com
- Veterinarian/Veterinary Clinic: Dr. Dommer, Cedar Grove Veterinary Services, 23 Hwy RR, Cedar Grove, WI 53013. Telephone (920) 668-6212
- Previous Inspection: May 29, 2014 routine

Facility Information:

- Kinship Companions, LLC breeds and sells Golden Retrievers and Bernese Mountain Dogs.
- The facility consists of a single, temperature-controlled building. Outdoor enclosures and exercise areas are located outside of the building.
- Dogs are housed in groups in indoor enclosures constructed of welded wire panels on a concrete floor. Shavings are used as bedding. Dogs are housed in two separate areas within the building:
    - The "puppy room" consists of enclosures used for dams and older puppies providing 50 square feet of floor area. Several puppies are housed in each enclosure. Whelping enclosures are located in this area. Dogs are also housed in temporary enclosures in this area.
    - The "adult room" consists of enclosures providing 50 square feet or 100 square feet. Two to four adult dogs are housed per enclosure. Dogs are also housed in temporary enclosures in this area.
- Dogs may also be housed outdoor in compatible groups during appropriate weather in enclosures on concrete. Outdoor enclosures include an overhead cover and one or more dog shelters.
- Dogs receive exercise in one of four outdoor exercise areas. Dogs may also receive leashed walks or other outdoor exercise.

Inspection Summary:

- Companion Animal Inspector Erin Carter conducted an unannounced follow-up inspection at 8509 Middle Road, Oostburg, WI on July 22, 2014 to ensure that progress towards correcting violations cited during the inspection on May 29, 2014 had been made and to review records to complete the routine inspection.
- Carter was accompanied and assisted by Anthony Keyport and B. M during the inspection.
- 85 adult dogs and 51 puppies were present at the time of inspection.

Correction of violations from previous inspection:

1. Violations of s. ATCP 16.20 (2) (d) were cited on May 29, 2014
   - On May 29, 2014, Carter noted several dogs that had matted fur around the neck. Keyport explained that the dogs are groomed and clipped every 4 months and that the dogs with mats would be groomed again shortly to remove mats.
   - On July 22, 2014 Carter observed that several dogs had been groomed to remove mats. B. M. told Carter that a few dogs remained to be clipped and groomed. Carter did not observe any dogs with matted fur.
   - Based on follow-up inspection findings, KC is now in compliance with s. ATCP 16.20 (2) (d).

2. Violations of s. ATCP 16.22 (2) (e) were cited on May 29, 2014.
   - On May 29, 2014, Carter discussed with Keyport how and for what length of time the dogs are exercised daily. Keyport said that one exercise area is currently used for the majority of the day for a group of five Bernese Mountain Dogs. One other exercise area is used for the dogs housed in temporary enclosures. There is also one large, empty outdoor enclosure but it is currently not used as an exercise area. Carter asked Keyport if the dogs housed in indoor enclosures are rotated through the exercise area in groups. Keyport replied that these dogs receive leashed walks with family members two to three times per week and that the majority of dogs being housed in the indoor enclosures do not go to the outdoor exercise areas.
   - Carter explained that each dog must receive at least 30 minutes of daily exercise in an area in which the dog could achieve a running stride. Some of the primary enclosures are large enough for the dogs to obtain some exercise; however, in enclosures containing several dogs, it becomes increasingly difficult for all dogs within the enclosure to achieve a running stride and receive adequate daily exercise within their primary enclosures alone.
   - On July 22, 2014, Carter and Keyport discussed the changes that had been made in the dogs' exercise routine. During cleaning chores at night, the dogs in each enclosure are rotated through the exercise yards for 30 minutes as a group. In addition, some dogs are walked for approximately 1 hour per day. Different dogs are walked each day. KC has acquired additional help for daily walks and socialization to allow more dogs to be walked daily. Dams and puppies are let out for exercise in pens near the house or kennel.
   - Based on follow-up findings and discussion, KC is now in compliance with s. ATCP 16.22 (2) (e).

3. Violations of s. ATCP 16.22 (6) were cited on May 29, 2014.
   - On May 29, 2014, Carter found that four adult dogs were being kept in temporary enclosures in the "puppy room" and two adult dogs were kept in temporary enclosures in the "adult room." Carter asked Keyport how much time these dogs spend out of the temporary enclosures. Keyport told Carter that the dogs are let out of the temporary enclosures twice a day for one hour each time. The dogs were spending 22 hours per day in the temporary enclosures, which exceeds the maximum amount of time (12 hours) permitted daily under s. ATCP 16.20 (6).
   - On July 22, 2014, Carter found that nine dogs were being housed in portable enclosures in the "puppy room" and 3 dogs were housed in temporary enclosures in the "adult room." Several dogs have been moved around within the facility to ensure that as many enclosures are in compliance with space requirements as possible to progress towards correction of other violations. Dogs are rotated between temporary enclosures and outdoor enclosures or exercise yards twice daily to ensure that any dog housed in a temporary enclosure is not kept within the temporary enclosure for more than 12 hours.
   - Dogs housed in temporary enclosures within the "puppy room" are rotated into an outdoor exercise yard for half of the day. Dogs housed in temporary enclosures in the "adult room" are let out at night to have free access to the open area within the adult room as they are compatible.

- Carter and Keyport also discussed making efforts to ensure that dogs currently housed in temporary enclosures be housed in permanent enclosures meeting space requirements as the number of dogs at the facility decreases overall. The compliance goal is that no dog must be housed in a temporary enclosure for any period, even if that period does not exceed 12 hours per day.

- Carter discussed with Keyport and B M. the possibility of creating a record-keeping document to record the amount of time dogs housed in temporary enclosures spend out of the temporary enclosures to ensure compliance with s. ATCP 16.22 (6), at least until such time that no dog must be housed in a temporary enclosure.

- **Based on follow-up findings and discussion, KC is now in compliance with s. ATCP 16.22 (6).**

Progress toward correction of violations:

1. **Violations of ss. ATCP 16.22 (c) (4) - (6) were cited on May 29, 2014.**

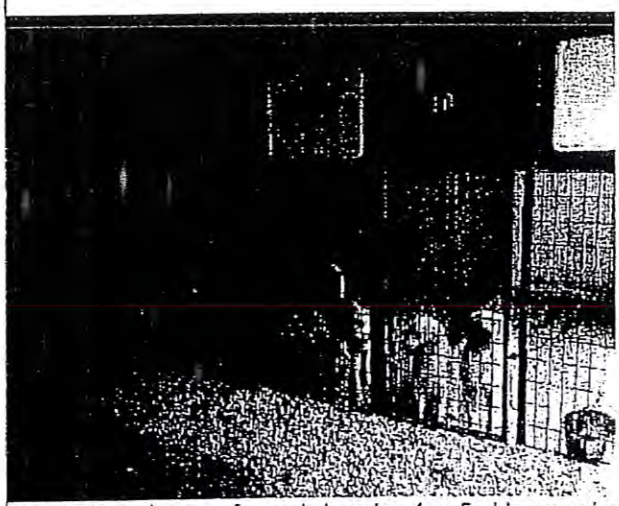
   - On May 29, 2014, puppies over 4 months of age (Golden Retrievers and Bernese Mountain Dogs) were housed in the "puppy room" within enclosures providing 50 square feet of floor area. These puppies were housed in groups of 4 or 5. The length of these puppies, from the tip of the nose to the base of the tail, is at minimum 23 inches and for some larger puppies may exceed 30 inches. When puppies of this length are housed in groups of 4 or 5, even if all puppies within the enclosure are of the shortest length within the range, an enclosure providing 50 square feet of floor area does not meet requirements.

   - On July 22, 2014, Carter found that a few enclosures that had previously housed 4 or 5 older puppies now housed only two or three (see picture 1). Some older puppies have been placed in homes and dogs within other enclosures have been moved to allow for more space within the enclosures housing older puppies.

   - Some enclosures still house four or five older puppies, and one enclosure providing 25 square feet of floor area houses two adult Bernese Mountain Dogs. An enclosure of this size does not meet requirements for these two dogs, based on their length.

   - The number of dogs at the facility does not allow for all dogs to be housed in enclosures meeting floor area requirements. Constructive changes have been made to ensure that as many dogs are housed in enclosures meeting floor area requirements as possible. KC is continuing to advertise and place some older puppies and adult dogs as well as young puppies in homes in order to reduce the number of dogs at the facility and comply with enclosure size requirements.

   - **Progress has been made towards correction of these violations. Further correction is required.**



Picture 1. Enclosures formerly housing 4 or 5 older puppies are now housing 2 or 3.

Summary of Discussion with Operator(s):

- The violations and necessary corrections were discussed with Keyport and B.M. following the inspection. The following changes are necessary to correct the violations and ensure compliance with all regulations:
  - Ensure that all dogs are housed in enclosures meeting floor area requirements.

    In order to accomplish compliance with these requirements without making changes to the facility, the number of dogs at the facility must be reduced. Future inspections will require continued progress towards compliance with enclosure size requirements, whether additional enclosures are added to meet requirements or the number of dogs at the facility continues to decrease. An additional compliance goal is to ensure that no dogs must be housed in temporary enclosures

Inspection Result:

Additional unannounced follow-up inspections will occur to ensure continued progress towards compliance with enclosure size requirements

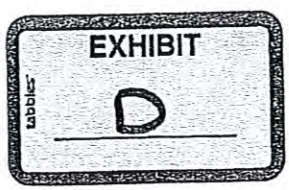
A copy of this inspection report must be displayed in a prominent location at your facility in accordance with s. ATCP 16.12 (5) (b). (F)

Inspector / Consultant Signature	Owner / Operator / Manager Signature
Erin Carter	A copy of this inspection report was sent via email to Kinship Companions, LLC on July 24, 2014.
7/24/14	

From: Lipsey, Janice M - DATCP
Date: 1/16/2015 9:28:56 AM
To: 'deerfriend@charter.net'
Subject: NEED BY 1/19/2015

Good morning Ms. DesJardins,
License 268699 was licensed under Christy Mikula, dba Kinship Companions and expired 9/30/14 She has not tried to renew as of this date.

Sincerely,
Janice
Janice Lipsey,
Division Operations Manager
DATCP/DAH
(608)224-4875



October 21, 2014

Town of Wilson Board
5935 South Business Dr
Sheboygan WI 53081

To the Board Members
It is my understanding that your decision on the suspension of the CUP for Christy Mikula and Kinship Companions is on the agenda for tonight's board meeting. I am the doctor on emergency call tonight for Cedar Grove Veterinary Clinic and would be unable to attend, so I hope that I can clarify some issues tonight through a letter.

There has been questions regarding why a veterinary letter was not submitted earlier with some thought that within Cedar Grove Veterinary Clinic there are 6 doctors that work there. Since the Mikula family arrived in the area, I have been the primary veterinarian working with them 90-95% of the time. I am the doctor who does the on-site examinations of the puppies and any adult dogs and typically walk through the entire kennel every time that I am at the facility. Therefore to have one of the other doctors who do not have as intimate knowledge of the facility to write a letter for the sake of having a letter would be unfair to the board. It was my error in not writing the letter sooner than the middle of September because of my work schedule.

I believe there are concerns about the sheer number of dogs that currently reside at the kennel. This is a valid concern on my part as well. Having spent time as a past member of the Animal Welfare Committee for the Wisconsin Veterinary Medical Association as well as my current appointment to the Veterinary Examining Board for the State of Wisconsin, I take my role as a veterinarian responsible for animal health and welfare very seriously. In this transition over the past 12 months of Anthony Keyport taking on an active role in the daily operations of the kennel, I have made guidelines for wellness care of the dogs including deworming protocols, vaccinations, body condition scoring, and made suggestions for environmental enrichment for both the adults and the juveniles. Each time that I have been out to see the dogs, Anthony's knowledge of dog care is increasing. Overall I see dogs that are well care for in a warm and friendly environment. I believe that given 6 months of time Christy and Anthony can get good quality dogs into forever homes and keep the kennel number of dogs at a much lower number.

To truly define what the appropriate number of dogs is may be difficult from the board's perspective. Not every mature female dog will breed every time when exposed to a male dog. I have talked with Christy and Anthony about ways to better plan for litters and estimate the number of puppies, but knowing that not all things can be controlled when dealing with canine reproduction. An "adult" dog is a vague term that can either refer to sexual maturity or social maturity and depends on the individual dog when that time occurs.

Webster dictionary defines "puppy mill" as "a commercial farming operation in which purebred dogs are raised in large numbers." This definition dates back to 1973. Based on this definition alone, Kinship Companions does breed purebred dogs in a commercial setting. However I strongly feel that Christy's ability to individually "know" her dogs as individuals and the commitment to the breed standards of the Golden Retrievers and Bernese Mountain Dogs clearly separate her business from what we classically think of when the term "puppy mill" is used. Along the same lines the definition of "family farm" has also needed to evolve over the past 40 years to reflect current farming practices that go beyond 40 cows

EXHIBIT
E

in a stanchion barn that graze on pastures to reflect current dairy production facilities that are owned and operated by a family or cooperative

I wish I could be there tonight to answer any additional questions in person, but I cannot. If need be you can call the clinic's emergency line and I could answer other questions

Sincerely

Dr Diane Dommer