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## Texas Puppy Seller Investigation

The Humane Society of the United States

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# Texas Puppy Seller Investigation

## Hidden Cameras Reveal Tall Tales, Poor Conditions at Stores and Flea Markets across the State

Puppies crawling with fleas, panting in the heat without water, or coughing and shivering were just a few of the issues that investigators for The Humane Society of the United States found when visiting commercial puppy sellers across the state of Texas.



Polly's Pet Shops in New Braunfels and Universal City, Texas, no longer sell commercially raised puppies but instead offer rescued puppies from local shelters. The HSUS's Texas State Director, Katie Jarl, is pictured here with a puppy up for adoption at one of the stores. The HSUS

Over a five-month period in 2013, HSUS staff visited 16 pet stores and three flea markets across the state with hidden cameras to find out where they get their puppies and to check on the puppies' conditions. Investigators visited pet stores in and around Dallas, Corpus Christi, Houston, McAllen, and San Antonio, and flea markets in Canton, Dallas, and Houston.

HSUS staff also studied hundreds of shipping documents representing more than 1,400 puppies shipped into Texas between May 2012 and August 2013 from out of state, representing just a sampling of the thousands of puppies shipped into Texas every year for resale. Between the document research and in-person visits, investigators studied a total of 34 pet stores and flea markets.

HSUS investigators found some pet stores misrepresenting key facts about the dogs they were selling. Some employees falsely claimed that their stores' puppies were from small local breeders, when shipping documents

showed they were receiving puppies from middleman brokers as far away as Kansas and Missouri. When asked about flea infestations and sneezing and shivering dogs, some employees told investigators these are "normal" behaviors for puppies, when in fact they are indications of unhealthy and unsanitary conditions. Investigators were also repeatedly told that in-state breeders are not required to be licensed by the state of Texas, even though a

state law that passed in 2011 requires dog breeders with more than 10 breeding females to be licensed and regularly inspected.

Texas animal shelters euthanize tens of thousands of dogs every year due to pet overpopulation—many of them puppies, and more than a quarter of them purebreds. While animal shelters across Texas have a regular supply of healthy puppies in need of homes, and while responsible breeders are available who raise dogs humanely, pet stores and flea markets are buying puppies from questionable out-of-state dealers linked to puppy mills, and routinely misleading customers to close a sale.

Texas retailers can do better—and some of them do. Earlier this year, The HSUS assisted two Polly’s Pet Shop stores in Texas in converting from selling commercially produced puppies to offering only adoptions of Texas shelter puppies. These two stores have already found homes for more than 50 Texas shelter puppies while maintaining a successful business model. Unfortunately, these stores are the exception rather than the norm.

### By the numbers

- **19** pet stores and flea markets visited with hidden cameras
- **34** pet stores and flea markets investigated via public records and hidden camera visits combined
- **400** puppies found at 24 animal shelters near the pet stores and flea markets we visited
- **1,400**: sampling of out-of-state puppies traced through paperwork to stores and flea markets across Texas<sup>1</sup>
- **100,000+**: estimated number of pets euthanized in Texas shelters every year<sup>2</sup>
- **More than 50%**: euthanasia percentage for many animal shelters in Texas (2011)<sup>3</sup>
- **25%**: portion of dogs in Texas shelters who are purebred<sup>4</sup>

### “Texas” Pet Store and Flea Market Puppies Come from Arkansas, Missouri, and other states

- Some of the dealers supplying puppies to pet stores in Texas had significant federal Animal Welfare Act violations, and some of the suppliers were on The HSUS’s “A [Horrible Hundred](#)” list<sup>5</sup> of problem puppy mills released earlier this year.
- Out-of-state puppy mills flood Texas with thousands of puppies each year. HSUS studied a random sampling of records for more than 1,400 puppies shipped into Texas from large-scale commercial breeders and middleman brokers in Arkansas, Iowa, Kansas, Missouri, and Oklahoma and matched them with USDA inspection reports for the dealers providing the puppies. We found hundreds of puppies shipped

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<sup>1</sup> HSUS reviewed shipping documents from 5 states sending puppies to Texas over an 18 month period (AR, IA, KS, MO, and OK), representing only a sampling of all the puppies entering the state during that period.

<sup>2</sup> [Texas Humane Legislation Network](#)

<sup>3</sup> Harris County Attorney’s Office, reported in The Houston Chronicle, <http://www.chron.com/news/houston-texas/article/Animal-activists-riled-over-county-euthanasia-3439482.php>

<sup>4</sup> Texas Humane Legislation Network

<sup>5</sup> [http://www.humanesociety.org/assets/pdfs/pets/puppy\\_mills/100-puppy-mills-report.pdf](http://www.humanesociety.org/assets/pdfs/pets/puppy_mills/100-puppy-mills-report.pdf)

from commercial breeders and massive out-of-state puppy mill brokers such as the Hunte Corporation and Mid-America Pet into Texas pet stores and flea markets, while local shelters in the same towns had plenty of Texas puppies for adoption on a daily basis.

- Store personnel in more than half of the pet stores investigators visited in person refused to answer questions about the identities of their puppy suppliers.
- Some pet store owners claimed only to sell puppies from the surrounding area, or only puppies from licensed breeders, but examination of the paperwork found that many of their claims were untrue.

## Texas Flea Markets: Poor Conditions, Sickly Puppies, and Unlicensed Dealers

Flea markets are popular in Texas, and they are also popular outlets for puppy mills. Investigators visited three flea markets that The HSUS had received complaints about: “Dog Alley” near the Canton Flea Market, Trader’s Village in the Dallas area, and Trader’s Village in Houston. Investigators also studied shipping documents for hundreds of puppies sent to flea markets.

By far the most troubling conditions were seen at the vastly overcrowded market known as Dog Alley in Canton. Located across the street from the popular monthly Canton Flea Market, Dog Alley is a mecca for questionable –and often unlicensed—puppy sellers. Officially called “Curry Trade Grounds and RV Park,” Dog Alley is generally open the same weekends as the Canton Flea Market.

With the [USDA’s recent announcement](#) that it will begin to regulate commercial breeders who sell puppies sight-unseen over the Internet starting in November 2013, flea markets are one of the last unregulated marketplaces for questionable puppy sellers, many of them unlicensed and uninspected. Flea markets are not federally regulated because the USDA does not oversee puppy sellers who sell to consumers in face-to-face transactions, even if those transactions take place off the seller’s or breeder’s property. Purchasing a puppy at a remote location makes it impossible to see the parents of the puppies or the conditions in which they were raised—making flea markets the perfect sales venues for dealers who have something to hide.

### Poor Conditions

On June 28, 2013, three HSUS employees visited Dog Alley in Canton. The temperature reached 102 degrees that day<sup>6</sup> with high humidity, but that didn’t stop hawkers from marketing hundreds of puppies and other animals outside in the stifling heat.

Investigators witnessed:

- Lethargic, underweight, and sickly-looking puppies
- Dogs and puppies panting heavily in the extreme heat; some dogs not even shaded from the direct sun
- Many animals without water in the high heat

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<sup>6</sup> AccuWeather.com

- Puppies who were confined in the same cages as other animals such as piglets, which increases the risk of disease transmission or injury
- Puppies for sale who were so young that their eyes weren't open yet.

### Out-of-state Middleman Dealers

Investigators studied shipping documents for almost 400 puppies shipped to Dog Alley from other states. They found that hundreds of puppies had been shipped into Texas from commercial puppy producers and middleman dealers in other states, primarily Arkansas, Missouri, and Oklahoma.

Texans who purchase puppies at this market may have no idea that the puppy they are buying isn't from Texas—and even if they find out the name of the puppy's seller, the seller may just be a middleman broker and not the actual breeder. This makes it very difficult for consumers to find out where the puppy came from, or to seek recourse if their puppy becomes ill.

Over the years, more than one Texas shelter employee has reported to The HSUS that animals from the enormous flea market in Canton who are not sold at the end of the day are often abandoned or even tossed in the dumpsters with the day's trash before the sellers leave town. This leads to even more animals entering Texas animal shelters, if they are lucky enough to survive.

### Public Health Concerns

Puppies who have been raised in poor conditions or haven't received adequate veterinary care often suffer from illnesses or parasites that are transmissible to humans, and diseases can spread rapidly at open-air venues like flea markets, where dozens of people a day may handle animals. Animal welfare organizations, including The HSUS, have received complaints about puppies purchased at flea markets or roadsides who became gravely ill or even died shortly after purchase. Transmittable health problems include parvovirus and mange, which can be passed to other puppies or dogs, and giardia, which can be passed along to both animals and humans.

There have been several documented cases of rabid puppies sold at flea markets or in parking lots. In June 2006, Texas officials had to conduct a broad search for two puppies sold from a big-box store parking lot after one of their littermates developed rabies; the anonymous nature of the transaction made it impossible to immediately warn the buyers.<sup>7</sup> In 2008, Toronto health officials had to set up an information booth at a flea market to warn vendors and patrons who may have been exposed to rabies after a puppy sold at the flea market by a broker died of the disease; a number of the vendors at the market had to be vaccinated for rabies<sup>8</sup>. And in June 2013, when a puppy sold at a flea market in Sulphur, Okla., died of rabies just a few days later, health officials were unable to immediately identify the seller in order to warn others who were exposed to the puppy and his littermates.<sup>9</sup>

<sup>7</sup> <http://www.dshs.state.tx.us/news/releases/20060601.shtm>

<sup>8</sup> [http://www.thestar.com/news/world/2008/01/27/flea\\_market\\_vendors\\_vaccinated\\_for\\_rabies.html](http://www.thestar.com/news/world/2008/01/27/flea_market_vendors_vaccinated_for_rabies.html)

<sup>9</sup> [http://www.ok.gov/health/Organization/Office\\_of\\_Communications/News\\_Releases/2013\\_News\\_Releases/Rabid\\_Puppy\\_6-19-13.html](http://www.ok.gov/health/Organization/Office_of_Communications/News_Releases/2013_News_Releases/Rabid_Puppy_6-19-13.html)

In contrast, puppies adopted from animal shelters typically come with a full set of vaccinations and parasite treatments, and most shelters have a protocol for disinfecting surfaces, isolating sick animals from healthy ones, and preventing cross-contamination. If a problem does develop with an animal from a shelter, the shelter can easily be contacted.

### Unlicensed Sellers

Many of the sellers both from in state and out of state were not licensed by the state or the USDA. While this is not necessarily a violation of the law in every case, buying a puppy from a dealer who has never been inspected for even the most basic health, safety, or animal welfare standards is very risky.

And most of the in-state breeders at the market, when asked, falsely claimed that Texas does not require dog breeders to be licensed and inspected.

### Pet stores in Texas: Not Always What they Seem

The HSUS's investigation of 29 pet stores via in-person visits and/or shipping documents obtained through public records requests uncovered a number of problems. Investigators found staff who would not—or could not—reveal the sources of their puppies. Investigators found puppies in Texas stores who were infested with fleas, coughing, or shaking, and some managers misrepresented the origins of many of their puppies.

Investigators also found that several stores were linked to known problematic puppy mills and puppy mill dealers (middlemen). What follows are a few examples of the issues investigators documented.

### Pet Stores Selling from Problem Breeders

The following pet stores were found to be purchasing puppies from suppliers with known Animal Welfare Act violations, and some of their suppliers are among those listed in The HSUS's "A Horrible Hundred" report of problem puppy mills, which was release in May 2013.

- A review of public records showed that **Pet City** in Houston received multiple shipments of puppies from Canterbury Tails Pets, LLC in McPherson, Kans. (USDA # 48-B-0319). Canterbury Tails was cited by USDA inspectors in 2013 for rusty cages, and in 2012 and 2010 for multiple veterinary care violations. In May 2012, USDA inspectors found a Maltese dog with hair loss and a second dog with greenish discharge obscuring the surface of his eye and "copious dark, dried discharge" around the eye. In December 2010, inspectors found four dogs in need of veterinary care, including one with an untreated open wound (photo) and several unsafe housing conditions.
- **The Puppies Direct pet store in McKinney, Texas** purchased at least 10 puppies from a dealer listed in the "A Horrible Hundred" report who was no longer legally licensed to sell to pet stores at the time of the sale (Becky and Guy Franks/First Class Puppies, Antlers, Okla.). The breeder/broker cancelled her license in May 2013 during an especially problematic USDA inspection. The store purchased the puppies in July 2013.

The HSUS reported the apparently illegal puppy sales from July 2013 to the USDA.

The USDA cited Becky and Guy Franks in September 2012 for six dogs in need of veterinary care, including a shiba inu with a foot injury who was so lame that she was

seen falling down, and numerous dogs with eye problems. USDA inspectors have also found unsafe housing, dirty conditions, and dogs kept in pens full of greenish standing water with no dry place to stand.



A photograph from a December 2010 USDA inspection shows a dog with an open wound in a dismal wire-floored cage at a large-scale puppy broker in Kansas, Canterbury Tails Pets, LLC. The HSUS found that Canterbury Tails sent multiple shipments of puppies to Pet City in Houston earlier this year. USDA

In May 2013, USDA inspectors were in the process of citing the Franks for several repeat violations, when Becky Franks “decided to end this inspection and terminate her license,” according to the USDA inspector’s report. “The licensee was advised she could no longer conduct regulated activity under the AWA [Animal Welfare Act] from this date,” the

inspector wrote.

In August 2013, Becky and Guy Franks were issued an official warning from USDA for four different repeated violations that had occurred on May 8, 2013, and September 12, 2012, including repeated failure to provide adequate veterinary care and repeated failure to provide safe housing, sanitary conditions, and removal of wastes, trash, feces, and other debris.

- **A Petland store in Laredo, Texas**, purchased two puppies from the same problematic Oklahoma broker mentioned above, Becky Franks/First Class Puppies, in February 2013. At this time the dealer had numerous Animal Welfare Act violations which the store could have accessed on the USDA’s online database, although she was still licensed.

- At a visit to **Partners Pet Center** in Round Rock, an HSUS investigator pointed out that the puppy she was holding was crawling with fleas. She was told that it is normal for puppies to have fleas. When investigators studied the suppliers to this store, they found that one was cited by the USDA for this specific problem: Susan Franz, 12560 FM 2410, Belton, Texas, USDA license #74-A-1475. On July 25, 2013, a USDA inspector noted on Franz's inspection:

*“Fleas were a problem at this facility on the inspection conducted 3/20/13 and are a problem again. Several dogs in each enclosure were observed scratching and chewing their skin... the recommended flea control program (spraying the enclosures and the dogs every 2 weeks) is no longer effective at this facility.”* Prior to the July 2013 report, inspectors found many problems at Franz's facility on previous inspections, including in March of 2013 a urine odor/ammonia buildup in the whelping area so strong that it burned the inspector's eyes.

In May 2013, Franz was given an official warning by the USDA for failure to provide adequate veterinary care to prevent diseases and treat injuries, and repeated failure to provide adequate and safe housing facilities for the dogs.

- The **Woofles** pet store in McAllen showed investigators a puppy purchased from a massive breeder in Iowa, Brad Grotewold. Grotewold had more than 500 dogs and puppies at his facility during his most recent USDA inspection, in February 2013. That inspection was compliant, but in July 2011 the inspector noted 539 adult dogs and 262 puppies on site, severely rusted cages for 509 dogs, severely chewed wood surfaces, “an excessive accumulation of feces and food waste,” and a problem with flies and filth.
- An investigation of public records showed that in February and March 2013, a **Petland store in Frisco, Texas**, bought dogs from LaNae Jackson in Clifton, Kans., and Audrey Rottinghaus in Seneca, Kans., both of whom have been cited for multiple Animal Welfare Act violations and were listed in The HSUS's “A Horrible Hundred” report in May 2013.

In 2012 alone, the puppy mill linked to Rottinghaus was cited for several dogs in need of veterinary care, including a limping dog and a dog with an open, swollen wound, as well as initially refusing to let an inspector take pictures of a dog with oozing discharge coming out of his ear, and many other problems over a period of several years. In July 2013, the puppy mill owned by Justin and LaNae Jackson received an official warning from the USDA for repeated violations that had occurred over a period of three years (2011-2013), including repeated failure to provide adequate veterinary care to an injured animal, repeated failure to make the facility available for inspection, and repeated failure to provide safe housing and clean food and water receptacles.

### Breeder Information Withheld

More than half of the pet stores investigators visited, while claiming that their puppies come from small, local breeders, refused to disclose the name, license number, or location of the breeders. While some states have laws that require pet stores to disclose this information to potential buyers, Texas does not. Although not a violation of the law, the fact that more than half the stores visited refused to share basic information such as the name and city or state of the puppy's breeder made the investigators wonder what they were trying to hide. The stores that refused to disclose breeder names were:

- **Adam's Feed Store** in Arlington
- **Balboa's Pet Shop** in Corpus Christi
- **Harlingen Pets** in Harlingen

- **Moreno's Feed and Pet Store** in Weslaco
- **Northside Ranch, Pet and Garden Center** in Victoria
- **Pet City** in Houston
- **Pet Depot** in Cleburne
- **Pet O Rama** in Mansfield
- **Wet Pets N Critters** in Longview

### Unhealthful Conditions

The conditions at some of the pet stores we visited were so disturbing that HSUS staff contacted local law enforcement.

- At both **Pet Depot** in Cleburne and **Partners Pet Center** in Round Rock, investigators found puppies who were shaking uncontrollably. They were told this was normal and they were fine. Continual shivering in a puppy could be an indication of ill health or a sign that the puppy was never socialized with people—both common conditions in puppy mill puppies.
- Also at **Partners Pet Center** in Round Rock, investigators found puppies for sale who were only seven weeks old. The owner said he had acquired them at six weeks of age. The owner said he only deals with USDA licensed dealers, but it is a violation under USDA regulations to sell puppies to stores if they are younger than 8 weeks old.
- At **Pet Fair** in The Woodlands, an investigator looked at an obviously sick, consistently coughing, black and white male cocker spaniel puppy. The manager said he arrived in the store August 8, so he would have been 7 weeks old when he arrived at the store. It is a violation of the Animal Welfare Act for licensed dealers to transport a puppy for sale if he or she is younger than 8 weeks old.

### Unlicensed Breeders

- Some pet stores admitted selling puppies from unlicensed breeders, claiming that commercial breeders in Texas are not required to be licensed. Texas does require dog breeders with more than 10 breeding female dogs to obtain a license and be regularly inspected by the state, but a majority of breeders appear to ignore the law. The USDA also requires breeders with more than four breeding females to be federally licensed and inspected if they sell to pet stores. Stores that admitted to selling puppies from unlicensed breeders included **Harlingen Pets** in Harlingen and **Moreno's Feed and Pet Store** in Weslaco, and **Hollywood Puppies** in San Antonio.
- In **Paradise Fish and Pets** in Humble, the store owner said he only deals with USDA licensed breeders, but when investigators checked into the breeder of one puppy, Gordon Blakesley (Paw Paws Puppies, Inc.) of Mount Holly, Ark., they found that he cancelled his license in September 2012.

- In **Hollywood Puppies** in San Antonio, the clerk said the store gets their puppies from suppliers near the Canton Flea Market. She also said the puppy investigators were asking about came from a breeder who supplies “a lot” of puppies to the store. This breeder turned out to be the



Investigators found two pet stores that had purchased dogs from Gordon Blakesley of Mount Holly, Ark., who is no longer USDA licensed. The HSUS

same breeder, Gordon Blakesley of Mount Holly, Ark., who was the breeder of the puppy at **Paradise Fish and Pets**. Blakesley, who has not had a USDA license since September 2012, could not legally sell to pet stores unless he has fewer than four female breeding dogs,<sup>10</sup> yet the clerk said the store gets “a lot” of puppies from Blakesley, making it possible that the breeder may be selling illegally under the Animal Welfare Act.

### Texas Shelters Have Plenty of Puppies Needing Homes

In October 2013, The HSUS surveyed 24 animal shelters near the pet stores and flea markets investigators visited. Most of them had no shortage of adoptable Texas-born puppies. The shelters had a total of more than 400 puppies available on a given day. For example:

- Amarillo-Panhandle Humane Society, 30 puppies
- BARC Animal Shelter and Adoptions in Houston, 50 puppies
- Canton Animal Shelter, 20 puppies
- Dallas Animal Services, more than 20 puppies
- Harlingen Humane Society, 51 puppies
- Houston Humane Society, 20 puppies
- Humane Society of Cedar Creek (near Canton), about 30-40 puppies available
- Montgomery County Animal Shelter in Woodlands, 50 puppies available—with new litters coming in every day, according to the staff member.

With so many puppies to choose from in Texas animal shelters, not to mention the puppies available from responsible breeders, there is no need for anyone to buy a puppy from an outlet that works with puppy mills.

<sup>10</sup> At the time of the visit, the law exempted breeders with “three or fewer” breeding females. The exemption was recently raised to “four or fewer,” which goes into effect in November 2013.

## Recommendations

### **Restrict Open-Air Puppy Sales**

Several states, including Louisiana, Nevada, and Oklahoma have laws that restrict the open-air sales of pets at flea markets, at swap meets, along roadsides, or at similar public venues. Many municipalities in Texas already restrict open-air sales due to public welfare, disease control, and animal welfare concerns. Texas should consider strong state-wide regulation of these outdoor markets to ensure the health and safety of both animals and humans.

### **Enhance Enforcement of the Breeder Licensing Law**

Enhanced enforcement of the Texas breeder licensing law is sorely needed; the majority of breeders and pet store personnel investigators spoke with seemed to be—or claimed to be—unaware of the 2011 law which requires Texas breeders with more than 10 adult intact female breeding dogs to be licensed and regularly inspected by the state. As of October 2013, only about 150 breeders in Texas have acquired a state license.

### **Empower Consumers**

Several states, including Illinois and Maryland, require pet stores to post conspicuous information next to each puppy's cage identifying the license number, city, and state of the puppy's breeder or supplier, and states such as Virginia and Nevada require that pet stores provide breeder information to all puppy buyers. Texas should consider a similar "right to know" act so that consumers can do their research before taking home a puppy who may have come from a puppy mill or unlicensed breeder.

Implementation of a "puppy lemon law" could be beneficial for Texans who purchase a sick puppy from a pet store or flea market. Currently, consumers do not have any recourse if they unknowingly purchase a sick puppy who may have come from a puppy mill. More than 20 states have puppy lemon laws that give some recourse to puppy buyers by allowing them to be compensated for veterinary bills up to the purchase price of the puppy if the puppy becomes sick or dies shortly after the purchase.

### **Support Shelters or Visit Responsible Breeders**

Consumers looking to bring a puppy or dog into their family should consider adopting from their local animal shelter or rescue group. They can also find tips on how to look for a responsible breeder at our web site: [humanesociety.org/puppy](http://humanesociety.org/puppy).

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