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**Report of Investigation**

**FILE NO:** OIG 18-0003-I

**DATE:** February 28, 2018

**SUBJECT:** Associate Director of Animal Welfare Department

**SCHEME:** Misuse of Position to circumvent processes and Conflict of Interest

**STATUS:** Closed

**INVESTIGATOR:** JoVonne O'Connell

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## **Executive Summary**

The Office of the Inspector General (OIG) for the City of Albuquerque (COA), New Mexico (NM), conducted an investigation of allegations that the Associate Director (AD) of the Animal Welfare Department circumvented established processes and policies for adopting animals that were applied to adoptions by the general public. Additionally, there were instances in which she intervened in an adoption process already initiated for a member of the public who had requested to adopt a particular dog. In these instances, she fostered the dogs and then took steps to have the dogs transferred to a shelter in another state. Records indicated that approximately 42 dogs had been transferred to DMK Rehoming (DMK), Aurora, CO, with 29 of the dogs being transferred after the AD was employed with COA. More than half of these dogs were puppies at the time of transfer and a few were already in the process of going to citizens who had requested the dogs.

The investigation also revealed that the AD failed to comply with other requirements, to include the completion of Certificates of Veterinary Inspection (CVI), when transferring dogs to the State of Colorado. The investigation also revealed that the State of Colorado's Department of Agriculture was also investigating the AD for failing to submit the CVI's as required.

The investigation revealed that after AD closed the DMK shelter and boarding operation in Aurora, CO, she transferred the DMK Rescue Operation to her residence in Belen, NM. Information was obtained that indicated she had violated her lease agreement by enabling dogs she maintained at her Belen residence to cause damage to the landlord's property and that she was operating a kennel without the landlord's permission. The DMK truck was observed at her Belen residence, along with her apparent personal vehicle, a KIA Sorento, bearing a Colorado State license plate and a bumper sticker stating "Ban Stupid People, Not Dogs." Valencia County Animal Control advised that the AD did not receive a permit for operating a kennel and did not receive licenses for dogs she maintained at her residence.

## **Introduction:**

The Office of Inspector General (OIG) conducted an investigation addressing allegations made that the Associate Director (AD) of the Animal Welfare Department (AWD) had circumvented the adoption and fostering processes for AWD. The OIG received information indicating that highly adoptable dogs were taken from the Albuquerque City shelters and transferred to a facility in the State of Colorado. More specifically, many of the dogs were allegedly transferred to “DMK Rehoming,” which was an animal shelter and rescue that the AWD AD owned and operated in Colorado. While the Colorado shelter facility has closed, the AD still operates a rescue from her home in Belen, NM. Information was also developed that dogs were transferred to Colorado without a required health certificate.

## **Background:**

The following information provides some context on the AWD’s required adoption process and the AD’s background.

The AD began employment with AWD on February 7, 2017. She moved from Colorado, where she owned and operated DMK, a 501 (c) (3) non-profit, “no kill” animal rescue organization geared towards saving “death row dogs,” to New Mexico, to take the position at AWD. Until her interview, there was some uncertainty as to whether the AD was still operating a rescue organization and still had a strong role in operating DMK.

Individuals who were interested in fostering an animal were required to complete a foster contract. The contract specified which animals the individual was fostering, to include that animal’s assigned intake number and name. This helped with the tracking and inventory of AWD animals. When there were animals that were in need of foster care, the former foster coordinator for AWD reached out to see which foster owners would be interested in fostering certain animals. If an AWD employee was interested in fostering an animal, the employee would contact the foster coordinator and express their interest. AWD employees were required to complete a foster contract and any other necessary forms, meeting the same requirements as any other member of the public, when interested in in fostering an animal.

Puppies received by the shelter that were young, and still needed vaccines, spaying or neutering, were sent to foster homes until they were old enough for vaccines and sterilization, and then, eligible for adoption. Foster owners were notified when it was time for puppies to have certain vaccines and when they could be brought to the shelter to be spayed or neutered. Once puppies had all of the required vaccines, and after they were sterilized, they could be transferred back to the shelter and be made eligible for adoption.

Another option, was for animals to be transferred to a rescue. Animals were transferred to a rescue for a number of reasons. If an animal was not adopted, it could have been transferred to a rescue to give the animal a change of environment and some new adoption possibilities. There are breed specific, or “pure breed” rescues that animals could be transferred to. Animals could be transferred for medical issues, though AWD’s rescue coordinator mentioned that this is

usually tied in with pure breed. Animals could also be transferred when there were space issues at the shelter or in instances where an animal may have some behavior issues.

### **Scope and Methodology:**

The OIG investigation focused on the allegations asserted by current employees of AWD as previously described. The scope of the investigation addressed only the allegations. The methodology consisted of reviewing relevant documents and interviewing witnesses that could provide information regarding the allegations. The following activities were conducted as part of the investigative process:

- Review of pertinent documents
- Interviews of relevant staff members
- Review of relevant City Ordinances and AWD policies and procedures
- Review of previous investigative reports relating to AWD

### **Processes:**

AWD had numerous animals that were available for adoption; however, other options available for transfer of animals included foster homes and rescue organizations.

Animals who were transferred to the AWD foster program were generally those animals that were unadoptable due to age (too young or geriatric), illness, or trauma recovery. Because the AWD shelters did not have required space to house unadoptable animals, the foster program provided an environment where the animals could grow, recover, and de-stress until they became adoptable.

In other instances, where an animal's chance of adoptability was lower, an option was the transfer of the animal to a rescue organization. That animal may have had a better chance of being adopted in a different location or environment; or, depending on the circumstances (such as behavior issues), the animal may have remained at a rescue.

The OIG interviewed the AWD's rescue coordinator who explained that she had always looked at the dogs in the shelter to see which dog might be good candidates for a rescue. She added that the veterinary staff recommended certain dogs and asked if they could be sent to a rescue; the kennel supervisors asked about certain dogs and made suggestions. The Population Management Team (PMT) who walked through the kennels on a weekly basis would also make lists of dogs they believed were good rescue candidates. The rescue coordinator stated that she would then contact rescue organizations both within New Mexico and in surrounding states to determine if they would be willing to accept animals. She further explained that she would usually contact rescue organizations via email so she could provide detailed information about a dog and its history. The rescue coordinator also needed to coordinate the transport of the animals and explained that sometimes a rescue organization would travel to Albuquerque to receive the animals and at other times, AWD made arrangements to transport the animals to the rescue

organization. The rescue coordinator also stated that she came up with a transfer agreement a few years ago, which was provided to the rescue organization when an animal was picked up or dropped off. The transfer agreement must be “signed off” on by the shelter or rescue organization representative, which also included the date of transfer, the name of the organization and their phone number.

## **Interviews:**

### **Complainant 1 (C1):**

On October 27, 2017, C1 was interviewed and provided the following information:

C1 expressed frustration that AWD AD sent several puppies to her rescue in Colorado, without informing C1 and without completing the necessary forms and paperwork.

C1 explained that when puppies were received at the shelter, which were be too young to get needed vaccines, spaying or neutering, they were sent to a foster home until they were old enough for vaccines and sterilization, at which point they were eligible for adoption. C1 explained that foster homes were sent notifications when it was time for puppies to have vaccines and when they could be brought in to be spayed or neutered. Once puppies have had all the necessary vaccines, and after they have been sterilized, they could then be transferred back to the shelter and be made eligible for adoption.

C1 stated individuals who were interested in fostering an animal must complete a foster contract. The contract specified which animals the individual was fostering, to include that animal’s assigned intake number and name. C1 explained that this helped with the tracking and inventory of animals. C1 explained that when there are animals that were in need of foster care, she reached out to see who was interested in fostering an animal. If an AWD employee was interested in fostering an animal, the employee usually approached C1 and expressed their interest. C1 explained that AWD employees were required to complete the same foster contract and any other necessary documents that anyone else interested in fostering an animal had to complete. The AD never communicated with C1 to let her know which animals she was interested in fostering and she never completed a foster contract or any of the other necessary forms. According to C1, all the AD had done was “sign out” the animals in the Chameleon database. She further explained that to “sign out” an animal really only meant that the AD had made a notation that the animal was with her.

C1 stated that the AD had taken dogs out of the “garage” area as soon as they were received, before they were moved out of the intake area, which was where their picture was taken, and where they were assigned an identification number. This was also where their information was entered in Chameleon. Many of the dogs were puppies that had not yet been spayed or neutered or had not been vaccinated. In these instances, the AD would “foster” the puppies until all medical procedures were completed and then as soon as the puppies were considered “Ready to Go” (RTG) they were transferred to the AD’s rescue in Colorado. C1 expressed concern that these were highly adoptable animals, but the citizens of Albuquerque were given no chance of adopting them. C1 further explained that the AD had used City resources to have the animals

spayed or neutered, vaccinated and any other required procedures, but that it was her Colorado rescue that benefited from the adoptions. C1 stated that from what she understood, the adoption fee for the AD's Colorado rescue was approximately \$250. The adoption fee for puppies through AWD was \$80. C1 said that this was the full fee and at times was lowered depending on promotions that were offered.

C1 also expressed concern that the AD did not allow the "stray wait" to pass before she transferred animals. She explained that with puppies, the shelter needed to allow one day to see if anybody visited the facility to claim the animal. For older dogs (those around six months or older), the stray wait was three or ten days; three days for those dogs without a microchip and ten days for those dogs with a microchip.

C1 was asked who handles fosters during the times she may not be there. C1 explained that the veterinary staff as well as the kennel supervisors knew the procedures for fostering and how to handle things in her absence. She added they are also able to complete the necessary foster documents, and would inform her about any animals that were fostered in her absence.

### **Complainant 2 (C2):**

On January 4, 2018, W2 was interviewed and provided the following information:

C2 believed that the law required an animal to have a health certificate when crossing state lines. She said that even when it was a personal pet, if a traveler planned to take an animal on an airplane, a health certificate was required, ensuring that animal was cleared of contagious diseases.

C2 explained that an injured animal could be cleared for transportation across state lines, but absolutely no animal that had a contagious disease was allowed to be transported across state lines. She stated that she has tried unsuccessfully to find something in writing that states this rule. However, it has been verbal policy and the practice for years at the AWD that no animal with a contagious disease was permitted to leave until they were healthy and medically cleared to leave.

C2 acknowledged that animals were often times transferred to rescues in Colorado, and she mentioned that Colorado actually had a program called "PACFA," which stood for "Pet Animal Care Facilities Act." PACFA was a licensing and inspection program dedicated to protecting the health and well-being of animals in pet care facilities throughout Colorado, and according to the rules, it was required for animals be health certified. She said animal shelters and rescues in Colorado were required to be PACFA licensed.

She said that regarding Chomppers, the dog that was transferred without a health certificate, in late November 2017, she knew the dog was slated for sanctuary, but had not been transferred due to illness. C2 said she was not an advocate for Chomppers, due to serious behavioral issues, including biting two people and felt the dog never should have left the shelter, even if he was not sick or cleared for transport. However, she stated that she was instructed by the former Director

to find a sanctuary for the dog. C2 said she contacted several rescues, but either did not receive responses or received refusals to accept Chomppers due to his behavior and bite history.

On November 17, 2017, C2 received an email from the AWD AD, which stated that she had a place for Chomppers and that she may be able to get him moved the following Tuesday. On November 18, 2017, C2 requested the name of the rescue group, the address, and the name of lead person and a telephone number for the rescue. C2 asked the AD if a health certificate was needed. She informed the AD that Chomppers was being treated for “Kennel Cough” until at least November 23, 2017, and as a result the dog could not be issued a health certificate and certified for transfer while contagious. C2 indicated that she never received any acknowledgment or response to her request and concerns; however, on November 30, 2017, she stated that her phone rang when she was driving to the west side shelter. She did not answer the phone since she was driving, but could see the call came from an unknown number; the caller did not leave a message. She stated that when she arrived at the west side shelter she was informed that the AD had found a driver to transport Chomppers to Colorado and that the dog was gone. C2 said that a certain amount of planning went into securing a driver to transport animals, and C2 had no knowledge that the AD had planned to have someone drive Chomppers to Colorado until after he was taken from the shelter. C2 was told that they tried to contact her to let her know about Chomppers. However, she reiterated that nobody left a voicemail or message. There was also a note made by the AD in the Chameleon system indicating that C2 was unavailable to get the documentation for the transfer, but that C2 said it was “okay to send via email 11/30/17”. C2 said that this was absolutely not true, and that there was not even a health certificate to send via email or otherwise. She reiterated that an animal crossing state lines should be accompanied by a health certificate and that she would not have approved sending a dog across state lines without health certification from one of AWD’s veterinarians.

**Witness 1 (W1):**

On January 8, 2018, W1 was interviewed and provided the following information:

W1 provided information regarding a dog named “Chomppers,” who had been held at the shelter for both behavior and health issues. W1 advised that Chomppers was unadoptable and had bitten two people multiple times. However, then AWD Director, Paul Caster, and the AD wanted to get this dog to a sanctuary. In the meantime, the dog contracted a severe case of “kennel cough” (precursor to pneumonia), and over the course of a week, he did not show much improvement. W1 commented that the veterinary (vet) staff was going to try to do an IV catheter, but due to Chomppers’ behavior issues, that was not easily manageable. Shortly thereafter, a note was left stating that Chomppers had been transferred to a rescue in Colorado. W1 confirmed that no member of the vet staff had issued a health certificate—or certificate of veterinary inspection for Chomppers, yet, this dog was transferred out of the shelter while still suffering from an infectious disease with unknown origins.

W1 stated that since approximately 2013, AWD had used Form 7001 through the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). This is the certificate of health examination for small animals. Prior to this, she explained that AWD used to use a “carbon copy” type form that was from the New Mexico Livestock Board. The

form was titled “Official Health Certificate (Covering canine, feline and other small animals only).” The forms were pre-numbered and the original copy was required to accompany the transporter of the animal. The yellow and pink copies were required to be sent to the New Mexico Livestock Board, and the goldenrod copy was required to be retained in the shelter’s records. The USDA APHIS form 7001 could be printed from the internet and were not pre-numbered. W1 acknowledged that it could be possible for a person to forge the form.

W1 stated she could not find anything in writing regarding which policies and processes existed addressing health certificates and the transport of animals out of state. She indicated that she kept copies of the certificates for her records, and within the past month she made it a rule to provide a copy to the rescue coordinator for AWD. She said that the USDA APHIS Form 7001 did not state that a copy had to be provided to the USDA, but that an AWD veterinarian had been in contact with the USDA to try and get clarification. W1 also mentioned that all of the AWD vets were required to be USDA certified.

After the incident of Chomppers being transported out of the AWD shelter, W1 confirmed that she informed the AD that no member of the vet staff had issued a health certificate for Chomppers to leave the shelter with authorization. W1 said that the AD’s response was that a health certificate was not needed because she was not a licensed transporter. W1 did not know if Brinkley was referring to herself not being a licensed transporter or the rescue driver. Additionally, the AD commented that the Pet Animal Care Facilities Act (PACFA) program in Colorado does not require a health certificate and that they only require a rabies certificate. W1 did not believe this was true, indicating that Colorado had particular standards for the transferring of animals to their state.

**Dogs transferred to DMK:**

A review of adoption information reflected approximately 42 dogs had been transferred to DMK since 2011. The AD began employment with AWD on February 7, 2017 and about 29 of those 42 dogs were transferred during the time she has been with AWD, with the most recent transfers occurring in December 2017. According to AWD records, the following dogs were transferred to DMK during the past year:

<b>Name</b>	<b>Animal Identification Number</b>
Omelette	A1581048
Griffin	A1675558
Brave	A174898
Masion	A1753632
Halle	A1766825
Monte	A1766826
Analú	A1241872
Boots	A1750119
Buster	A1767684
Hazelnut	A1766824

Pistachio	A1766827
Cashew	A1766828
Pecan	A1766830
Pictionary	A1767923
Bernie	A1769398
Moonie	A1769470
Spaghettios	A1769487
Jarro	A1769303
Oso	A1757068
Gekco	A1767821
Cirrus	A1771918
Stratus	A1771919
Nimbus	A1771920
Arcus	A1771921
Cumulus	A1771922
Pileus	A1771924

More than half of these dogs were puppies that ranged from several weeks to several months of age at the time of transfer. Per AWD database records, the puppies were only at AWD for a short period of time before being transferred. Below, there are several examples and accompanying descriptions of some of the adopted puppies and information regarding this situation.

On August 25, 2017, the following six puppies, Halle, Monte, Hazelnut, Pistachio, Cashew and Pecan, were received by the AWD shelter; each were approximately five weeks of age. Within a few days the puppies were given their first vaccines by AWD veterinary staff; by mid-September they were given their second series of vaccines by AWD veterinary staff; and within another week to week and a half, the puppies were spayed and neutered by AWD veterinary staff. Per AWD database notes, near the end of August or beginning of September 2017, two local citizens expressed interest in adopting Halle, Monte and Hazelnut once the puppies became old enough and weighed enough to be eligible for adoption. However, these puppies, along with the other three in the litter, were not made available for adoption at AWD. Social media pages for DMK indicate that the six puppies were transferred up to Colorado instead and were made available through DMK for an adoption event held in the Denver area on October 8, 2017.

On September 12, 2017, Buster, a Labrador Retriever mixed breed, was received by AWD shelter; he was approximately seven months of age. He was given his vaccinations by AWD veterinary staff and was neutered. AWD database notes dated September 21, 2017 stated “Hold for rescue. Deb taking to Colorado this weekend 9/23/17.”

On October 17, 2017, Bernie, a Border Terrier mixed breed, was received by the AWD shelter; he approximately six months of age. He was given his vaccinations by AWD veterinary staff. An AWD database note dated October 20, 2017 stated “Deb taking to Colorado 10/22.”

On October 18, 2017, Spaghetios, a Dachshund mixed breed, was received by the AWD shelter; he was approximately six months of age. He was given his vaccinations by AWD veterinary staff.

On October 18, 2017, Moonie, an Australian Shepherd mixed breed, was received by the AWD shelter; she was approximately five months of age. She was given her vaccinations by AWD veterinary staff and was spayed. An AWD database note dated October 20, 2017, stated “Deb taking to Colorado 10/22.”

On October 18, 2017, Jarro, a German Shepherd mixed breed, was received by the AWD shelter; he was approximately 5 months of age. He was neutered, screened for worms and given his vaccinations by AWD veterinary staff. An AWD database note dated October 20, 2017, stated “Deb taking to Colorado 10/22.”

On November 4, 2017 Bernie, Spaghetios and Moonie were featured on the “Pet of the Day” segment for Denver 7 News, (<https://www.thedenverchannel.com/lifestyle/pets/pet-of-the-day-for-november-4th-three-adorable-puppies>), and were being promoted for adoption by DMK in Aurora (Colorado).

On December 8, 2017, the following six puppies, Cirrus, Stratus, Nimbus, Arcus, Cumulus and Pileus were received by the AWD shelter and were listed as approximately three months of age. All six puppies were given their first vaccines on December 8, 2017 by AWD veterinary staff and were then spayed or neutered on December 15, 2017. There were AWD database notes for all six puppies dated December 16, 2017 that stated “Per Deb B, hold for DMK. Transfer 12/17/17.” The OIG learned that these six puppies were supposed to go to AWD’s Lucky Paws adoption center after they had been spayed and neutered. However, one of the veterinarians explained that midway through the day the puppies were being sterilized, one of the veterinary technicians (vet tech) relayed that Certificates of Veterinary Inspection (CVIs) were needed for the puppies because they were going to be transferred to Colorado. The vet tech added that the rescue coordinator for AWD had been instructed by the AD to obtain the CVIs for the puppies, and any questions should be addressed to the AD. The veterinarian stated she was confused because her understanding was that the six puppies were to remain with AWD for adoption. She also indicated that she tried to contact the AD to ask about the situation, but the Associate Director was unavailable. The veterinarian further explained that one of the behaviorists for AWD seemed to be familiar with the six puppies and the plan to have them transferred to Colorado. The behaviorist informed the veterinarian that the puppies were going to be transferred to DMK and provided an address in Denver, Colorado. The veterinarian stated that something did not seem “quite right” about the situation, but she completed the CVI for the puppies with the information provided. However, the veterinarian notated on the CVI that the six puppies had not yet received their rabies vaccine, as they were still too young.

There have been several AWD employees who have expressed that AWD does not have a “puppy problem.” AWD’s current Interim Director stated that there was absolutely no reason to

have moved puppies to Colorado. He pointed out that AWD has absolutely no problem with finding local citizens who want to adopt puppies, and that puppies are usually the first to “fly out the door.”

In situations where puppies are received by the shelter, and are still too young to be vaccinated and spayed or neutered, they are sent to foster homes until they are old enough for vaccines and sterilization—for this reason, they are also ineligible for adoption. There are sufficient foster homes available and willing to take in puppies, including entire litters (including the mothers). Foster homes are sent a notification when it is time for puppies to have certain vaccines and when they can be spayed or neutered. Once puppies have had all the necessary vaccines, and after they have been sterilized, they can then be transferred back to the shelter and be made eligible for adoption.

Concern was expressed that the Associate Director “fostered” AWD dogs, including puppies, but did not communicate with the person who was foster coordinator at the time, to express her interest in which animals she wanted to foster. In addition, the Associate Director did not complete the required foster contract nor any other necessary forms for most of the animals she took.

Some of the dogs fostered by the Associate Director included the litter of six puppies: Halle, Monte, Hazelnut, Pistachio, Cashew and Pecan. OIG learned that the person who was the foster coordinator at the time was not contacted and no foster contract was signed for these puppies. The puppies had to be tracked down when it was time for their vaccinations. After the puppies were vaccinated and spayed or neutered, they were transferred to the Associate Director and DMK. When puppies such as these were received by the shelter, there were instances where the Associate Director “fostered” the puppies until all medical procedures (vaccines, sterilization, etc.) were completed. When the puppies were considered “Ready to Go” (RTG), they were then transferred to DMK and to Colorado.

Employees expressed concern that City and AWD resources were used to care for and treat highly adoptable animals, yet the citizens of Albuquerque were not given an opportunity to adopt these animals. Instead, animals were transferred to Colorado and made available for adoption there. OIG learned that the average adoption fees charged by DMK were \$250 for puppies, \$175 for adult dogs, and \$50 for senior dogs. At times, there was a donation toward the adoption that reduced the costs. Health and vetting required additional costs for a particular dog or litter, which resulted in an increased cost of adoption. Most dogs were fully vetted, but some needed a final round of vaccines. The fees for adoption of dogs through AWD was \$80; however, many times the fee was lowered depending on promotions offered by AWD.

#### **Additional Requirements for Animals Transferred out of State:**

Each state has its own requirements for when an animal was transferred from another state. The animals that were brought to the attention of the OIG were transferred to DMK and were transferred to the state of Colorado. Colorado requires a CVI for dogs transferred to the state. The CVI must be issued by an accredited veterinarian within 30 days prior to entry. It must indicate that the dog is free from rabies exposure. In addition, dogs over three months of age

must be vaccinated for rabies within 12 months prior to entry. The type of vaccination and date of administration must also be listed on the CVI.

The CVI is a form created by the United States Department of Agriculture (USDA), Animal and Plant Health Inspection Service (APHIS). The official form is APHIS Form 7001, titled “United States Interstate and International Certificate of Health Examination for Small Animals.” The form must be completed and signed by an accredited veterinarian, who certifies that:

- The presence of a microchip was detected in the animal(s);
- That the animal(s) described in the form have been inspected by the certifying veterinarian and appear to be free of any infectious or contagious diseases and exposure thereto, which would endanger the animal or other animals or would endanger public health;
- That the animal(s) described in the form originated from an area not quarantined for rabies and has or has not been exposed to rabies

#### **Interview of AD’s Landlord:**

AD’s landlord was telephonically interviewed regarding AD’s leased property in Belen, NM. The landlord advised that the AD maintained several dogs at her home at various times. During an inspection on November 20, 2017, he noted dog urine, feces and an unhealthy odor, which he characterized as needing to be professionally remediated. He also noted the carpet had been removed due to urine damage. He indicated there were visible signs of urine stains on the non-protected hardwood subflooring. He noted that there was significant damage and destruction to doors, windows, door frames and window screens, due to dogs breaking, chewing and scratching these items. Additionally, the outdoor property area had damage due to dogs digging holes. He indicated that on November 11, 2017, he noted an extension cord that was plugged into a laundry room outlet with the cord running through the wall and out to a dog kennel. AD informed the landlord that she ran the cord to the dog kennel to provide heat with a space heater, which the landlord said was a violation of safety codes. The landlord documented that without his consent, AD converted the residential back yard into a “makeshift commercial kennel” for her dogs, with a six foot chain link fence surrounding the perimeter. He indicated this modification was not permitted and was now affecting safe egress. During his November 11, 2017, visit to the property, he expressed his concerns of the dog related damage of the house to the AD and she became angry and upset. He said that he needed to follow the contract and that the house was intended for occupation by people and not animals, to which she disagreed.

#### **Review of City of Belen’s Ordinance No 1985-3, Care of Animals:**

The City of Belen’s Animal Care ordinance defines “animal control shelter” or “shelter” as any pound, lot, premises, or building maintained for the care and custody of animals. The ordinance defines “kennel” as any hobby or commercial establishment of premises where dogs, cats, or other animals are boarded, bred, or kept. The ordinance requires that all dogs that are over three months of age must be licensed by the City. The ordinance limits the number of dogs that may be owned to four, unless the person has a kennel license. All commercial kennels must be

licensed and inspected by an Animal Control Officer. The ordinance requires kennels to be within facilities that are structurally sound and kept clean and sanitary at all times, as well as having adequate space to prevent overcrowding.

Note: The AD asserted that her residence was located just outside the border of the City of Belen. The above information is included as it is similar to the requirements of the County of Valencia, and her mailing address indicates she resides in Belen.

### **Review of County of Valencia’s Ordinance, Title IX, Chapter 90, Animal Control:**

The County of Valencia’s Animal Control ordinance defines “hobby kennel” as a person involved in animal activities, such as, but not limited to, showing or controlled breeding of registered purebred dogs and/or cats. The definition for a “commercial kennel” is defined as any establishment where dogs and/or cats are boarded or maintained under controlled conditions and is operated as a business. The ordinance defines an “owner” as a person, who owns, has, keeps, harbors, or permits animal(s) to remain in, on, or about his or her premises and is responsible for the welfare and maintenance of the animal(s). The definition of “permitted premises” is the establishment, property or site for which a valid permit has been issued by the Animal Control Director for use as a commercial kennel, humane society, pet shop, guard dog site, hobby kennel site. Regarding licensing, the ordinance states any person harboring or maintaining any dog or cat over the age of 3 months within the county shall obtain a license or permit from animal control on an annual basis. The ordinance requires that no person shall operate a commercial kennel, hobby kennel, or keep a dangerous animal without a valid permit issued by the Animal Control Officer. The ordinance requires that kennel facilities must be structurally sound and constructed of non-toxic materials, and that the facility should be maintained in good repair, kept clean and sanitary at all times to protect animals from disease and injury.

### **Telephonic Discussion with County of Valencia’s Animal Control Director:**

On February 22, 2018, Jess Weston, Director of Animal Control, County of Valencia, NM, advised that his research of County records indicated that no licenses or permits were issued to the AD for both animals and kennels. He also indicated he was interested in visiting the AD’s property for compliance purposes.

### **Meeting with Interim Director:**

On February 1, 2018, the OIG met with the Interim Director of AWD to provide a briefing of the OIG investigation and the issues and allegations involved. The Interim Director provided information he felt was pertinent to the investigation.

The Interim Director relayed that there were two active investigations involving the AD for AWD, and that one investigation involved the circumvention of the adoption process. As a result, the AD was out on administrative leave pending the outcome of the investigations. The Interim Director expressed that from what he knew of this situation, he agreed there was wrongdoing on the part of the AD, and that there were dogs being transported to Colorado to her rescue. However, he did not know if the AD was directly profiting from the adoption of any AWD dogs that were transferred to her rescue. Regardless of whether the AD profited, the

Interim Director felt that some staff members may have been over exuberant in trying to keep older dogs alive. He explained that there was a time when the Population Management Team (PMT) used to regularly “walk the kennels,” but that it got to a point where the PMT was being “cherry picked” in who would walk the kennels, in an effort to steer the outcome of which dogs would be put on the euthanasia list. In addition, there were often times the AD filled the “admin” position on the PMT and walked the kennels.

The Interim Director was not aware of information pertaining to the health certificate issue for dogs that were transferred out of state.

### **Interview of Associate Director:**

On February 9, 2018, the AD was interviewed regarding the allegations. She provided information she believed was relevant to the investigation, and which she believed provided clarity, correction and context to information provided by other individuals. The AD stated that she has been the AD since February 7, 2017, and confirmed that prior to coming to New Mexico and working for AWD, she had a shelter, a rescue and a boarding facility, in Aurora, Colorado. She said she closed the shelter and the boarding facility in April, 2017, but kept the rescue operation, known as DMK. According to the AD, DMK was now based at the home of a woman in Littleton, Colorado. She further explained that this was DMK’s legal address, but there were no dogs at this property. The AD explained that the homeowner did not wish to keep multiple dogs at her home, so instead, she found different homes that kept the dogs in a foster-type capacity. These homes were those of unpaid volunteers who were part of the rescue and foster network.

The Associate Director stated that DMK was a legitimate 501c3, non-profit organization in Colorado. She confirmed that DMK adopted out dogs, and also confirmed that DMK’s adoption fees were in the \$200 - \$250 range. However, everything that was received as income went into the rescue operation. The AD indicated that DMK personnel were not paid and DMK did not make a profit. She commented that a true non-profit does not profit and true rescue people do not make money. She added that a lot of money also was used for veterinary bills and that she had personally paid vet bills for dogs, including those that had been received from AWD. The AD said that DMK frequently held fundraisers. She related that in December, 2017, DMK received a grant match of \$30,000. DMK also tried to keep dogs in their homes, rather than giving the dogs to a shelter.

The AD admitted that she never completed an outside employment form for the City of Albuquerque for maintaining her DMK rescue. She stated that former AWD Director, Paul Caster, and either the former COO, Michael Riordan or the former CAO, Robert Perry (she could not remember exactly who it was), did not consider her involvement with DMK to be outside employment. She further explained this was because she did not have “hands on” involvement with DMK, since the rescue was in Colorado and she was in New Mexico. Additionally, she indicated that work related to the rescue took place after AWD work hours, and it had nothing to do with cash and earning money; she did not receive money. The AD stated that no one had addressed the potential conflict of interest with her involvement in the rescue operation in

Colorado while she was also employed as the AD; she believed the two positions were “complementary.” The AD admitted that everything was verbal and nothing was in writing.

The AD acknowledged that puppies were taken from AWD to Colorado during the latter part of 2017. She claimed to have had no idea there were Albuquerque citizens who expressed interest in adopting some of these puppies. According to the Associate Director, an AWD Customer Service Representative (CSR) at the west side shelter fostered two litters of puppies and allegedly told the AD to take the puppies because she never wanted to see them back in the shelter again. The AD explained this was because when dogs were returned to the shelters, there was usually an issue with the dogs at that point, and the CSR did not want to see the dogs get euthanized. The AD claimed she did not know about these puppies until the CSR asked if she would take them. The AD added that she did not go “look for dogs.” She indicated that at times she had mentioned that she would travel to Colorado, and employees had commented that “a particular dog wished to go to Colorado too.” She also indicated that there were times she mentioned that DMK would have an adoption event and asked staff if there were any dogs that they wanted to provide to DMK for the event. However, the AD did not view this as “cherry picking.”

The AD did not believe her position at AWD gave her an advantage over other citizens in facilitating the removal of animals from the adoption process and subsequent placement in the rescue operation. She said people asked her if she could take certain dogs or that dogs were going to be listed on the euthanasia list. She was advised that many of the dogs transferred to DMK were highly adoptable puppies; she said that she did not like “taking little puppies,” as they get sick and she claimed they were not good adoption candidates because there was always “something with puppies.” She stated that her history on dogs reflected that there were many more dogs that she removed for her rescue that were older.

The AD indicated she did not have anything to do with the adoption process at AWD, and did not know everybody’s “intricacies” with regard to their position at AWD. She knew AWD was supposed to do background checks on potential adopters and fosters as well. Also, when animals were received by AWD shelters, they get their picture taken, their shots and they were placed into a kennel. If an AWD employee was interested in adopting a dog, then they needed to let one of the senior employees or one of the supervisors know that they were interested in adopting a dog. The same was true if an employee wanted to foster a dog.

When animals were going to be taken to DMK, the AD stated either she or a kennel supervisor told the rescue transport coordinator that the animals were being transported. She also confirmed that health certificates were required for any animal being transported out of state, to include puppies. The AD indicated that the rescue transport coordinator was informed of this as well because they had to complete the required documents for transfers. A transporter license was also required to transfer animals into the state of Colorado, per the Pet Animal Care Facilities Act (PACFA).

When asked about the DMK van that was parked at her Belen, NM address, the AD stated the van was what she used to pack all her belongings in when she moved from Colorado to New

Mexico a year ago. She also indicated that the van was not used to transfer animals from AWD to Colorado, and that she planned to send the van back to Colorado

The AD confirmed that a health certificate was required when an animal was transferred to another state. The health certificate was required by the USDA, but was issued by a veterinarian. The certificate is a federal requirement, but according to the AD, the USDA did not enforce the health certificate requirement.

The AD was asked about the dog “Chomppers” and why this dog was transported to Colorado without a health certificate. She indicated that when she removed the dog on November 30, 2017, he was so sick that he was not able to be transported immediately. Additionally, because of the holidays and because of other people’s schedules, Chomppers did not leave New Mexico until January 11, 2018. She further explained that by the time Chomppers was transported, the health certificate she had requested would not have been valid anymore, since it was only valid for 30 days. By the time Chomppers left, the AD said she did not think about the health certificate. She said she was not involved with transporting Chomppers and also shared that she was not involved with fostering him when he was in New Mexico. The AD did not divulge who Chomppers was staying with from the time he was removed from the AWD shelter to the time he was transported to Colorado.

The Associate Director admitted that there had been AWD dogs that had stayed at her leased property in Belen, NM, for a few days before being sent to DMK. She stated that some of the dogs who had been at her Belen residence included: Griffin, Omelette, Masion and Owen. She stated that Valencia County (County of her residence) allowed residents to have a maximum of 12 dogs per acre of land and she indicated her property was two acres, therefore, she was allowed to have 24 dogs. However, the AD stated that she had 32 dogs when she moved to New Mexico. She explained that she had just closed the shelter in Aurora and there were “left over” dogs. Because she needed to move the dogs, she brought them to New Mexico from Colorado. She said that approximately a week after she moved to New Mexico, she was able to find a place for 12 of the dogs. She stated all but five of the 32 dogs eventually were returned to Colorado and that she still had the five remaining dogs.

### **Conclusion:**

The position of the OIG is that there is sufficient evidence based on a “clear and convincing” standard that the allegations involving the AD’s misuse of her position (abuse) was substantiated. Similarly, the position of the OIG is that there is sufficient evidence based on a “clear and convincing” standard that the allegation of conflict of interest was substantiated.

Additionally, there is evidence that the AD failed to comply with laws of the State of Colorado with regard to providing the proper health certificates and the ordinances of Valencia County regarding operating a kennel without a permit and boarding dogs without being properly licensed. While these last two issues fall within the jurisdictions of another State and County, they reflect upon the AD’s professionalism, integrity and willingness to abide by laws, which is important for a senior level employee of the City of Albuquerque.