

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
2811 AGRICULTURE DRIVE, PO BOX 8911
MADISON, WI 53708-8911

<p>IN THE MATTER OF</p> <p>PATRICIA ROCKSTROH W7541 KOSHKONONG LAKE ROAD FORT ATKINSON, WI 53538</p> <p>DOG SELLER LICENSE #268588,</p> <p>RESPONDENT.</p>	<p>DOCKET NO. 24-DAH-131095</p> <p>ADMINISTRATIVE STIPULATION FOR CONDITIONS TO BE PLACED ON LICENSE</p>
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PARTIES

1. Patricia Rockstroh (“Respondent”) operates as a dog breeder under dog seller license#268588, located at W7541 Koshkonong Lake Road, Fort Atkinson, Jefferson, WI 53538. At all times material to this stipulation, Respondent was subject to Wis. Stat. ch. 173 and Wis. Admin. Code ch. ATCP 16.

2. The Wisconsin Department of Agriculture, Trade and Consumer Protection (“Department”) administers animal health laws, pursuant to Wis. Stat. ch. 95. The Department licenses dog sellers, pursuant to Wis. Stat. § 173.41, and has adopted dog seller rules in Wis. Admin. Code ch. ATCP 16. The Department may deny, suspend, revoke or impose conditions on a license, pursuant to Wis. Stat. § 93.06(7) and (8) and 173.41(4). The Department has jurisdiction over the Respondent and over the subject matter of this proceeding.

3. The Division of Animal Health (“Division”) is a Division of the Department. The Division administers animal health laws and regulates dog sellers on behalf of the Department.

The Parties stipulate as follows:

4. Respondent does not contest that the Department has enough evidence to prove that Respondent committed the following offenses:

a. On November 13, 2023, Companion Animal Inspector Tony Centracchio (Centracchio) and Animal Health Compliance Specialist, Julie Phillippi (Phillippi) followed up on a complaint received from Badger Veterinary Hospital. The veterinary clinic had concerns about the conditions of the dogs and the facility. During the inspection/investigation, Centracchio and Phillippi discovered the below numerous violations concerning the well-being of the dogs and the facility.

b. On November 13, 2023, Respondent failed to groom and prevent abnormal matting on a dog in her custody, in violation of Wis. Admin. Code § ATCP 16.20(2)(d).

c. On November 13, 2023, Respondent failed to provide dogs with safe play objects or other effective forms of inanimate enrichment in their primary enclosure, in violation of Wis. Admin. Code § ATCP 16.20(6)(c).

d. On November 13, 2023, Respondent failed to ensure that dogs kept in temporary enclosures shall be tall enough for the dog to stand normally and comfortably, and large enough for the dog to turn around and lie down, in violation of Wis. Admin. Code § ATCP 16.20(9)(a)(1-3).

e. On November 13, 2023, Respondent failed to ensure that the primary enclosure was structurally sound and maintained in good repair to protect the dog from injury, in violation of Wis. Admin. Code § ATCP 16.22(1)(am)

f. On November 13, 2023, Respondent failed to ensure that the stacked primary enclosure was stable when filled to the maximum capacity with dogs, in violation of Wis. Admin. Code § ATCP 16.22(1)(c)4.

g. On November 13, 2023, Respondent failed to ensure that the floor area of the primary enclosure is at least equal to the sum of the floor area where each dog is measured from the tip of the dog's nose to the base of the dog's tail, in violation of Wis. Admin. Code § ATCP 16.22(2)(a-c).

h. On November 13, 2023, Respondent failed to have the facility adequately ventilated with fresh or filtered air to maintain the health and comfort of the dogs, in violation of Wis. Admin. Code § ATCP 16.22(7)(c).

i. On November 13, 2023, Respondent failed to provide clean, dry and breed-appropriate bedding, or a solid resting place that is appropriate for the dogs, in violation of Wis. Admin. Code § ATCP 16.22(8)(e).

j. On November 13, 2023, Respondent failed to allow department employees to perform his or her official duties, in violation of Wis. Admin. Code § ATCP 16.28(1).

5. The Division and the Respondent have agreed on a basis of settlement of this matter and Respondent hereby voluntarily agrees to comply with the Administrative Order for Conditions to be Placed on License, attached hereto, and waives the need for the filing of a complaint, further proceedings, trial or adjudication of any issue of law or fact concerning any claim made herein.

6. Conditions will be placed on the Respondent's dog seller license #268588, for a period of two (2) years, beginning on the date the order is signed. This order also applies to any subsequent license(s) obtained by Respondent within the specified time period. The conditions are as follows:

- a. Respondent shall groom and prevent abnormal matting on each dog that is in her possession, as required by Wis. Admin. Code § ATCP 16.20(2)(d).

- b. Respondent shall provide dogs with safe play objects or other effective forms of inanimate enrichment in their primary enclosure, as required by Wis. Admin. Code § ATCP 16.20(6)(c).
- c. Respondent shall ensure that dogs kept in temporary enclosures shall be tall enough for the dog to stand normally and comfortably, and large enough for the dog to turn around and lie down, as required Wis. Admin. Code § ATCP 16.20(9)(a)(1-3).
- d. Respondent shall ensure that the primary enclosure is structurally sound and maintained in good repair to protect the dog from injury, as required by Wis. Admin. Code § ATCP 16.22(1)(am).
- e. Respondent shall ensure that stacked primary enclosures are stable when filled to the maximum capacity with dogs, as required by Wis. Admin. Code § ATCP 16.22(1)(c)4.
- f. Respondent shall ensure that the floor area of the primary enclosure is at least equal to the sum of the floor area where each dog is measured from the tip of the dog's nose to the base of the dog's tail, as required by Wis. Admin. Code § ATCP 16.22(2)(a-c).
- g. Respondent shall have the facility adequately ventilated with fresh or filtered air to maintain the health and comfort of the dogs, as required by Wis. Admin. Code § ATCP 16.22(7)(c).
- h. Respondent shall provide clean, dry and breed-appropriate bedding, or a solid resting place that is appropriate for the dogs, as required by Wis. Admin. Code § ATCP 16.22(8)(e).
- i. Respondent shall allow department employees to perform his or her official duties, as required by Wis. Admin. Code § ATCP 16.28(1).

7. Respondent voluntarily consents to sign this Administrative Stipulation and attests that consent is given without force or coercion. Respondent is encouraged to consult with an attorney prior to consent.

8. Respondent does not contest the violations enumerated in Paragraph 4.

9. This Administrative Stipulation and signed Administrative Order settle all the matters as to the offense(s) listed in Paragraph 4.

10. This Order may be executed in multiple originals, which together shall constitute a single document. The parties agree to accept a handwritten signature or an electronic signature that complies with Wis. Stat. ch. 137 to execute this Order.

Signed this 6 day of Feb, 2024

By: Patricia Rockstroh
Patricia Rockstroh

FOR THE WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE, AND CONSUMER PROTECTION, DIVISION OF ANIMAL HEALTH:

By: Darlene M. Konkle Date: 02/28/2024

Darlene M. Konkle, DVM, MS, DACVIM
State Veterinarian and Administrator, Division of Animal Health
Wisconsin Department of Agriculture, Trade and Consumer Protection
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<p>IN THE MATTER OF</p> <p>PATRICIA ROCKSTROH W7541 KOSHKONONG LAKE ROAD FORT ATKINSON, WI 53538</p> <p>DOG SELLER LICENSE #268588,</p> <p>RESPONDENT.</p>	<p>DOCKET NO. 24-DAH-131095</p> <p>ADMINISTRATIVE STIPULATED ORDER FOR CONDITIONS TO BE PLACED ON LICENSE</p>
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Based on the attached administrative stipulation, signed by the parties in this matter, the Department of Agriculture, Trade and Consumer Protection makes the following jurisdictional findings and enters the following order, the Department of Agriculture, Trade and Consumer Protection makes the following jurisdictional findings and enters the following order:

JURISDICTION

1. Patricia Rockstroh ("Respondent") operates as a dog breeder and seller under dog seller license#268588, located at W7541 Koshkonong Lake Road, Fort Atkinson, Jefferson, WI 53538. At all times material to this order, Respondent was subject to Wis. Stat. ch. 173 and Wis. Admin. Code ch. ATCP 16.

2. The Wisconsin Department of Agriculture, Trade and Consumer Protection ("Department") administers animal health laws, pursuant to Wis. Stat. ch. 173. The Department licenses dog sellers, pursuant to Wis. Stat. § 173.41, and has adopted dog seller and dog facility rules in Wis. Admin. Code ch. ATCP 16. The Department may deny, suspend, revoke, or impose conditions on a license, pursuant to Wis. Stat. §§ 93.06(7) and (8) and 173.41(4). The Department has jurisdiction over the Respondent and over the subject matter of this proceeding.

3. The Division of Animal Health (“Division”) is a Division of the Department. The Division administers animal health laws and regulates dog sellers on behalf of the Department.

4. The Respondent has stipulated and consented to the issuance of this order by the Department, without the filing of a signed complaint, and without any further notice, hearing or adjudication of fact or law. The Respondent has agreed to be bound by this order. The stipulation is attached hereto and is incorporated herein by reference.

ORDER

NOW THEREFORE IT IS ORDERED, pursuant to the attached administrative stipulation, Wis. Stats. § 93.06(8), Wis. Stat § 173.41(4)(b) and Wis. Admin. Code ch. ATCP 16:

5. Conditions will be placed on the Respondent’s dog seller license #268588, for a period of two (2) years, beginning on the date this order is signed. This order also applies to any subsequent license(s) obtained by Respondent, within the specified time period. The conditions are as follows:

- a. Respondent shall groom and prevent abnormal matting on each dog that is in her possession, as required by Wis. Admin. Code § ATCP 16.20(2)(d).
- b. Respondent shall provide dogs with safe play objects or other effective forms of inanimate enrichment in their primary enclosure, as required by Wis. Admin. Code § ATCP 16.20(6)(c).
- c. Respondent shall ensure that dogs kept in temporary enclosures shall be tall enough for the dog to stand normally and comfortably, and large

enough for the dog to turn around and lie down, as required Wis. Admin. Code § ATCP 16.20(9)(a)(1-3).

- d. Respondent shall ensure that the primary enclosure is structurally sound and maintained in good repair to protect the dog from injury, as required by Wis. Admin. Code § ATCP 16.22(1)(am).
- e. Respondent shall ensure that stacked primary enclosures are stable when filled to the maximum capacity with dogs, as required by Wis. Admin. Code § ATCP 16.22(1)(c)4.
- f. Respondent shall ensure that the floor area of the primary enclosure is at least equal to the sum of the floor area where each dog is measured from the tip of the dog's nose to the base of the dog's tail, as required by Wis. Admin. Code § ATCP 16.22(2)(a-c).
- g. Respondent shall have the facility adequately ventilated with fresh or filtered air to maintain the health and comfort of the dogs, as required by Wis. Admin. Code § ATCP 16.22(7)(c).
- h. Respondent shall provide clean, dry and breed-appropriate bedding, or a solid resting place that is appropriate for the dogs, as required by Wis. Admin. Code § ATCP 16.22(8)(e).
- i. Respondent shall allow department employees to perform his or her official duties, as required by Wis. Admin. Code § ATCP 16.28(1).

6. During the conditional license period, Respondent's premises and/or records shall be subject to two (2) billable re-inspections by the Division in addition to any routine or follow-up inspections. Respondent shall pay a re-inspection fee as set forth in the applicable Wisconsin Administrative Code for each of the billable re-inspections.

7. The Department retains the right to continue to impose current or additional conditions upon Respondent's dog seller license, if there are any documented violations of licensing requirements, which require the need for specified conditions.

8. The Department retains the right to void any conditional license or to summarily suspend or revoke any non-conditioned license of Respondent for any imminent public health violations.

9. If the Respondent commits any violations of the conditions, Wisconsin State Statute or Wisconsin Administrative Code during the conditional license period, the Division shall move to void the license.

10. This order applies to Respondent, Patricia Rockstroh, as well as any employees or agents of Respondent.

Signed this 25 day of March, 2024

STATE OF WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE, AND
CONSUMER PROTECTION

By: Randy Romanski
Randy Romanski, Secretary