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Photo by: Kansas Animal Health Department

The Need For Licensing and Regulating Breeders Selling Directly to the Public

By Lisa Gallo

On January 22, 2004, police raided the home kennel of Jennifer Siliski in Franklin, Tennessee, and seized 230 animals, 200 of whom were adult Maltese dogs. The animals were living in deplorable conditions, three or four to a cage, with cages stacked in two small rooms and the garage. The raid was precipitated by a call to Williamson County Animal Control from a man who had recently purchased three dogs from Siliski and found them to be in very poor health. This phone call was the beginning of what became a highly-publicized case involving a breeder who sold dogs through her Internet Web site. Unfortunately, breeders such as Siliski who sell directly to the public aren't regulated by the United States Department of Agriculture (USDA), and are the core of the Doris Day Animal League's (DDAL) puppy mill campaign to stop this form of animal abuse.

Top: A Williamson County Animal Control officer supervises volunteers in the care of the animals seized from the home of Tennessee dog breeder Jennifer Siliski. **Bottom:** The Kansas Animal Health Department rescued puppies living in this filthy cage at the home of illegal breeder Danny Berry.

DDAL began working to protect dogs and puppies in puppy mills over 15 years ago, and this serious issue continues to be a primary focus of our work. The USDA is charged with enforcing the federal Animal Welfare Act (AWA), which regulates commercial retail pet breeders who sell through brokers to pet stores. Unfortunately, breeders who sell directly to the public are being excluded from regulation by the USDA, thereby placing in jeopardy the health of countless puppies each year. DDAL continues to work for licensing and regulation of breeders selling directly to the public to prevent cruelty and neglect. But until we reach that goal, we must rely on the judicial system to help puppies by prosecuting unscrupulous breeders after they have been arrested on animal cruelty or neglect charges, and the suffering of the dogs is made public.

Looking Back

DDAL's history with USDA regarding the protection of puppies in breeding facilities dates back to 1988 when DDAL filed an administrative petition to request USDA commence rulemaking to license and regulate direct sales dealers. After the agency ignored the petition, DDAL filed a lawsuit requiring USDA to regulate direct sales breeders, as directed by the AWA. The U.S. District Court ruled in DDAL's favor on July 31, 2001, stating that USDA's exclusion of retail dealers selling from their own premises to the public is in violation of the AWA. However, the decision was reversed on appeal. We then went to the U.S. Supreme Court, but it declined to review the case.

Therefore, these breeders continue to escape federal regulation.

Following are several recent puppy mill cases in which DDAL has lobbied for strong enforcement of animal cruelty statutes against breeders charged with animal cruelty. Whether contacting district attorneys to encourage aggressive prosecution or judges regarding aggressive sentencing,



Photo by: Kansas Animal Health Department



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These puppies were rescued from the home of Danny Berry (see page 9), an unlicensed breeder selling directly to the public. The federal government and most states don't license and regulate breeders such as Berry, allowing them to raise animals in filthy, inhumane conditions with little chance of being discovered. Opposite page: A veterinarian looks over one of the dogs rescued from Jennifer Siliski's breeding facility.

DDAL worked to ensure these unregulated breeders were brought to justice.

Franklin, Tennessee

Dog breeder Jennifer Siliski was charged with 30 counts of animal cruelty, based on the cases of the 230 seized dogs that were the most egregious. In addition to the criminal case, civil and class action cases are also being considered due to numerous complaints from people who bought from her, who have reported dogs with parvo, heart murmurs, mange, social-

ization problems, and with their vocal cords surgically cut, called debarking. One veterinarian testified that some female dogs could barely stand and had large tumors, yet they were still being bred. Some of the dogs were severely dehydrated, others suffered from ear and uterine infections. At least three dogs were over age 13 and still being bred, despite blindness, dental disease and mange, according to the vet's testimony.

The local media immediately picked up on this story, and the public—outraged about the treatment of the dogs—rallied to find them temporary homes. Six months later, the case finally went to trial and the District Attorney's aggressive prosecution helped bring a guilty verdict by the jury on 11 of the 30 counts. Prior to sentencing, DDAL wrote to Judge R.E. Lee Davies, asking for stiff penalties to be handed down. Siliski was sentenced to 10 days in jail, one year of supervised probation and 50 hours of community service. She also was prohibited from trading or selling dogs in the future. Further, Judge Davis ordered the dogs to be sold at auction in order to help the county recoup the \$100,000 in expenses related to caring for them, but rejected the D.A.'s request that the animals be spayed or neutered.

Again, the public outcry was enormous, especially from those who had been fostering the dogs for several months. Selling the dogs at auction, they reasoned, would almost certainly put them back in the hands of breeders. In response, Williamson County Commissioners Houston Naron and Judy Hayes sponsored a resolution that would help the county recoup its money by selling the dogs, but would guarantee that the foster parents would have first right of refusal and the dogs would be spayed or neutered. The judge agreed to abide by the reso-

lution, if adopted. DDAL again took action by contacting the county commissioners in support of the resolution. The County Commission unanimously approved the resolution, finally giving animal lovers and humane and caring citizens in Williamson County a reason to celebrate.

Osewego County, New York

On July 9, 2004, 23 dogs and puppies were rescued from Jerry and

September 2, 2004, following several complaints made by neighbors and others to the Spencer County Sheriff's Department. Investigators found approximately 100 dogs, mostly Siberian huskies, in deplorable conditions. They were kept in small, unsanitary pens with no protection from the elements.

Pope had reportedly been selling her dogs over the Internet to customers across the U.S. and overseas,

A Domino Effect

The animals are not the only ones who feel the repercussions of the actions of unscrupulous breeders. In cases of reported abuse and neglect in which large numbers of animals are seized, the local humane organizations charged with their care must carry the burden as their resources are stretched to the limit. Bills for housing and vet care fall to the city or

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Sherry Schmidt in Hannibal, New York, who were selling directly to the public. The dogs were reportedly locked in cages, covered with urine, feces and fleas, some had no water and most didn't have food. A few of the dogs were outside with no shelter or protection. Many were sick and had worms, several were pregnant, and one pregnant female was left outside to give birth in the mud.

The Schmidts were apparently out of town at the time of the raid, but eventually surrendered to police upon learning of warrants for their arrest. They now face 23 counts of animal cruelty, plus separate felony charges of scheming to defraud and selling or offering to sell sick animals. The case is currently moving slowly towards a possible trial, while the dogs remain in limbo, but, at least, safe, in foster homes.

Upon the arrest of the Schmidts, local officials reported that they began receiving numerous complaints from customers across New York State and from as far away as Florida saying dogs purchased from the couple were in bad health and required numerous vet visits. Many customers claim to have tried unsuccessfully to contact them and to obtain refunds.

Taylorsville, Kentucky

Laura Pope's breeding facility in Spencer County was shut down on



Photo by: The Tennessee/Steven S. Harman and staff

and was charged with 95 counts of animal cruelty. The dogs were temporarily in the custody of local authorities, but have since been returned to Pope until the case is resolved, according to a judge's recent ruling.

Columbus, Georgia

The October 2004 raid of the home kennel of Lillian Baker and Charles Long turned up a horrendous case of animal abuse. The raid reportedly found eight emaciated dogs and four puppies, with no food or water in sight. Some were so weak they could not even stand. Ultimately, all but one of the dogs had to be euthanized due to suffering from parvo and other health problems. Animal control officers also found shallow graves in the breeders' backyard that contained several dog skeletons. The defendants were allegedly breeding the dogs from their home for sale to the public. Currently, Long and Baker await trial, but only one of the twelve dogs still survives.

county governments and can run into thousands of dollars, with few options available to recoup the expenses.

Pending legal removal from the breeder once the case is settled, which often takes several months, the dogs can be made available for adoption, once given a clean bill of health by veterinarians. Unfortunately, puppy mill dogs often have not been adequately socialized due to having little contact with humans or appropriate contact with other animals while spending their lives in cages; therefore, these dogs are usually turned over to foster homes until they adapt to living closely with humans and can hopefully be adopted in the future.

The Need for Licensing and Regulating

The four cases described above illustrate the need for licensing and regulation of breeders selling animals directly to the public through newspaper ads and over the Internet, and the problems created by this oversight by USDA. Until these breeders are regulated, the lives of countless puppies will be in jeopardy, leading to various large-scale cruelty and neglect cases. As the wheels of justice turn slowly, district attorneys face the frustration of knowing that a guilty verdict may bring a light sentence, in spite of the many

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hours spent prosecuting the case. And the localities that rescue puppy mill dogs will continue to carry the burden of caring for them for an extended period of time. Meanwhile, DDAL will pursue unregulated breeders through a number of avenues—by lobbying state and federal legislatures, the judicial system, and regulatory agencies to enforce existing laws and to create new laws to protect these animals. It's the least we can do to help our best friends.

DDAL's Puppy Patrol: How You Can Help


Everyone can help DDAL bolster its case for licensing and regulating breeding facilities by sending us newspaper articles and specific examples of the animal cruelty and inhumane conditions found at puppy mills of dealers selling directly to the public.

Refrain from buying puppies from pet stores, over the Internet or from newspaper ads. Instead, adopt puppies or dogs from local shelters or rescue groups.

Write a letter to the editor of your

local newspaper in response to reports of puppy mills in your area. This is an excellent way to bring needed attention to this issue.


For more information about DDAL's puppy mill campaign, visit our Web site at www.ddal.org/pup-pymills/. Also, see Legal Q&A by

Assistant District Attorney Braden Boucek, lead counsel in the case against Tennessee breeder Jennifer Siliski, on page 8. For more information on state and federal legislative activity, contact DDAL's Sara Amundson or Lisa Gallo (please see contact information on page 23). 

New Resource for Rescuing Horses

DDAL proudly introduces the new booklet *Basic Guidelines for Operating an Equine Rescue or Retirement Facility*, published jointly with the Animal Welfare Institute. Developed on the premise that high quality equine management need not be restrictively expensive, the guidelines will be a valuable management resource as efforts to end the slaughter of horses for human consumption continue, and the number of equine rescue and retirement facilities grows in response.

While compliance with the guidelines is strictly voluntary, DDAL hopes they will provide the groundwork for a future and more extensive certification and monitoring program. It includes chapters on Enclosures, Shelter and Fencing, Feed and Water, General Equine Health & Veterinary Care, Adoptions and Humane Euthanasia.

For more information, please contact Liz Ross (please see contact information on page 23) or visit our Web site to download a copy. 



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