



COMMONWEALTH of VIRGINIA

Department of Agriculture and Consumer Services

Division of Animal & Food Industry Services

Office of Veterinary Services

P.O. Box 1163, Richmond, Virginia 23218

Phone: 804-692-4001 Fax: 804-371-2380 Hearing Impaired: 800-828-1120

www.vdacs.virginia.gov

Joseph W. Guthrie
Commissioner

December 23, 2024

Certified Mail

Jeffrey D. Stoke, County Administrator
Prince George County
P.O. Box 68
Prince George, VA 23875

Notice of Violation and Penalty Dismissal

Case Number: 2404

Dear Mr. Stoke,

This letter serves as a follow-up to the Notice of Violation and Opportunity for Good Faith Consideration sent to your office via certified mail on October 1, 2024 (Enclosure 1). That Notice detailed findings of noncompliance related to a shelter inspection conducted on August 28, 2024. This was the second repeat violation of § 3.2-6557 of the Code of Virginia, and the second repeat violation of 2 VAC 5-111-30 (A) and 2 VAC 5-111-30 (C) of the Virginia Administrative Code in the preceding five calendar years. Virginia Code § 3.2-6546 (K) authorizes the Office of Veterinary Services to assess civil penalties for such violations. This office offered Prince George Public Animal Shelter an opportunity to provide any additional, relevant facts that would dispute these findings, or provide facts that would demonstrate a good-faith attempt to achieve compliance, within 30 calendar days of receipt of the Notice.

This office received correspondence from Prince George County on October 31, 2024 (Enclosure 2). The information provided indicates a good faith effort to reach compliance. Therefore, the civil penalty associated with the violation referenced in the Notice of Violation and Opportunity for Good Faith Consideration dated October 1, 2024 is hereby dismissed.

Although the penalty has been rescinded, Prince George County Public Animal Shelter's violation of § 3.2-6557 of the Code of Virginia, and the violation of 2 VAC 5-111-30 (A) and 2 VAC 5-111-30 (C) of the Virginia Administrative Code will remain on file. The Office of Veterinary Services Civil Penalty Matrix (Enclosure 3) provides for an escalating penalty assessment based on the number of repeat violations for the same factual basis within the preceding five calendar years. If your corrective action plan is not implemented and the same violation is cited in future inspections, the assessed civil penalty

may be up to \$1,000.00 per day starting the date of your last inspection, August 28, 2024, and continuing until the date of your next inspection.

Please contact my office by phone (840-692-4001) or email (animalcare@vdacs.virginia.gov) if you have questions regarding this letter.

Respectfully,

A handwritten signature in black ink that reads "H. Lane Songer, DVM". The signature is written in a cursive style with a large, stylized "S" for Songer.

H. Lane Songer, DVM
Animal Care Veterinary Supervisor

Enclosures:

1. Copy of October 1, 2024 Notice of Violation and Opportunity for Good Faith Consideration
2. Copy of Prince George County's response to the Notice of Violation and Opportunity for Good Faith Consideration, received October 31, 2024
3. "Comprehensive Animal Law and Related Regulations Civil Penalty Matrix"

Enclosure 1



COMMONWEALTH of VIRGINIA

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Joseph W. Guthrie
Commissioner

October 1, 2024

Certified Mail

Jeffrey Stoke, County Administrator
Prince George County
P.O. Box 68
Prince George, VA 23875

Notice of Violation and Opportunity for Good Faith Consideration Case Number: 2404

Dear Mr. Stoke,

On August 28, 2024, the Office of Veterinary Services (OVS) Animal Care Inspector performed an unannounced inspection of the Prince George County Public Animal Shelter. The inspection report, which includes the Letter of Notification, was previously sent to your attention and a copy is enclosed with this Notice for your review (Enclosure 1). Please read the full inspection report (Enclosure 1) for items not detailed in this letter. Although the animal shelter was provided a brief outline of the inspection results on August 28, 2024, you may also wish to forward this detailed inspection report to your animal shelter for review if you have not already done so.

During the inspection, the Inspector noted three (3) repeat non-critical violations of the Code of Virginia and/or Virginia Administrative Code. Each finding is detailed below.

§ 3.2-6557, subsection B, states, *an animal control officer, law-enforcement officer, humane investigator, or custodian of any public or private animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:*

- 1. The date on which the animal was taken into custody;*
- 2. The date of the making of the record;*
- 3. A description of the animal, including the animal's species, color, breed, sex, approximate age, and approximate weight;*

1 of 3

-Equal Opportunity Employer-



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4. The reason for taking custody of the animal and the location where custody was taken;
5. The name and address of the animal's owner, if known;
6. Any license or rabies tag, tattoo, collar, or other identification number carried by or appearing on the animal; and
7. The disposition of the animal.

Records required by this subsection shall be maintained for at least five years and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.

The Inspector observed that the animal custody records do not contain all of the required elements. This is the second violation of this regulation in the last five calendar years and was previously cited on April 1, 2024 (Enclosure 2).

2 VAC 5-111-30 (A) states, *each facility shall engage a licensed veterinarian to develop or ratify a protocol for determining if an ill, injured, or otherwise compromised animal requires treatment by a licensed veterinarian. Each facility shall adhere to this protocol and provide veterinary treatment when needed.*

The Inspector observed that the facility was not adhering to the veterinarian's protocol for determining when an animal requires veterinary treatment. The Inspector noted that there was not a document for any animal in custody that served as an animal intake evaluation form as described in the protocol, which is required for each animal at the time of intake, and there was not a monitoring log (as described in the protocol) in use for a dog at the facility that was identified as being in poor health. This is the second violation of this regulation in the last five calendar years and was previously cited on April 1, 2024 (Enclosure 2).

2 VAC 5-111-30 (C) states, *each facility shall engage a licensed veterinarian to develop or ratify a protocol for the management of neonatal and medically compromised animals and shall adhere to such protocol. Enclosures shall be maintained that can properly and safely house such animals.*

The Inspector observed that the facility was not adhering to the veterinarian's protocol for the management of neonatal and medically compromised animals in that a medication chart for a cat reflected that the medication prescribed to the cat was not given as prescribed by the veterinarian. This is the second violation of this regulation in the last five calendar years and was previously cited on April 1, 2024 (Enclosure 2).

Pursuant to the Code of Virginia § 3.2-6546 (K), the Board of Agriculture and Consumer Services has authorized the Office of Veterinary Services to assess a civil penalty for such violations. Therefore, this office is notifying you of the aforementioned facts and giving you an opportunity to provide any additional and/or relevant facts to the Office of Veterinary Services within 30 calendar days of receipt of this Notice of Violation and Opportunity for Good Faith Consideration. You may also submit facts or a definitive plan that demonstrate a good faith attempt to achieve compliance, including a date by which you will achieve full compliance. Your efforts will then be considered in determining the fact of any violation and any civil penalty, which may be issued under the Code of Virginia § 3.2-6546 (K).

Upon receipt of any additional, relevant facts, or at the end of the above time period for providing such facts, and if this office decides that the above facts and any others made known to it indicate a violation of the Comprehensive Animal Care Laws or relevant sections of the Virginia Administrative Code, this office may take enforcement action including the assessment of a civil penalty.

Prince George County may be assessed a civil penalty of up to \$750.00 for the preceding violations. The process by which each civil penalty is calculated is outlined in the Office of Veterinary Services Civil Penalty Matrix (Enclosure 3). This office may also choose to lessen or dismiss such civil penalties at its discretion. A second notice will be sent to Prince George County informing you of the final decision.

Please contact my office by phone (840-692-4001) or email (animalcare@vdacs.virginia.gov) if you have questions regarding this Notice of Violation and Opportunity for Good Faith Consideration.

Respectfully,



H. Lane Songer, DVM
Animal Care Veterinary Supervisor
Office of Veterinary Services

Enclosures:

1. Copy of the August 28, 2024 Inspection Report for Prince George County Public Animal Shelter
2. Copy of the April 1, 2024 Inspection Report for Prince George County Public Animal Shelter
3. "Comprehensive Animal Law and Related Regulations Civil Penalty Matrix"

Enclosure 2

COUNTY OF PRINCE GEORGE, VIRGINIA



Jeffrey D. Stoke
County Administrator
Phone: (804) 722-8600
Facsimile: (804) 732-3604



BOARD OF SUPERVISORS

T.J. Webb, Chairman
Floyd M. Brown, Jr., Vice Chairman
R.E. Cox, Jr.
Philip T. Pugh
Marlene J. Waymack

October 31, 2024

VIA EMAIL TO: ANIMALCARE@VADACS.VIRGINIA.GOV & OVERNIGHT MAIL, WITH TRACKING

H. Lane Songer, DVM
Animal Care Veterinary Supervisor
Office of Veterinary Services

RE: Notice of Violation and Opportunity for Good Faith Consideration
Case Number: 2404

Dear Dr. Songer,

Thank you for the opportunity to share information regarding the potential imposition of a civil penalty against Prince George County as a result of three (3) repeat non-critical violations of state law and/or state regulations. These were discovered during inspection of the Prince George County Animal Shelter on August 28, 2024.

Non-critical violations:

- "The animal custody records do not contain all of the required elements. There are not distinguishable separate entries denoting the date of taking custody of an animal and the date of the making of the record. Other items missing throughout a sample of records included the location where the animal was taken into custody (this field is used for other information when an animal is brought to the shelter by a citizen), units of approximate age (months/years), name and address of owner when known, and whether the animal was bearing each of the specified items of identification (specifically license tag and rabies tag). This is the second consecutive citation of a violation of this code section (previous citation: 4/1/24).*

Note: On most records, the third and final microchip to be performed at the time of disposition (per 3.2- 6585.1) was pre-entered on the records for animals currently in custody.

Response: Enclosed please find the updated Animal Intake Form which includes all of the required elements in accordance with Virginia Code § 3.2-7556(B). The changes to the form are circled in red, including a data element indicating whether the third and final microchip was performed at the time of disposition of the animal.

2. *"The facility was not adhering to the veterinarian's protocol for determining when an animal requires veterinary treatment. The protocol requires that each animal be examined at the time of intake and an "Animal Evaluation Form" be completed. It also requires a daily "Monitoring Log" for any animal after being identified as having an abnormality. However, the only form attached as an inclusion of this protocol is a form containing content pertaining to protocol item 4 (Animal Monitoring), and it is titled "Animal Intake Evaluation". The content of this form does not contain fields for recording the information required by protocol item 2 (Animal Intake Evaluation). In any case, there was not a document for any animal in custody that served as an animal intake evaluation form as described in the protocol, which is required for each animal at the time of intake, and there was not a monitoring log (as described in the protocol) in use for Dog 180032, which was identified as being in poor health."*

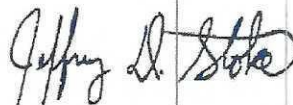
Response: Each animal is examined at the time of intake on an Animal Evaluation Form (copy attached). Any animal identified with an abnormality is documented on a daily Monitoring Log (copy enclosed).

3. *"The facility was not adhering to the veterinarian's protocol for the management of neonatal and medically compromised animals. The protocol directs that prescribed medications be administered at the prescribed frequency, and that an "animal's treatment log" be updated after each administration of medication. The "Medication Chart" for Cat ID 176018 reflects that the medication prescribed to this cat were not given as directed."*

Response: Prince George County is committed to ensuring that every animal receives medication as prescribed. Staff receives ongoing training and mentoring regarding the importance of all paperwork that is required to be completed. The Adoption Coordinator has now been tasked with checking the Daily Medication logs daily to ensure accuracy.

I hope that you will recognize that many positive changes have occurred in 2024. This was recognized by the Inspector on August 28, 2024, and she went on to state "Well I have to cite you for something." Prince George County will do anything and everything to comply with state laws and regulations and strives to provide the best care possible for all the animals. Please take these aspects into consideration when deciding whether to impose a civil penalty. I prefer to take any funds that might be used to pay a civil penalty and apply them for the benefit of the animals at our shelter. I appreciate the opportunity to offer input into your decision and to share additional information.

Sincerely,



Jeffrey D. Stoke
County Administrator

Enclosures

Enclosure 3

BOARD OF AGRICULTURE AND CONSUMER SERVICES

Comprehensive Animal Care Law and Related Regulations Civil Penalty Matrix Guidelines for Enforcement

These guidelines provide direction to the State Veterinarian and Division of Animal and Food Industry Services (AFIS) staff in determining the civil penalty that may be considered appropriate for violations of certain requirements of the Virginia Comprehensive Animal Care Law, as authorized by the Board of Agriculture and Consumer Services.

SECTION 1: AUTHORITY

The Board of Agriculture and Consumer Services shall implement a civil penalties program for Virginia's localities and animal shelters through the Virginia Department of Agriculture and Consumer Services staff, to include the Director of the Division of Animal and Food Industry Services (State Veterinarian) and Division of Animal and Food Industry Services staff, pursuant to Va. Code §§ 3.2-6546 and 3.2-6548.

SECTION 2: DEFINITIONS

Definitions listed below are in supplement to Va. Code §§ 3.2-5900 and 3.2-6500.

"Animal Care Veterinary Supervisor" means (i) the supervisor of the animal care unit of the Office of Veterinary Services within the Virginia Department of Agriculture and Consumer Services, Division of Animal and Food Industry Services or (ii) a person designated as the Animal Care Veterinary Supervisor by the State Veterinarian who works under the direction of the State Veterinarian.

"Animal shelter" means a public animal shelter as defined in Va. Code § 3.2-6500 or a private animal shelter as defined in Va. Code § 3.2-6500.

"Board" means the Board of Agriculture and Consumer Services.

"Critical violation" means (i) a noncompliance, found upon inspection by an inspector, with the Code of Virginia or Virginia Administrative Code that causes animal death, serious injury, or suffering; or (ii) the denial of access of an inspector when such access is for the purpose of inspection.

"First non-critical violation" means the first cited non-critical noncompliance with the Code of Virginia or Virginia Administrative Code found upon an animal shelter inspection by an inspector within the preceding five calendar years.

"Hearing officer" means an attorney selected from a list maintained by the Executive Secretary of the Supreme Court in accordance with Va. Code § 2.2-4024.

"Inspector" means (i) an inspector from the animal care unit of the Office of Veterinary Services within the Virginia Department of Agriculture and Consumer Services, Division of Animal and Food Industry Services or (ii) a person designated as an inspector by the State Veterinarian who works under the direction of the State Veterinarian.

"Letter of Notification" means a written notification to a responsible authority that an inspector cited either a first non-critical violation or no violations during the shelter inspection process.

"Non-critical violation" means a noncompliance with the Code of Virginia or Virginia Administrative Code cited by an inspector that is not a critical violation. A non-critical violation does not include any violation of Va. Code § 3.2-6555 or § 3.2-6556, pertaining to animal control officer training.

"Notice of Violation and Opportunity for Good Faith Consideration" means a written notification

from the Animal Care Veterinary Supervisor to a responsible authority that (i) identifies a (a) critical violation, (b) repeat non-critical violation, or (c) violation of Va. Code § 3.2-6555 or § 3.2-6556; (ii) indicates the dollar amount of the potential civil penalty based on Section 6 of this document; and (iii) offers the opportunity to submit additional facts or documentation to the Animal Care Veterinary Supervisor for consideration.

"Notice of Penalty Dismissal" means a written notification from the Animal Care Veterinary Supervisor to a responsible authority that the civil penalty associated with a violation is rescinded based on the additional facts or documentation submitted by the responsible authority after the issuance of the Notice of Violation and Opportunity for Good Faith Consideration.

"Notice of Violation and Penalty Assessment" means a written notification from the Animal Care Veterinary Supervisor to a responsible authority that (i) documents a (a) critical violation, (b) repeat non-critical violation, or (c) violation of Va. Code § 3.2-6555 or § 3.2-6556; and (ii) states the civil penalty assessment based on Section 6 of this document.

"Program Manager" means (i) the manager of the Office of Veterinary Services within the Virginia Department of Agriculture and Consumer Services, Division of Animal and Food Industry Services or (ii) a person designated as the Program Manager by the State Veterinarian who works under the direction of the State Veterinarian.

"Responsible Authority" means the (i) governing body of a locality or (ii) owner or operating entity of a private animal shelter.

SECTION 3: ANIMAL SHELTER INSPECTION PROCESS

All animal shelters, including vehicles used by such to transport companion animals, are subject to inspection by the State Veterinarian or his representative. An inspector will identify critical or non-critical violations and cite such violations.

A. Critical Violation upon Inspection

If an inspector cites a critical violation, he will (i) ensure that corrective actions are immediately undertaken to prevent further death, serious injury, or suffering; and (ii) submit documentation concerning the violation to the Animal Care Veterinary Supervisor within five business days of the inspection for assessment of civil penalties.

B. First Non-Critical Violation upon Inspection

If an inspector cites a first non-critical violation, he will provide the responsible authority a Letter of Notification within a reasonable time after the inspection. The Letter of Notification will include (i) a copy of the inspection report, (ii) an explanation of the cited violation, including relevant section(s) of the Code of Virginia or Virginia Administrative Code, and (iii) a statement of first non-critical violation.

C. Repeat Non-Critical Violation upon Inspection

If the cited violation is a repeat of a previously cited non-critical violation, an inspector will provide the Animal Care Veterinary Supervisor (i) a copy of the inspection report, (ii) an explanation of the violation, including relevant section(s) of the Code of Virginia or Virginia Administrative Code, and (iii) a statement of repeat non-critical violation within 15 business days of the inspection.

D. No Violation upon Inspection

If an inspector does not find evidence of noncompliance, he will provide the responsible authority a copy of the inspection findings and a Letter of Notification indicating no violations were cited. These documents will be sent to the responsible authority within a reasonable time after the inspection.

E. Determination of Repeat Violation

An inspector will determine that a repeat violation has occurred upon review of inspection findings if a similar violation based on the same factual basis was cited within the preceding five calendar years.

SECTION 4: ANIMAL CONTROL OFFICER TRAINING

An inspector will annually collect and review animal control officer (ACO) training information from every locality employing an animal control officer. Upon review of the training information, an inspector will determine if a violation of Va. Code § 3.2-6555 or § 3.2-6556 has occurred and then submit documentation concerning the violation to the Animal Care Veterinary Supervisor for assessment of civil penalties.

An inspector will determine that a repeat violation has occurred upon review of training information if a similar violation based on the same factual basis was cited within the preceding five calendar years.

SECTION 5: CIVIL PENALTY ASSESSMENT

Upon receipt of documentation from an inspector concerning a (i) critical violation, (ii) repeat non-critical violation, or (iii) violation of Va. Code § 3.2-6555 or § 3.2-6556, the Animal Care Veterinary Supervisor will review said documentation and determine if a civil penalty will be assessed as follows:

A. Critical Violations

If the Animal Care Veterinary Supervisor concurs that a critical violation has occurred, the Animal Care Veterinary Supervisor will determine the appropriate civil penalty in accordance with Section 6 of this document and prepare a Notice of Violation and Opportunity for Good Faith Consideration. The Notice of Violation and Opportunity for Good Faith Consideration will be sent to the responsible authority and include a (i) summary of the violation(s), supporting documentation, and previous violation history, if applicable; (ii) notification of the maximum potential civil penalty assessment; and (iii) statement advising that the responsible authority may provide any additional, relevant facts to the Animal Care Veterinary Supervisor, including facts that demonstrate a good-faith attempt to achieve compliance, which shall be due within 30 days after the date of receipt by the responsible authority. If the responsible authority submits no additional facts or supplemental documentation, the Animal Care Veterinary Supervisor will evaluate the violation using current and historical records and information. Upon receiving any additional facts or supplemental documentation or after the date on which the responsible authority was required to submit additional facts or supplemental documentation, the Animal Care Veterinary Supervisor will review all relevant history and facts and provide a written response as to whether the penalty assessment is upheld, revised, or rescinded by issuing either (i) a Notice of Violation and Penalty Assessment or (ii) a Notice of Penalty Dismissal.

A Notice of Violation and Penalty Assessment shall include a (i) summary of the inspection or review findings, supporting documentation, and previous violation history, if applicable, including relevant section(s) of the Code of Virginia or Virginia Administrative Code; (ii) notification of the civil penalty assessed; and (iii) statement advising that the responsible authority may (a) agree to the assessment, sign a consent resolution, waive his rights to an informal fact finding conference pursuant to Va. Code § 2.2-4019, and pay the civil penalty, which shall be due within 30 days after the date of receipt by the responsible authority, or (b) request an informal fact finding conference pursuant to Va. Code § 2.2-4019.

If the Animal Care Veterinary Supervisor determines that the cited violation occurred but was non-critical in nature, penalties will be assessed as appropriate for non-critical violations.

If the Animal Care Veterinary Supervisor determines that no violation occurred, a written notice will be sent to the responsible authority documenting this determination.

B. Non-Critical Violations

If the Animal Care Veterinary Supervisor concurs that a repeat non-critical violation or a violation of Va. Code § 3.2-6555 or § 3.2-6556 has occurred, the Animal Care Veterinary Supervisor will determine the appropriate civil penalty in accordance with Section 6 of this document and prepare a Notice of Violation and Opportunity for Good Faith Consideration. The Notice of Violation and Opportunity for Good Faith Consideration will be sent to the responsible authority and include a (i) summary of the violation(s), supporting documentation, and previous violation history, if applicable,

including relevant section(s) of the Code of Virginia or Virginia Administrative Code; (ii) notification of the maximum potential civil penalty assessment; and (iii) statement advising that the responsible authority may provide any additional, relevant facts to the Animal Care Veterinary Supervisor, including facts that demonstrate a good-faith attempt to achieve compliance, which shall be due within 30 days after the date of receipt by the responsible authority. If no additional facts or supplemental documentation is submitted by the responsible authority, the Animal Care Veterinary Supervisor will evaluate the violation using current and historical records and information. Upon receiving any additional facts or supplemental documentation or after the date on which the responsible authority was required to submit additional facts or supplemental documentation, the Animal Care Veterinary Supervisor will review all relevant history and facts and provide a written response as to whether the Penalty Assessment is upheld, revised, or rescinded by issuing either a (i) Notice of Violation and Penalty Assessment or (ii) Notice of Penalty Dismissal.

A Notice of Violation and Penalty Assessment shall include a (i) summary of the inspection or review findings, supporting documentation, and previous violation history, if applicable, including relevant section(s) of the Code of Virginia or Virginia Administrative Code; (ii) notification of the civil penalty assessed; and (iii) statement advising that the responsible authority may (a) agree to the assessment, sign a consent resolution, waive his rights to an informal fact finding conference pursuant to Va. Code § 2.2-4019, and pay the civil penalty, which shall be due within 30 days after the date of receipt by the responsible authority, or (b) request an informal fact finding conference pursuant to Va. Code § 2.2-4019.

If the Animal Care Veterinary Supervisor determines that no violation occurred, a written notice shall be sent to the responsible authority documenting this determination.

C. Informal Fact Finding Conference

Should the responsible authority dispute (i) the factual basis of a cited violation and the civil penalty assessed or (ii) the upheld or revised violation and civil penalty assessed in the case where additional, relevant facts were provided by the responsible authority to the Animal Care Veterinary Supervisor, the responsible authority shall request an informal fact finding conference within 30 days of receipt of the Notice of Violation and Penalty Assessment. The Program Manager will hold an informal fact finding conference pursuant to Va. Code § 2.2-4019 prior to making a case decision. Following the informal fact finding conference, the Program Manager will send to the responsible authority a written final notice of the findings via certified mail along with the factual basis for the findings and the civil penalty assessed.

D. Formal Hearing

The responsible authority may appeal a case decision by the Program Manager to the Board pursuant to Va. Code § 2.2-4020. If the responsible authority intends to appeal the final notice of the Program Manager, he shall notify the Secretary of the Board in writing within 30 days following his receipt of the Program Manager's findings. The Secretary of the Board will arrange for a hearing officer, arrange the location of the formal hearing, and arrange for a court reporter. The hearing officer will hear the relevant information about the case, consider the facts of all violations identified in the case, and evaluate the civil penalty assessed. The hearing officer shall transmit his findings and recommendations to the Board as required in Va. Code § 2.2-4024(D) and inform the respondent of his right under § 2.2-4021(A) to address the Board. The Board shall consider the findings and recommendations of the hearing officer and render a case decision within the timeframe established in Va. Code § 2.2-4021(C). The Board may establish limits on how much time the responsible authority will be afforded to address the Board with respect to the formal hearing officer's findings and recommendations.

E. Recovery of Civil Penalties, Use of Civil Penalty Funds

If the civil penalty is not paid within the allowed time period, the case will be referred to the Office of the Attorney General for further action. All civil penalties assessed and not paid within the time specified in the Notice of Violation and Penalty Assessment shall be recovered in a civil action brought by the Attorney General in the name of the Commonwealth. Such civil penalties shall be paid into a special fund in the state treasury to the credit of the Department to be used in carrying out the

purposes of the Virginia Comprehensive Animal Care laws.

SECTION 6: DETERMINATION OF CIVIL PENALTY

The following matrix will be used to determine the dollar amount of the civil penalty to be assessed for a violation. The matrix, in conjunction with the assessment procedure, considers (i) the history of previous violations by the responsible authority; (ii) whether the violation has caused injury to or death or suffering of an animal; and (iii) the demonstrated good faith of the responsible authority to achieve compliance after notification of the violation. The matrix provides for an escalating penalty assessment based on the number of repeat violations. All violations within the preceding five calendar years will be considered.

The penalty for a critical violation will be assessed for each day the violation occurs and is calculated on a case-by-case basis. The State Veterinarian or his representative will establish criteria to be used to determine the daily penalty rate, not to exceed \$1,000 per day. Criteria will include factors such as public health and safety, animal health and safety, duration of the violation, number of past occurrences of the violation, and the potential impact on an animal owner's property rights.

The penalty for a non-critical violation that is cited by an inspector four or more times within the preceding five calendar years will be assessed for each day the violation occurs and is calculated on a case-by-case basis. The State Veterinarian or his representative will establish criteria to be used to determine the daily penalty rate, not to exceed \$1,000 per day. Criteria will include factors such as public health and safety, animal health and safety, duration of the violation, number of past occurrences of the violation, and the potential impact on an animal owner's property rights.

The penalty for a violation of Va. Code § 3.2-6555 or § 3.2-6556 that is cited by an inspector four or more times within the preceding five calendar years will be assessed for each day the violation occurs and is calculated on a case-by-case basis. The State Veterinarian or his representative will establish criteria to be used to determine the daily penalty rate, not to exceed \$1,000 per day. Criteria will include factors such as public health and safety, animal health and safety, duration of the violation, number of past occurrences of the violation, and the potential impact on an animal owner's property rights.

	Authority	Category	Total Cited Violations (Preceding 5 Calendar Years)			
			1	2	3	≥4
Non-Critical Violations	§ 3.2-6546 § 3.2-6562 Code of Virginia	Confinement and Disposition, Public Animal Shelters	No penalty	\$500	\$1,000	Assessed at a rate up to \$1,000 per day cumulative**
	§ 3.2-6548 Code of Virginia	Confinement and Disposition, Private Animal Shelters	No penalty	\$500	\$1,000	
	§ 3.2-6557 Code of Virginia	Animal Custody, Records, and Limitations	No penalty	\$250	\$750	
	§ 3.2-6574 § 3.2-6575 Code of Virginia	Sterilization	No penalty	\$100	\$600	
	2 VAC 5-111-10 through 2 VAC 5-111-40 Virginia Administrative Code	Shelter Regulations*	No penalty	\$250	\$750	
	2 VAC 5-150-120 through 2 VAC 5-150-170 Virginia Administrative Code	Transport Regulations	No penalty	\$100	\$600	

	Authority	Category	Penalty			
Critical Violations	§ 3.2-6502 § 3.2-6566 Code of Virginia	Right to Inspect	Assessed at a rate up to \$1,000 per day cumulative**			
	§ 3.2-6503 Code of Virginia	Animal Care				
	§ 3.2-6546 § 3.2-6562 Code of Virginia	Confinement and Disposition, Public Animal Shelters				
	§ 3.2-6548 Code of Virginia	Confinement and Disposition, Private Animal Shelters				
	§ 3.2-6557 § 3.2-6574 § 3.2-6575 Code of Virginia	Recordkeeping, Sterilization				
	2 VAC 5-111-10 through 2 VAC 5-111-40 Virginia Administrative Code	Shelter Regulations*				
	2 VAC 5-150-120 through 2 VAC 5-150-170 Virginia Administrative Code	Transport Regulations				

	Authority	Category	Total Cited Violations (Preceding 5 Calendar Years)			
			1	2	3	≥4
ACO Training Violations	§ 3.2-6555 § 3.2-6556 Code of Virginia	Animal Control Officer Employment and Training	\$200	\$500	\$1,000	Assessed at a rate up to \$1,000 per day cumulative**

* Failure to comply with state laws and regulations governing the disposal of solid waste will be reported to appropriate authorities. Civil penalties will not be assessed in such cases.

**The penalty for more than three non-critical violations, more than three violations of Va. Code § 3.2-6555 or § 3.2-6556, or any critical violation is calculated at a daily rate on a case-by-case basis (Va. Code §§ 3.2-6546 and 3.2-6548).

Revised December 12, 2019