



Commonwealth of Pennsylvania
Dog Law Enforcement Office
Kennel Inspection



Kennel WHISPERING SPRING KENNEL LLC 316 GOOD ROAD EAST EARL PA 17519 (717) 445-0020 Business				Owner(s)				
Kennel County	LANCASTER (36)			Kennel Township	Brecknock			
License Number	2470			License Year/Class	K3: 101-150 dogs per year			
Person Interviewed	James Burkholder			Title	Owner			
Inspection Action	Citation Issued	Inspection Date		8/23/2018	Inspected By	SEIPLE , CHRIS		
Dog Counts								
CurrYr: Boarding	CurrYr: Breeding	CurrYr: Other	CurrYr: Transfer	On Prem	PrevYr: Boarding	PrevYr: Breeding	PrevYr: Other	PrevYr: Transfer
0	0	16	49	58	0	0	42	62
Kennel Regulations								
Inspection Category					Result			
Other					Unsatisfactory			
455.8 Rabies Vaccination					Satisfactory			
21.42 Bill of Sale					Not Applicable			
21.41b Record on State Forms					Satisfactory			
21.41a Records Kept					Satisfactory			
21.29c Housekeeping/Pests					Satisfactory			
21.29b Sanitation					Satisfactory			
21.29a Excreta					Satisfactory			
21.28d Bedding Cleanliness					Satisfactory			
21.28c Food/Water Receptacles					Satisfactory			
21.28b Water					Satisfactory			
21.28a Food					Satisfactory			
21.27 Lighting					Satisfactory			
21.26 Ventilation					Satisfactory			
21.25b Shade					Satisfactory			
21.25a Temperature					Satisfactory			
21.24d Flooring-Metal Strand					Satisfactory			
21.24c Chains					Not Applicable			
21.24b Bedding					Not Applicable			
21.24a Shelter					Satisfactory			
21.23b Run Dimensions					Satisfactory			
21.23a Run Space					Satisfactory			
21.22 Segregation					Satisfactory			



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21.21c Drainage	Satisfactory
21.21b Water Resistance	Satisfactory
21.21a Maintenance	Satisfactory
Kennel Acts	
Inspection Category	Result
402.d Vet Check	Yes
401c Interference with Officer	Yes
220 Refusal of Entry	Yes
214 Health Certificate	Not Applicable
210 Bill of Sale	Not Applicable
209a.1.1 Dealing Unlic OOS Dealer	No
207g.2 Smoke Alarm & Fire Extinguishers	Not Applicable
207g.1 Exercise Plan	Not Applicable
207e Display of License, Refusal or Revocation	Unsatisfactory
207d Tags - RKNH	Not Applicable
207c Records Kept	Satisfactory
207b Maintenance	Satisfactory
207a Unlicensed Kennel	No
206a Kennel Closure or Moving	No
Commercial Kennel Acts	
Inspection Category	Result
207I.8 Veterinary Exam Schedule	Unsatisfactory
207I.7 Rabies Vaccination	Satisfactory
207I.6.xii Exercise Area-Forced Exercise	Not Applicable
207I.6.x.A Exercise Area-Outdoors	Unsatisfactory
207I.6.ix Exercise Area-Structure and Maintenance	Unsatisfactory
207I.6.viii Exercise Area-Nursing Dams	Satisfactory
207I.6.vii Exercise Area-Compatibility	Not Applicable
207I.6.vi Exercise Area-Injury	Not Applicable
207I.6.v Exercise Area-Sanitation	Not Applicable
207I.6.iv Exercise Area-Repair and Maintenance	Not Applicable
207I.6.iii Exercise Area-Containment	Not Applicable
207I.6.ii Exercise Area-Size	Not Applicable
207I.6.i Exercise Area-Unfettered Access	Unsatisfactory
207I.4 Primary Enclosure-Unfettered Access	Unsatisfactory
207I.3.iii Flooring-Alternate Flooring Standards	Not Applicable
207I.3.ii Flooring-Construction	Not Applicable



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207I.3.i Flooring-Structural Requirements	Unsatisfactory
207I.2 Primary Enclosure 30" Off Floor	Satisfactory
207I.1 Space-Size of Primary Enclosure	Satisfactory
207h.16 Records-Veterinary	Satisfactory
207h.15 Records-Individual Dogs	Satisfactory
207h.14.vii Sanitation Insect and Parasite Control	Satisfactory
207h.14.vi Sanitation Premises	Satisfactory
207h.14.v Sanitation Removing Contaminants	Satisfactory
207h.14.iv Sanitation Methods	Satisfactory
207h.14.iii Sanitation-Two Weeks or Less	Satisfactory
207h.14.ii Sanitation-Prior To Use	Satisfactory
207h.14.i Sanitation-Feces, Waste, etc.	Satisfactory
207h.13 Smoke Alarm & Fire Suppression	Unsatisfactory
207h.12 Primary Enclosure-Stacking	Not Applicable
207h.11 Sanitation-Dog Removal	Satisfactory
207h.10 Food Contamination	Satisfactory
207h.9 Primary Enclosure-Structural	Satisfactory
207h.8 Lighting Ranges and Cycles	Satisfactory
207h.7 Ventilation Levels	Satisfactory
207h.6 Temperature Extreme 50 and 85	Satisfactory
207h.5 Veterinary Program of Care	Unsatisfactory
207h.4.1 Veterinarian	Satisfactory
207h.4 Housing Limits, Compatible, Segregation	Satisfactory
207h.3 Space-Nursing Dams	Satisfactory
207h.2.xii Space-Height	Satisfactory
207h.2.xi Space-Free Movement	Satisfactory
207h.2.x Primary Enclosure-Flooring	Satisfactory
207h.2.ix Sanitation	Satisfactory
207h.2.viii Water-Potable Constant	Satisfactory
207h.2.vii Space-Shelter All Dogs	Satisfactory
207h.2.vi Primary Enclosure-Shelter Temp & Hazards	Satisfactory
207h.2.v Primary Enclosure-Shelter from Elements	Satisfactory
207h.2.iv Primary Enclosure-Restraint Access	Satisfactory
207h.2.iii Primary Enclosure-Containment Height	Satisfactory
207h.2.ii Primary Enclosure-Protect From Injury	Satisfactory
207h.2.i Primary Enclosure-Sharp Edges and Points	Satisfactory
207h.1 Primary Enclosure-Gen Structure and Repair	Satisfactory



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Commercial Kennel Regulations	
Inspection Category	Result
28a.8(5) Flooring	Not Applicable
28a.7 Lighting	Satisfactory
28a.4 Humidity Levels	Satisfactory
28a.2.e Ventilation and Circulation	No
28a.2.c Ventilation System Inspected	No
28a.2.b Ventilation System Certified	No
Miscellaneous	
Inspection Category	Result
Viewed State Form Exemption Letter	Not Applicable
Viewed Rabies Certification Letter	Yes
Reinspection required	No
Remarks	
<p><i>Actions which are directed to be taken are not all that may be required of the kennel operator to come into compliance. The kennel operator is responsible for taking any and all actions necessary to come into compliance.</i></p> <p>The re-inspection of the kennel took place on August 23, 2018. There were a total of 39 adult dogs and 19 puppies located on the premises at the time of this inspection. The rabies certification letter was viewed. This inspection was conducted with KCS Frey and State Veterinarian Dr. Ward.</p> <p>This inspection on August 23, 2018 is as follows:</p> <p>Act 207(a.1)(1) -</p> <p>Wardens viewed that the Kennel owner surpassed the k4 non-commercial kennel type by transferring ownership of more than 60 dogs throughout the 2017 calendar year. There was no upgrade kennel application submitted to the Department within 7 days of that date.</p> <p>This Warden directs that the kennel owner take the following action(s):</p> <p>It shall be unlawful for kennels described under section 206 to operate without first obtaining a kennel license from the department. The kennel owner must apply for and obtain a commercial kennel license.</p> <p>Act 207(a.1)(4) -</p> <p>Wardens viewed that the Kennel owner surpassed the k4 non-commercial kennel type by transferring ownership of more than 60 dogs throughout the 2017 calendar year. There was no upgrade kennel application submitted to the Department within 7 days of that date.</p> <p>This Warden directs that the kennel owner take the following action(s):</p> <p>It shall be no defense to any civil penalty or criminal prosecution under this act that a person operating a kennel failed to properly obtain the appropriate license. The kennel owner must apply for and obtain a commercial kennel license.</p> <p>Act 207(a.1)(5) -</p> <p>Wardens viewed that the Kennel owner surpassed the k4 non-commercial kennel type by transferring ownership of more than 60 dogs throughout the 2017 calendar year. There was no upgrade kennel application submitted to the Department within 7 days of that date.</p> <p>This Warden directs that the kennel owner take the following action(s):</p> <p>A kennel operator that is applying for a different license because of an increase in the total number of dogs or due to birth of additional dogs in the kennel during a calendar year shall not be in violation, provided the application is filed within seven days of the increase.</p> <p>Act 207(e) -</p> <p>The kennel was issued a refusal order of the kennel license. During this inspection Wardens did not see the refusal order posted anywhere on the kennel premises.</p>	



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This Warden directs the kennel owner to take the following action(s):

If the secretary revokes or denies a kennel license, the department shall issue a notice of revocation or denial. The notice shall be posted in a place conspicuous to persons authorized to enter and approved by the department for a period of time as provided in this subsection. In the case of a revocation or denial of a kennel license, the kennel shall display the notice of revocation or denial until such time as the kennel has ceased to operate or as the department determines and sets forth in the order. In the case of an appeal of revocation or denial, the notice of revocation or denial shall remain posted until the final disposition of appeal or the department has reissued a valid kennel license.

Act 207(h)(5) - Veterinary Program of Care

Wardens were unable to verify a written program of Veterinarian Care.

This Warden directs that the kennel owner take the following action(s):

The kennel in which the primary enclosure is located shall establish a written program of veterinary care, which shall include a physical examination and vaccination schedule, a protocol for disease control and prevention, pest and parasite control, nutrition and euthanasia. A copy of the program should be kept in the kennel records.

Act 207(i)(3)(i) - Flooring-Structural Requirements

Wardens observed that several dogs over 12 weeks of age were being housed on metal strand flooring.

This Warden directs that the kennel owner take the following action(s):

The floor of the primary enclosure shall be strong enough so that the floor does not sag or bend between the structural supports, shall not be able to be destroyed through digging or chewing by the dogs housed in the primary enclosure, shall not permit the feet of any dog housed in the primary enclosure to pass through any opening, shall not be metal strand whether or not it is coated, shall allow for moderate drainage of fluids and shall not be sloped more than 0.25 inches per foot.

Act 207(i)(4)-

Wardens noted all primary enclosures housing adult dogs over 12 weeks of age in the kennel that were not provided unfettered clearance to an exercise area.

This Warden directs that the kennel owner take the following action(s):

Except as provided in paragraph (5), each primary enclosure shall have an entryway that will allow the dog unfettered clearance out of the enclosure to an exercise area under paragraph (6) unless the enclosure is closed for active cleaning under subsection (h)(11) or by order of a veterinarian under paragraph (6)(xi).

Act 207(i)(6)(i) -

Wardens noted all primary enclosures housing adult dogs over 12 weeks of age in the kennel that did not have unfettered clearance from their primary enclosure to an exercise area.

This Warden directs that the kennel owner take the following action(s):

Except as provided in paragraph (5), the exercise area must allow for unfettered clearance for dogs from their primary enclosure.

207(i)(6)(ix) -

Wardens noted all primary enclosures housing adult dogs over 12 weeks of age in the kennel did not have an exercise area on ground level with solid and maintainable flooring.

This Warden directs that the kennel owner take the following action(s):

The exercise area must be on ground level and the ground of the exercise area must be solid and maintainable.

207 (i)(6)(x)(A) -

Wardens noted all primary enclosures housing adult dogs over 12 weeks of age in the kennel did not have access to an outside exercise area.

This Warden directs that the kennel owner take the following action(s):

Except as provided under clause (B), the exercise area must be outdoors.

Act 207(i)(8) - Veterinary Exam Schedule

Wardens were unable to verify veterinary records for all dogs on the premises.

This Warden directs that the kennel take the following action(s):

A dog shall be examined by a veterinarian at least once every six months. During the examination, the veterinarian shall use appropriate methods to prevent, control, diagnose and treat diseases and injuries.



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Act 220 -

During this inspection the kennel owner stated that there were dogs in the house. This Warden explained to the kennel owner that Wardens would need to view the dogs in the house to view the primary enclosures to ensure they were in compliance. The kennel owner and his wife denied access to the dogs in the house. There was no way for Wardens to confirm the number of dogs that were kept in the owner's home.

This Warden directs the kennel owner to take the following action(s):

Violation.--It shall be a violation of this act if a kennel refuses entry to an agent of the Commonwealth acting to enforce this act. The term "refusal of entry" shall include any of the following:

- (1) Preventing an agent from entering the establishment.
- (2) Preventing an agent from inspecting a dog.
- (3) Hiding a dog from an agent.
- (4) An act or omission that prevents an agent from gaining entry to the establishment.

Act 302(c) -

Wardens viewed an adult husky type dog in a primary enclosure during this inspection. Wardens asked kennel owner for a bill of sale for this dog. Owner explained that the dog was a stray that was dropped off. Wardens explained that all stray dogs must be held at a licensed kennel approved by the Secretary to accept stray dogs.

This Warden directs the kennel owner to take the following action(s):

Unlicensed dogs.--Except as otherwise provided by section 305, [FN1] any police officer, State dog warden, employee of the department or animal control officer shall cause any unlicensed dog to be seized, detained, kept and fed for a period of 48 hours at any licensed kennel approved by the secretary for those purposes, except any dog seriously ill or injured or forfeited with the owner's permission. The 48-hour period shall not include days the approved kennel is not open to the general public. Any person may view the detained dogs during normal business hours. Any unlicensed dog remaining unclaimed after 48 hours may be humanely killed or given to a humane society or association for the prevention of cruelty to animals. No dog so caught and detained shall be sold for the purpose of vivisection, or research, or be conveyed in any manner for these purposes.

Act 401(c) -

During this inspection the kennel owner stated that there were dogs in the house. This Warden explained to the kennel owner that Wardens would need to view the dogs in the house to inspect the primary enclosures to ensure they were in compliance. The kennel owner and his wife denied access to the dogs in the house. There was no way for Wardens to confirm the number of dogs that were kept in the owner's home.

This Warden directs the kennel owner to take the following action(s):

Illegal to interfere.--It shall be unlawful for any person to interfere with any officer or employee of the department in the enforcement of this law.

Act 402(d) -

The kennel owner complied with the 72 hour veterinary inspection order that was ordered during this inspection.

Regulation 28a.2.(b) -

A written certification under the signature and seal of a professional engineer was not present.

This Warden directs that the kennel take the following action(s):

Certification of ventilation system. The kennel owner shall supply the following information to the Department:

- (1) Written certification under the signature and seal of a professional engineer verifying the professional engineer has inspected the ventilation system to be certified, acknowledging familiarity with the requirements of the act and this chapter and certifying that the ventilation system of the kennel meets all of the standards and requirements of this section and § § 28a.3-28a.6. In addition, the certification must contain the following information:
 - (i) The total cubic feet of the kennel and kennel housing facility, and the cubic feet of each separate room or area of the kennel and kennel housing facility where a dog is kept, housed or present.
 - (ii) A description of the mechanical ventilation equipment to be utilized in each room or area of the kennel and kennel housing facility where a dog is kept, housed or present, including primary enclosures. The description must include the cubic feet per minute capacity of that equipment.
 - (iii) A description of the humidity control system, devices or equipment to be utilized, including the total capacity of the system, devices or equipment.
 - (iv) A description of the auxiliary ventilation system, devices or equipment to be utilized.
 - (v) The highest total number of dogs that will be kept, held or present in the kennel and kennel housing facility, including primary enclosures, at any time.
 - (vi) The location where every device for measuring temperature and humidity required under § 28a.4(b)(1) (relating to humidity levels) should be installed to accurately measure temperature and humidity as required by this chapter in each area and room within the kennel and kennel housing facility where a dog is housed, kept or present, including primary enclosures.

Regulation 28a.2(c) -

Without a written certification from an engineer, this warden was unable to make the minimum inspection of assuring that the proper mechanical ventilation, auxiliary ventilation, or humidity control system was installed or operational.

This Warden directs that the kennel take the following action(s):



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Inspection.

(1) Inspection. A State dog warden or other employee of the Department inspecting the kennel will at a minimum assure that:

- (i) The mechanical ventilation system is functional, operational and in operation.
- (ii) The auxiliary ventilation system is available, functional and operational and, where the temperature in the kennel exceeds 85° Fahrenheit, that the auxiliary ventilation system is in operation.
- (iii) The humidity control system is available, functional and operational and operating or operated in a manner that meets the standards and requirements of § 28a.4.

Regulation 28a.2(e) -

Without a written certification from an engineer, it was unknown to this warden if a proper mechanical ventilation system is installed to meet the standards required by this chapter.

This Warden directs that the kennel owner take the following action(s):

Ventilation and circulation. Kennels and housing facilities where a dog is housed, kept or present, including primary enclosures, shall be equipped with mechanical ventilation equipment that physically moves air and can provide ventilation, fresh air ventilation, circulation, heating, dehumidification and filtration meeting the standards of this chapter. This equipment includes: air handlers, roof top units, dehumidifiers, furnaces, unit heaters and heat pumps.

**A re-inspection will be conducted at a later date.