

July 2013



Pennsylvania Department of the Auditor General
Eugene A. DePasquale, Auditor General
Bureau of State and Federal Audits

**A SPECIAL PERFORMANCE AUDIT
OF THE
DEPARTMENT OF AGRICULTURE**

DOG LAW PROGRAM

July 2013



Commonwealth of Pennsylvania
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EUGENE A. DePASQUALE
AUDITOR GENERAL

July 11, 2013

The Honorable Tom Corbett
Governor
Commonwealth of Pennsylvania
Room 225 Main Capitol Building
Harrisburg, PA 17120

Dear Governor Corbett:

This report contains the results of the Department of the Auditor General's special performance audit of the Dog Law program, administered by the Department of Agriculture (department), for the period of July 1, 2008 through June 30, 2012, including follow-up procedures performed and concluded as of October 25, 2012. The audit was conducted pursuant to Sections 402 and 403 of the Fiscal Code and in accordance with applicable generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

We performed our audit to determine whether the department adequately enforces and monitors the Dog Law program. Moreover, we wanted to determine whether the expenditures of the Dog Law Restricted Account are appropriate and in compliance with laws and regulations.

We found that lax leadership and ineffective program administration led the Dog Law Enforcement (DLE) Office to not enforce the Commercial Kennel Canine Health Regulations. This included management's failure to establish an adequate management control structure. We also found that the DLE Office needs to improve its stewardship over the receipts and disbursements of the Dog Law Restricted Account.

We offer 18 recommendations to alleviate identified deficiencies and strengthen the department's fiscal policies, management controls, and oversight of the program. We acknowledge that the department has indicated that it has been proactively making positive changes subsequent to audit execution.

We will follow up at the appropriate time to determine whether and to what extent all recommendations have been implemented.

Sincerely,

A handwritten signature in black ink, appearing to read "Eugene A. DePasquale". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

EUGENE A. DEPASQUALE
Auditor General

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Dog Law Audit - Results in Brief

The purpose of this report is to communicate the results of our special performance audit of the Department of Agriculture (department) and the way in which it administers Pennsylvania's Dog Law and related regulations for commercial kennels. The period under audit was July 1, 2008 through June 30, 2012, including follow-up procedures that were performed and concluded as of October 25, 2012.

Our audit revealed the following weaknesses within the Dog Law program:

- ✓ Lax leadership and ineffective program administration led the Dog Law Enforcement (DLE) Office to not enforce the Commercial Kennel Canine Health Regulations; and
- ✓ The DLE Office needs to improve stewardship over receipts and disbursements of the Dog Law Restricted Account.

Specifically, we found that management made a conscious decision to work with the kennel owners rather than citing them for not being in compliance with the Canine Health Regulations beginning July 1, 2011, essentially choosing to delay enforcement. We also found that management failed to establish an adequate management control structure. Furthermore, we found unsupported payroll costs and unsubstantiated allocated costs charged to the restricted account. Finally, we noted that improvements could be made to increase restricted account revenue.

Dog Law Program - Background

Act 119 of 2008, which amended Act 225 of 1982, known as the Dog Law and administered by the Department of Agriculture (department), was intended to dramatically improve the conditions that dogs experience while confined in kennels.

A kennel is defined as any establishment in which at least 26 dogs are kept, sold, or transferred in a calendar year. A separate kennel license, for purchase with an associated fee, is required for the various types of kennels located in Pennsylvania, including commercial kennels. Kennel license applications must be renewed annually.

A commercial kennel is a facility that breeds or whelps dogs and sells or transfers any dog to a dealer or pet shop-kennel, or sells or transfers more than 60 dogs per calendar year. The new law requires commercial kennels to provide among other things, increased cage size, no wire flooring except in limited circumstances, unfettered access to exercise and treatment by trained veterinarians. Furthermore, the Commercial Kennel Canine Health Regulations, which became effective July 1, 2011, also required commercial kennels to have an engineer-certified ventilation system, to maintain certain humidity and temperature levels, and to meet lighting and flooring specifications.

The department ensures the implementation of the aforementioned provisions through its Dog Law Enforcement (DLE) Office. The DLE Office has an organizational structure that consists of seven regions throughout the state and individual dog wardens that cover each of Pennsylvania's 67 counties.

Dog Law program activities are funded through the Dog Law Restricted Account (restricted account). The restricted account derives monies from dog and kennel licenses, as well as fines and penalties resulting from dog law violations. Monies disbursed from this restricted account are required to be used for Dog Law-related expenditures.

Source: Department of Agriculture, 2012

Finding No. 1 – Lax Leadership and Ineffective Program Administration Led the Dog Law Enforcement Office to Not Enforce the Commercial Kennel Canine Health Regulations

Our audit revealed that the Department of Agriculture (department) Dog Law Enforcement (DLE) Office existed in an environment that lacked leadership and direction and was unprepared to enforce the Commercial Kennel Canine Health Regulations that went into effect July 1, 2011. This ineffective environment went largely unnoticed until the DLE Office became fiscally unstable (see Finding 2) which garnered the attention of many animal rights activists and forced the department's top management to take action to improve the administration of the DLE Office. This finding focuses on two significantly weak areas as described below.

Failure to Enforce the Commercial Kennel Canine Health Regulations

7 Pa. Code, Chapter 28a, known as the Commercial Kennel Canine Health Regulations (Canine Health Regulations), was published in the PA Bulletin as final on November 27, 2010. These regulations, which became effective on July 1, 2011, require commercial kennels to have an engineer-certified ventilation system, to maintain certain humidity and temperature levels, and to meet specified lighting and flooring requirements. However, according to department management, the DLE Office was not prepared to enforce these regulations on July 1, 2011.

Specifically, management indicated that although dog wardens were to install data loggers, which electronically record temperature and humidity, at various locations within each commercial kennel, the incorrect data loggers were ordered and received. The placement of the data loggers is based on information provided by an engineer as part of the ventilation system certification (see next paragraph). Additionally, management represented that no kestrels were purchased. Kestrels are hand-held devices used by wardens during inspections to measure ventilation, temperature and humidity. Without kestrels, wardens could not determine that each commercial kennel was in compliance with these requirements during inspections. DLE personnel also indicated that the dog wardens were not trained to use the kestrels until June 2012 and only began to use them after training was completed. Therefore, dog wardens did not have the equipment or training to properly conduct commercial kennel inspections at July 1, 2011.

Moreover, management indicated that, as of July 1, 2011, most of the commercial kennel facilities were not ready for the enforcement of the canine health regulations. Specifically, management indicated that only a few commercial kennels had obtained professional engineer certifications of their ventilation systems as required by the Canine Health Regulations, even though the regulations became final in November 2010 and the DLE Office provided relevant information to commercial kennel owners in December 2010 as part of a seminar. Furthermore, management noted that, as allowed by Act 119 of 2008, which amended Act 225 of 1982 (the Dog Law), the DLE Office had issued waivers to eligible commercial kennels for up to three years to complete renovations to meet new requirements, such as cage size, exercise, and flooring standards. For kennels that had waivers in effect, the canine health regulations would not be effective until the waiver period ended. As of July 1, 2011, nine commercial kennels had waivers still in effect.

Due to the lack of data loggers and kestrels, waivers issued, and ventilation system certifications not completed, department management made a conscious decision to work with the kennel owners rather than citing them for not being in compliance with the regulations at July 1, 2011, essentially choosing to delay enforcement of the Canine Health Regulations. As a result, management failed to perform the second commercial kennel inspection that generally would have been conducted between July 1, and December 31. All kennels are required to be inspected twice per calendar year per the Dog Law. Therefore, the DLE Office was not in compliance with Dog Law inspection requirements, since a second inspection was not performed on 37 of 66 (56 percent) commercial kennels operating in 2011.

Moreover, the DLE Office allowed commercial kennels to remain open and to obtain their 2012 commercial kennel licenses, knowing that these kennels were not in compliance with the Canine Health Regulations. Also, when the department began conducting commercial kennel inspections in 2012, although Canine Health Regulation violations were identified on the inspection form, the department limited its enforcement to issuing only verbal and written warnings, as opposed to issuing citations. In fact, for the fiscal year ended June 30, 2012, the department had only issued a total of four citations to commercial kennels.

Ten months after the Canine Health Regulation effective date, at the April 25, 2012 Dog Law Advisory Board meeting, the department publicly stated, “Inspections of commercial kennels were delayed due to needing time to develop a plan to carry out new regulations.” At the same meeting, the department stated, “it required additional time to explore and purchase new equipment required by regulations as well as train staff on usage of new equipment.” These comments are evidence of the department’s lack of effective leadership and overall poor planning and oversight of the Dog Law program.

It also should be noted that documentation provided by DLE Office management indicated that as of April 25, 2012, they had only installed data loggers at 30 of the 52 commercial kennels in operation. In fact, in August 2012, when we observed dog wardens inspecting four commercial kennels, we noted that the wardens were installing data loggers at three of these kennels, indicating that kennels were still coming into compliance with the Canine Health Regulations more than a year after their effective date. This situation calls into question at what point did effective enforcement actually begin.

Failure to Establish an Adequate Management Control Structure

In addition to the above concerns, we assessed management’s controls over administering the Dog Law program and noted several weaknesses. Management must develop an adequate management control structure, including written standard operating procedures, sufficient training, and appropriate oversight and monitoring, to ensure that the Dog Law program functions effectively. The following describes the weaknesses identified:

- Lack of written standard operating procedures: During our audit, management acknowledged that it never had written standard operating procedures for administering the Dog Law, including procedures for wardens to follow when performing their job responsibilities. Management indicated that it relied on the details noted in the Dog Law and the Canine Health Regulations, on-the-job training, and standard forms to administer the program. However, failure to establish standard operating procedures can lead to inconsistent and erroneous application of “perceived” procedures. Management stated that it issued formal standard operating procedures October 2012; however, we have not reviewed them.
- Lack of formal training for dog wardens: Pursuant to Dog Law, Section 901(b), training requirements are to be established for dog wardens and other employees charged with enforcing the Dog Law. Specifically, the Dog Law identifies specific instructional areas that are to be included in the required 64 hours of training, such as the following: Dog laws and regulations, PA criminal law and procedure, dog handling and humane capture, proper dog sanitation and shelter, and kennel inspection procedures. Additionally, it requires that this initial training be culminated with the dog warden passing a final examination based on the instructional materials. In July 2012, DLE management acknowledged that this formal training did not exist, however the DLE Office was in the process of developing the program. Although we asked to see the instructional materials drafted to date, management indicated that there were none.
- Lack of monitoring citations: Dog wardens throughout the Commonwealth issue citations to kennel owners and dog owners who violate the Dog Law and/or related regulation. Local district justices adjudicate these citations, and the district courts collect the payment for the fines resulting from the adjudication process. We obtained citation information from the Administrative Office of Pennsylvania Courts as noted in Table 1:

Table 1: Overview of Citations Issued

Citations Issued During Calendar years 2008, 2009, 2010, 2011, and 2012

	2008	2009	2010	2011	2012*
Fines Assessed	\$258,773	\$290,531	\$335,598	\$265,897	\$229,875
Number Issued	3,664	3,247	3,813	2,694	2,032

*Annualized based on actual information through June 2012

Table 1 is indicating a downward trend on the number of citations issued since it peaked in 2010. The number of citations issued dropped by 29 percent from 2010 to 2011 and was on course to drop an additional 25 percent from 2011 to 2012. Although some of this reduction may be a result of working with kennels as noted in the beginning of this finding, this trend could indicate other concerns that management should be monitoring.

We inquired of management's procedures regarding the oversight and review of total citations issued by wardens each year to ensure that wardens were adequately performing their duties. Management stated that, although this information is maintained in its database, no queries existed to easily produce such a report, and therefore, management did not have procedures to review citations issued by each warden.

- Lack of adequately monitoring the number of transferred dogs: Since the changes in the Dog Law in 2008, the number of kennels issued commercial licenses has dramatically decreased. In 2009 there were more than 300 commercial kennels and by 2011 there were less than 70. These kennels either closed or decided to no longer be a commercial kennel and became licensed as a non-commercial type of kennel. Non-commercial kennels that breed dogs are limited to transferring ownership of 60 dogs or less in a calendar year.

As part of our audit, we compared the commercial kennel listing for 2009 with the listing for 2010 and determined that 40 kennels previously licensed as commercial became licensed as non-commercial kennels. We then obtained the final 2010 inspections for each of these 40 and selected the 14 kennels that had 45 or more dogs listed as being transferred as of the date of their second inspection. Of these 14, seven had more than 60 dogs transferred and seven had between 45 and 54 dogs transferred. DLE officials were able to provide documentation to verify that six (with more than 60 dogs transferred) were properly licensed, but acknowledged that one had a dog transfer count in excess of its licensing limit which should have been investigated, but was not. Additionally, management indicated that procedures were not in place to verify the actual dog transfer counts at the end of the calendar year in 2010; however, subsequent to 2010 an unwritten process was developed, but it was not used in 2011 and because not all second inspections for 2012 have been completed, these procedures were also not started for 2012. As such, no documentation was provided to substantiate that a process existed to ensure that kennels did not exceed the number of dogs they are allowed to transfer per their licenses.

- Lack of adequate supervisory review and confusing inspection form language: With regard to our review of the inspection forms from the 2010 year for the 40 kennels noted above, we also identified four non-commercial kennels that had total cumulative dog transfer counts that decreased from the first inspection to the second. The dog transfer counts are supposed to be cumulative for the year and therefore should increase not decrease. Although the department provided an adequate explanation for two of these kennels, department officials stated that the inspection forms for the other two kennels appeared to contain an error that was not detected by the supervisor reviewing each inspection form. Additionally, based on interviews with various DLE personnel, various interpretations exist with regard to part of the inspection report form that contains columns for the number of dogs "on premises," "during license term" and "previous 12 months" from which the transfer count is derived. Management agreed that the form can be confusing in this respect and indicated that it would be revised to ensure that the form was clear as to what each column represented so that accurate and consistent dog counts would be made and rolled forward during each inspection. However, the form was not revised as of the completion of our audit execution.

Recommendations:

We recommend that the Department of Agriculture:

1. Establish a leadership team dedicated to ensuring that the department effectively administers the Dog Law program, to include establishing an adequate management control structure;
2. Effectively enforce the Dog Law and Canine Health Regulations;
3. Comply with all applicable laws and regulations;
4. Ensure that all DLE personnel understand the formal standard operating procedures, especially conducting inspections and issuing citations, to ensure that the procedures are consistently applied;
5. Develop and implement oversight/supervisory review procedures to ensure that DLE personnel are adequately and timely complying with the standard operating procedures;
6. Immediately develop formal dog warden training, pursuant to the Dog Law Section 901 (b) ,and ensure that all dog wardens, if appropriate, complete the training, and pass the final examination;
7. Oversee and monitor the activities of the dog wardens, including the issuance of citations, through developing applicable reports and reviewing them on a periodic basis;
8. Develop written procedures for monitoring the number of dogs transferred each calendar year to ensure that kennels are properly licensed;
9. Revise the kennel inspection form and provide adequate training to ensure that all dog wardens understand how to properly document dog counts obtained while conducting kennel inspections; and
10. Ensure that adequate supervisory review exists for reviewing kennel inspection forms. Errors found should be returned to the respective dog warden and corrected.

Agency Response: See Appendix B, which contains the agency response to this finding.

Auditors' Conclusion: The findings contained in this report are complete and accurate. We utilized information in the form of reports, emails, meeting minutes, and other documents obtained directly from designated DLE Office personnel or independent sources. Furthermore, we interviewed several DLE Office and department staff, in addition to observing several commercial kennel inspections, to obtain an understanding of the Dog Law program and management's internal controls, and, where necessary, to corroborate the information received.

In the agency's response, the department generally disagrees with many of the points made in the finding; however, its responses to many of the specific recommendations indicate that these recommendations have already been implemented. As a result, it appears that the auditors'

questions/comments during audit execution spurred management to begin implementing changes. Furthermore, much of its response is explaining or describing in detail what has changed or transpired since our audit execution was completed in October 2012. We applaud the department for being proactive to improve the administration of the Dog Law program; however, we have not audited these subsequent improvements, but may do so at some point in the future.

With regard to the disagreements, the department in many cases indicates that the information is not accurate. However, as noted in the finding, although the Commercial Kennel Canine Health Regulations (regulations) went into effect July 1, 2011, the department was not prepared and chose not to enforce them. In fact, on September 25, 2012, the Enforcement Committee of the Dog Law Advisory Board issued results of its “exhaustive study” performed at the request of senior department leadership at the April 25, 2012 Dog Law Advisory Board meeting regarding enforcement of the Dog Law and regulations. Specifically, it concluded:

In summary, the Enforcement Committee has been led by the information it has carefully reviewed to the disturbing conclusion that, through either studied indifference or by design, the [DLE Office] has failed in its enforcement of critical components of the Dog Law and the Canine Health Regulations. Although Act 119 of 2008 which overhauled the Dog Law had broad public support and was passed by an overwhelming majority of the Pennsylvania Legislature, a laxity in enforcement has allowed thousands of dogs to languish in pre-2008 conditions despite protections in the law that as of today largely exist only on paper. We see a simultaneous moratorium on all types of kennel enforcement – application review, Canine Health Regulation enforcement, citations . . . – along with a reduced number of inspections – all of which signal that the [DLE Office] is not discharging its duty as the Dog Law requires.

Furthermore, improvement was needed in its management control structure. Evidence to support key points identified in the finding and questioned in the response includes, but is not limited to, the following:

- “The incorrect data loggers were ordered and received” and “no kestrels were purchased” were indicated by current management of the DLE Office and were corroborated by the April 25, 2012 Dog Law Advisory Board meeting minutes, whereby management indicated, “It required additional time to explore and purchase new equipment required by the regulations.” Furthermore, the minutes indicated that data loggers were installed in only 30 of 52 commercial kennels, even though the regulations went into effect 10 months earlier. Also, with regard to the training on the use of the kestrels, the April 25, 2012 meeting minutes indicate that management stated, “The department’s staff would need additional training to use the equipment properly.”
- The statement, “Management made a conscious decision to work with kennel owners rather than citing them for not being in compliance,” was indicated by current management of the DLE Office and corroborated by the results of our review of the 2011 inspection reports and the April 25, 2012 meeting minutes, whereby management indicated, “No citations had been issued to those kennels that have received a new license but are not fully in compliance.”

- The statement “No formal training had been established for Dog Law wardens or Dog Law warden supervisors pursuant to Dog Law section 901 (b),” was indicated by several department management. Additionally, separate interviews with a dog warden and a dog warden supervisor revealed that their training was predominantly on-the-job training and that they never took the written examination.
- The statement “The department did not produce periodic reports of the number of citations issued by each warden in order to monitor enforcement and the performance of the wardens,” was acknowledged in a meeting by several management personnel and no evidence to the contrary was provided.
- The DLE Office did not track the number of dogs transferred by kennel for calendar years 2010 and 2011, and as of October 1, 2012 for calendar year 2012 in order to ensure kennels were properly licensed for that year. In addition to the results of our 2010 test work identified in the finding, department management acknowledged in emails in August 2012 and further clarified in October 2012 that procedures for tracking the number of dogs transferred did not exist for 2010 and 2011 and, for 2012, these procedures were “not yet underway.”

In addition, the agency’s response indicates that the report is “materially incomplete and inaccurate” because it “fails to address the impact the change in dog law enforcement leadership, during the course of the audit itself.” These statements refer to the DLE Office Director separating employment with the department in August 2012. However, this administration had hired this individual, with reportedly no experience in dog law enforcement, in June 2011 at a critical point right before the regulations were to become effective. Moreover, this director was hired to replace an attorney who had served as Special Deputy Secretary for Dog Law Enforcement since 2006. As a result, we question the department’s intent with respect to the administration of the Dog Law program.

We believe that leadership must come from the top. Placing qualified and experienced individuals in key management rolls demonstrates leadership at the department level. Furthermore, the department’s inability to enforce the regulations cannot be blamed on one individual hired within weeks of the regulations effective date.

Finding No. 2 – The Dog Law Enforcement Office Needs to Improve Stewardship Over Receipts and Disbursements of the Dog Law Restricted Account

The Pennsylvania Department of Agriculture (department), through its Dog Law Enforcement (DLE) Office, is responsible for ensuring compliance with Act 225 of 1982 (the Dog Law), as amended by Act 119 of 2008. The Dog Law created a “Dog Law Restricted Account” (restricted account) within the department to help in administering the promulgations set forth in the Dog Law and to be self sufficient by relying on dog license revenues, kennel license revenues and monies received from the issuance of citations/fines and civil penalties in enforcing the Dog Law. As such, the law intended department management to be good stewards of the restricted account funds by limiting expenditures to only personnel and other items directly involved in carrying out the Dog Law while at the same time maximizing revenues through its Dog Law enforcement efforts.

We found that the department needs to improve its stewardship of the restricted account. As shown in Table 2, the restricted account has experienced a declining balance from \$15,084,979 on July 1, 2008 to \$3,114,706 on June 30, 2012.

Table 2: Overview of Dog Law Restricted Revenue Account

Revenue and Expenditures, Fiscal Years Ended June 30, 2009, 2010, 2011 and 2012

	2008-2009	2009-2010	2010-2011	2011-2012
Fiscal Year Beginning Balance	\$15,084,979	\$13,359,770	\$7,060,749	\$4,567,628
+ Total Revenue	6,809,250	6,458,852	6,314,508	6,021,804
- Total Expenditures	8,534,459	12,757,873	8,807,629	7,474,726
= Fiscal Year Ending Balance	\$13,359,770	\$7,060,749	\$4,567,628	\$3,114,706

Part of this decline is a result of Senate Bill 850, the bridge budget signed by the then-governor on August 5, 2009, which authorized the transfer of \$4 million from the restricted account to the General Fund. This non-Dog Law operating transfer occurred on June 2, 2010. However, in addition to this transfer, the department has spent \$7,970,273 out of the restricted account in excess of revenue over the past four fiscal years, severely draining the balance to \$3,114,706 as of June 30, 2012. Some of these expenditures should not have been charged to this account as noted in this finding. In an April 2012 Dog Law Advisory Board meeting, the department represented that the ending balance in the restricted account for the 2012-13 fiscal year was projected to be insufficient to fund the operations of the DLE Office for the 2013-14 fiscal year. The areas identified below can also assist in improving this bleak situation.

The following identifies areas in need of improvement with regard to restricted account stewardship:

Unsupported Payroll Expenditures Charged to the Restricted Account

To determine whether payroll costs were properly charged to the restricted account, we reviewed the written job descriptions for all individuals at the department whose salaries were being paid from the restricted account. This included both department individuals employed by bureaus/offices other than the DLE Office as well as department individuals employed directly by the DLE Office. We utilized job descriptions because the department did not provide other documentation. Adequate documentation, such as detailed timesheets that identify how much time was worked on each program/activity, should be utilized to ensure expenditures are charged appropriately to programs.

We found 12 employees, not employed within the DLE Office, who were being paid as full-time employees from the restricted account at some point and for varying lengths of time during the period July 1, 2008 through March 31, 2012. The actual salaries of approximately \$1,380,000, and estimated benefits, of approximately \$684,000, paid to these 12 individuals from the restricted account totaled \$2,064,000.

In addition, we noted six individuals, directly employed by the DLE Office, whose salaries totaled approximately \$383,000 and whose estimated benefits totaled approximately \$189,000. These employees had written job descriptions that identified job duties related to other functions within the Department of Agriculture in addition to Dog Law-related duties. These six employees were regional clerical positions, whose job duties identified providing assistance for several department programs, even though their entire salary was charged to the Dog Law restricted account.

When we presented our results to the department, management did not provide any other documentation or timesheets to support these 18 individuals' salaries/benefits being charged to the restricted account and stated that no money related to these salaries/benefits has been returned to the restricted account. As a result, we could not substantiate whether these payroll costs charged to the restricted account totaling \$2,636,000 were proper, reasonable, and in compliance with the Dog Law. With respect to our use of job descriptions, management disagreed with our conclusion, stating only that job descriptions frequently are not updated and sometimes not accurate. In addition, management stated that when employees within the department change jobs, their old job description is not maintained in electronic or hard copy form. Although, old job descriptions were not maintained, we verified through complement reports that these individuals' job titles had either not changed or, if they had changed, we utilized current job descriptions for those positions. It should also be noted that management disagreed with a similar finding in our prior special performance audit of the Dog Law Restricted Account released in June 2011 for the period July 1, 2002 through June 30, 2008. The current practice for documenting and substantiating payroll expenditures paid from the restricted account remains inadequate.

Unsubstantiated Costs Allocated to the Dog Law Restricted Account

During our audit, we repeatedly requested documentation to support the non-payroll, general government administrative services' expenditures allocated to the restricted account totaling \$411,000, \$611,000, and \$411,000 for the fiscal years ended June 30, 2010, 2011, 2012, respectively. After more than two months, department management only provided a one-page spreadsheet for two of the three years containing calculations and amounts that did not agree to the amounts allocated, and management did not provide any documentation to support the allocation for the fiscal year ended June 30, 2011. Therefore, we could not determine whether these allocated amounts were reasonable, proper and related specifically to the Dog Law as required per section 1001 (b), which states that the restricted account is appropriated to pay "all expenses of the secretary and the department in administering their duties under this act."

The department's inability to support the calculations and these allocated charges to the restricted account were also previously reported in our special performance audit dated June 2011. Department management disagreed with our prior finding, stating only that they believed sufficient documentation exists to support the allocations. We disagree. Adequate documentation must be written and retained to substantiate all expenditures, including allocations, charged to the restricted account.

Dog License Revenues, Which Represent the Majority of the Restricted Account Revenue, Remain at Less Than 50 Percent of Maximum Potential

Pennsylvania law requires all dog owners to license their dog for a fee either on a yearly basis or by purchasing a lifetime license. According to information provided by the department, revenue from dog license sales totaled on average approximately \$5.7 million each year and accounted for approximately 85 to 90 percent of total revenue for the restricted account for each of the four fiscal years ending June 30, 2009, 2010, 2011, and 2012. Since the solvency of the restricted account was never a problem, especially prior to the \$4 million transfer out to the General Fund noted above, the department has admittedly been lax in their efforts to increase compliance with the Dog Law and ensure dog owners purchase a license for their dog(s).

Per a recent calculation, performed by an animal welfare organization and presented to the department, it is estimated that only 40.2 percent of Pennsylvania-owned dogs are licensed and therefore their owners have paid for a dog license.¹ As such, we believe Pennsylvania could at least double their restricted account revenue from dog license sales by increasing enforcement efforts for dog owners to comply with the licensing requirement.

¹ Calculated based on a formula provided by the National Council on Pet Population.

During the summer and fall of 2012, the department began taking steps to increase awareness of the dog license requirement by adding a link from their website home page that provides instructions on where to license your dog, providing instruction booklets at various public locations on how to obtain a dog license, as well as advertising on a billboard at the Pennsylvania State Farm Show Complex. DLE has indicated that it has assisted county treasurer offices and is in support of making licenses available for sale over the internet. However, in response to our inquiry about whether the department's advertising efforts would significantly increase revenue from license sales, department management was very skeptical, stating that the cost of its efforts to increase dog license sales would offset any increase in revenues and that the only way net revenue would increase would be to raise the price of the dog licenses, which non-lifetime licenses range from \$4.45 to \$8.45 annually. Although we do agree that current fees for dog licenses are very low and consideration needs to be given to raising these fees, we would also encourage the department to evaluate alternative methods for enforcing dog license requirements as another way to increase total license revenues. For example, Ohio encourages dog owners to timely purchase their annual dog license between December and January by doubling the license fee the other ten months of the year.

In addition to regular dog licenses, the Dog Law requires dog owners, who have a recognized dangerous dog, to pay an annual license fee of \$500. The department, not county treasurer's offices, directly issues dangerous dog licenses and collects the annual fee. We obtained the department's listing of registered dangerous dogs in the Commonwealth for calendar year 2012. The list, as of October 2012, contained 65 registered dangerous dogs of which 15 remained unlicensed and therefore have not yet paid their 2012 \$500 license fee, nine months after the year began. Department officials admitted to us that they have been lax in enforcing the dangerous dog requirements of the law and, in fact, did not send out invoices to dog owners who failed to register their dangerous dogs until after we had requested a list of dangerous dogs in late April 2012. Furthermore, department officials admitted that its list of dangerous dogs is likely incomplete since it contains only 65 dogs statewide. To ensure compliance with the dangerous dog license fee requirements, DLE needs to maintain and update their accountability of all dangerous dogs, invoice dog owners timely, and follow up timely when dog owners do not pay their license fee. Failure to ensure compliance decreases restricted account revenue.

Restricted Account Revenues From Citations Issued is Severely Limited

To enforce compliance, DLE dog wardens throughout the Commonwealth issue citations to dog owners or kennel owners that violate the Dog Law. Local district justices adjudicate these citations, and the district courts collect the payment for the fine and/or penalty resulting from the adjudication process. On an annual basis, DLE citations result in the district courts collecting between \$280,000 and \$320,000. However, Act 64 of 1987, which provides funding for the judicial computerization project from several different sources, caps the amount of fines and penalties allowed to be receipted into the Dog Law restricted account at 1987 levels, or approximately \$70,000 per year. As such, rather than the restricted account being able to reap all the revenues generated, the DLE Office must return the excess over the \$70,000 cap to the district courts, which ranges from \$210,000 to \$250,000 annually.

The department wrote in its 2009 Dog Law Annual Report that this cap “represented only 25 percent of fines otherwise owed to the bureau in 2009, and only 16 percent of those otherwise due in 2008. Given that this project is largely completed, legislative relief from this cap is urgently needed and would return to the bureau a sizable source of self-funding.” As of June 30, 2012, the Judicial Computer System appropriation balance totaled \$117,750,475. We agree that the department should ask the legislature to increase or eliminate the cap.

In addition to reduced revenue, this cap may also be reducing Dog Law enforcement effectiveness. Since DLE Office employees, including wardens, are aware of this revenue cap related to fines and penalties received by the restricted account, this potentially creates a disincentive for dog wardens to issue citations.

Recommendations:

We recommend that the Department of Agriculture:

1. Be proactive in enforcing the Dog Law to maximize the revenue deposited in the restricted account and limit the use of funds to Dog Law expenditures only;
2. Ensure adequate documentation exists to support all costs, including payroll costs charged to the restricted account;
3. Ensure that the general government administrative costs allocated to the restricted account are accurately calculated and supported by a documented methodology;
4. Evaluate other methods for persuading/compelling dog owners to annually license their dogs;
5. Consider revising the current dog license fee structure by evaluating how other states structure their dog license programs;
6. Continue to assist county treasurers to make dog licenses more convenient and available and advocate for license purchases over the Internet;
7. Require DLE to properly track all incidents resulting in the classification of a dangerous dog and ensure that all such dogs are annually licensed; and
8. Pursue an amendment to Act 64 of 1987 to eliminate or increase the cap amount for revenue generated out of fines and penalties issued through DLE citations.

Agency Response: See Appendix B, which contains the agency response to this finding.

Auditors' Conclusion: The findings contained in this report are complete and accurate. We utilized information in the form of reports, emails, meeting minutes, and other documents obtained directly from designated DLE Office personnel or independent sources and interviewed several DLE Office and department staff, where necessary, to corroborate the information received.

In the agency's response, the department generally disagrees with many of the points made in the finding. Its responses to many recommendations indicate that they were implemented subsequent to the completion of audit execution. Based on its representations, we commend the department for being proactive to improve the Dog Law program; however, we have not audited these subsequent improvements, but may do so at some point in the future.

With regard to the disagreements/inaccuracies raised within the agency's response, the auditors' evidence to support key points identified in the finding and questioned in the response includes, but is not limited to, the following:

- The finding's comments regarding unsupported payroll costs and unsubstantiated allocated costs are based on complement reports, job descriptions and allocation documentation provided by the department. Although the agency's response indicates that the auditors did not provide detailed information to support the employee information noted in the finding, on July, 20, 2012, we provided the department with the names of the 18 individuals and associated questioned costs and time periods for the department to provide documentation to support these costs being paid from the Dog Law restricted account. However, no documentation was provided. Please note that the auditors did correct a fact regarding the number of employees within the DLE Office from seven to six; however, the remaining information is accurate. The six employees, which we identify as DLE Office employees, are listed in the "Field Div Dog Law En" code in the department-provided complement report.
- The statements, "The department has been admittedly lax in their efforts to increase compliance," and "The historically low percentage of dog licenses sold was not an issue to the department until the restricted account was in financial distress," were based on interviews with management personnel as well as the information reported in Table 2 and appear to be accurate based on the revenue improvements represented in the agency's response.

Based on the agency's response, the findings and recommendations remain as stated.

Appendix A: Objectives, Scope, and Methodology

Objectives

The objectives of this special performance audit include the following:

- Determine whether the Department of Agriculture (department) adequately enforces and monitors the Dog Law program (see Finding No. 1); and
- Determine whether Dog Law Restricted Account expenditures are appropriate and in compliance with laws and regulations (see Finding No. 2).

Scope

Our audit focused on the department's duties and responsibilities as it relates to the Dog Law program. The period under audit was July 1, 2008 through June 30, 2012, including follow-up procedures that were performed and concluded as of October 25, 2012. The audit was performed in accordance with applicable generally accepted government auditing standards issued by the Comptroller General of the United States.

Methodology

The methodology in support of the audit objectives included:

- We reviewed Dog Law-related information from the department's website and other material (i.e., newspaper articles, related legislation, and prior audit reports) to gain an understanding of the Dog Law program.
- We attended the Dog Law Advisory Board meetings on April 25, 2012 and September 27, 2012.
- We reviewed the Dog Law (Act 225 of 1982, as amended by Act 119 of 2008) and the Commercial Kennel Canine Health Regulations (7 Pa. Code, Chapter 28A) and performed procedures to determine compliance.
- We identified and evaluated the Dog Law Enforcement (DLE) Office's internal controls relative to our audit objectives through interviewing DLE personnel (including dog wardens and management), reviewing policies and procedures, and examining supporting documentation.
- We reviewed expenditure documentation of the Dog Law Restricted Account (restricted account) to determine whether costs expended were appropriately related to dog law activities, including general government obligation costs allocated to the restricted account and payroll costs.

Appendix A: Objectives, Scope, and Methodology (Continued)

- We observed inspections at four commercial kennels: three located in Lancaster County and one in Chester County. In order for us to attend, we needed to obtain permission from each kennel owner. Additionally, the department informed the auditors that they could not ask the dog wardens any questions during these inspections.
- We obtained commercial kennel inspection reports available online in the Kennel Inspection Database (www.padogs.state.pa.us/PublicKennels/SearchKennelInspections.aspx.)
- We obtained citation information from the Administrative Office of Pennsylvania Courts.
- We evaluated dog licensing programs in surrounding states.
- We obtained the department's dangerous dogs listing for 2012.

Appendix B: Agency Response to Findings

June 17, 2013

The Honorable Eugene A. DePasquale
Department of the Auditor General
229 Finance Building
Harrisburg PA 17120-0018

Re: Special Performance Audit – Dog Law Program

Dear Auditor General DePasquale:

This office is in receipt of the draft findings and recommendations (consisting of 10 pages) pertaining to your office's special performance audit of the Pennsylvania Department of Agriculture's (PDA) execution of its responsibilities for administration and enforcement of the Dog Law, 3 P.S. §459.101 et seq.

We appreciate the important role the Auditor General's office plays in ensuring that state government works efficiently in the interest of all Pennsylvanians. Thank you for your commitment to assuring taxpayers an open, honest and effective commonwealth.

We acknowledge the efforts your office has devoted to this matter and it has been a pleasure working with your employees since the entrance conference on April 23, 2012. The audit period in question was July 1, 2008 through approximately September 2012, when substantive communication regarding this audit ceased.

It is important to acknowledge that PDA's dog law enforcement efforts have been transformed since Governor Corbett took office in 2011. The senior staff and the structure of the Dog Law Enforcement Office (DLEO) were completely overhauled. Enforcement of the Dog Law moved under the Executive Offices of PDA, with staff reporting directly to the Executive Deputy Secretary. The senior staff in the DLEO changed again in August 2012 – while your employees were performing the audit.

It has not been an easy reorganization process over those two years, but very positive results are showing in terms of cost savings and tightened administration.

Appendix B: Agency Response to Findings (Continued)

As you know, the dwindling balance of the Dog Law Restricted Account created by 3 P.S. §459.1001 was the result of actions between 2006 and 2010, specifically the \$4,000,000 transfer to the General Fund by Act of the Pennsylvania General Assembly in FY 2009-10 and the on-going residual effects of decisions which resulted in annual expenditures exceeding annual revenues on a regular and continuing basis.

PDA's continued work has netted positive results:

- The Dog Law Restricted Account is now being restored to financial stability.
- Annual expenditures will soon no longer exceed annual revenues.
- Expenditures for FY 2012-13 will be approximately \$6,759,000.
- Expenditures have been cut from a FY 2010-11 high of \$8,807,629.
- Permanent annual savings of more than \$2,000,000 in expenditures have been achieved thus far.
- The annual percentage of expense over revenue has been reduced from 39% in 2010-11 to 10% in FY 2012-13.

At the same time, **dog license sales revenues have picked up due to the extensive efforts** of the Department and DLEO in 2013. In comparison to FY 2011-12, **dog license sales revenues rose 17% in April and May 2013 (totaling increased revenue of \$179,117 in those two months).**

The annual drop in **fund balance has slowed from 35% in 2010-11 to a projected 20% in FY 2012-13.** We still have work to do but efforts are paying off.

When the audit began in April 2012, the DLEO director had only been with the department for approximately 10 months (since June 15, 2011). Other personnel who would have been able to provide definitive information on many of your inquiries were no longer in the roles held during the audit period. That did not make things easy, nor did it necessarily allow for historically accurate information to be conveyed.

The DLEO director, who provided you much of the information upon which your report is based, separated from the agency on August 4, 2012. As a result, we are severely handicapped in determining what information was given in response to exactly which inquiries and the sources of the information.

The response to an Auditor General's special performance audit report by an agency under the Governor's jurisdiction is governed by Management Directive 325.10 Amended ("Review of Auditor General, Treasury, Legislative Budget and Finance Committee, and Other Audit Reports").

Appendix B: Agency Response to Findings (Continued)

According to MD 325.10, an evaluation of the merits of the contents of this report, and therefore the nature of any response thereto, is to be conducted by this agency applying the following minimum criteria:

1. Findings, conclusions, and recommendations are:
 - a. based on complete, accurate, and factual data;
 - b. formulated from facts that are directly applicable to individual situations;
 - c. not based on isolated facts that may not be representative of the whole;
 - d. indicative of objective, fair, and independent reporting;
 - e. cost effective in relation to benefits received;
 - f. in conformance with all laws, regulations, and other compliance factors;
 - g. taking into consideration commonwealth or agency policies, goals, or objectives;
 - h. directly relevant to current conditions;
 - i. not outdated or inapplicable as a result of the passage of time between the conduct of an audit and the issuance of the audit report.
2. Corrective action for a particular condition has not already been taken before the issuance of the report.
3. Disclosure is made of strengthening, correcting, or other actions taken subsequent to the audit commencement, but prior to the issuance of the report.

MD 325.10 Amended also states that an agency response shall clearly describe the agency's concurrence or non-concurrence with individual findings and recommendations, and reasons therefore.

Accordingly, the following is offered in response:

I. The Department of Agriculture does not concur with Finding No. 1.**1. The report in Finding No. 1 is materially incomplete and inaccurate by failing to mention the August 4, 2012 separation of the DLEO director from the Department of Agriculture.**

The director of the DLEO in place when the audit commenced was separated from PDA on August 4, 2012. The report alleges the failure to enforce the Commercial Kennel Canine Health Regulations after their effective date of July 1, 2011 through "lax leadership" and "choosing to delay enforcement." Yet nowhere in the report does it mention the change made in dog law enforcement leadership which occurred while the audit itself was in process.

Appendix B: Agency Response to Findings (Continued)

Therefore, the report as drafted does not correctly represent the current conditions nor note corrective actions taken while the audit was in process, and fails to address the impact the change in dog law enforcement leadership, during the course of the audit itself, may have upon the accuracy and fair representation “of the whole” presented by the report to citizens.

A fair, objective and accurate report should acknowledge that fact and recognize the need to assess the impact of such a significant event upon the overall presentation of the relevant facts before issuing a report, so as not to mislead Pennsylvania citizens with incomplete information.

2. The report in Finding No. 1 draws an inaccurate factual connection between two unrelated circumstances.

The report states that an “ineffective environment,” which caused Dog Law Enforcement to be “unprepared to enforce the Commercial Kennel Canine Health Regulations,” “went largely unnoticed until the DLE Office became fiscally unstable which garnered the attention of many animal rights activists and forced the department’s top management to take action to improve administration of the DLE Office.”

The fiscal condition of the Dog Law Restricted Account has for many years been the subject of attention by the department, legislators, the Dog Law Advisory Board and many concerned citizens and stakeholders. This includes animal welfare organizations who historically receive grants and other funds from the Account for their operations. The fact that the fund balance at the close of each fiscal year has been diminishing, yet remains several million dollars each year, has been well-known and debated by all of the aforementioned entities and individuals. There has been no occasion when “the DLE Office became fiscally unstable.”

Additionally, enforcement of various provisions of the Dog Law and applicable regulations, including the promulgation and enforcement of the Commercial Kennel Canine Health Regulations, has for many years been the subject of attention by the department, legislators, the Dog Law Advisory Board and many concerned citizens and stakeholders, such as animal welfare organizations.

There is no recent causal connection between attention paid to enforcement and attention paid to the fiscal condition of the Dog Law Restricted Account. It is perplexing that such a claim would be made in that these two issues have been the subject of widespread attention for many years. An understanding of the history of dog law enforcement in recent years, particularly the well-publicized actions of all the aforementioned stakeholders that resulted in the amendment of the Dog Law in 2008 and which occurred during the promulgation of the Commercial Kennel Canine Health Regulations in 2009-2010, would have clarified and provided the true facts.

3. The report is inaccurate in Finding No. 1 – Failure to Enforce the Commercial Kennel Canine Health Regulations in stating that “the incorrect data loggers were ordered and received.”

Appendix B: Agency Response to Findings (Continued)

On June 11, 2010, one exemplar of the Omega Data Logger OM-73 was ordered for review in drafting the regulations. This is the same model currently in use in all commercial kennels. On June 6, 2011, seventy (70) data loggers of the same model were purchased. On February 15, 2012 another order of these data loggers was received. Since that time, additional orders of the same model data loggers have been received and utilized.

Therefore, we are puzzled by how incorrect information made its way into the report.

4. The report is inaccurate in Finding No. 1 – Failure to Enforce the Commercial Kennel Canine Health Regulations in stating “no kestrels were purchased.”

On approximately June 24, 2011, five (5) kestrels were purchased from a commonwealth vendor for such equipment, Grainger. These devices were used by those state dog wardens who were provided access to them.

In seeking additional training on the use of the kestrels, DLEO went to the manufacturer, Nielson-Kellerman of Boothwyn, PA. That company supplied our state dog wardens formal training on the use of the kestrels on June 29, 2012. During that training, a new and improved kestrel model was demonstrated, which had an additional capability to lock in recorded measurements. This is useful for prosecution. The manufacturer worked with DLEO and provided a discount to swap the kestrels originally purchased for the improved model. This is the model currently being used by state dog wardens in commercial kennels.

Again, we do not understand the reason for the misstatement.

5. The report is inaccurate in Finding No. 1 – Failure to Enforce the Commercial Kennel Canine Health Regulations in stating that a state dog warden could not determine if a commercial kennel were in compliance with temperature and humidity requirements without use of a kestrel.

Many simple devices, such as the data loggers discussed above, measure temperature and humidity. Use by a state dog warden of a kestrel is not necessary in order to determine temperature and humidity compliance of a commercial kennel. State dog warden always had, and have, the ability to determine temperature and humidity compliance of a commercial kennel. It is incorrect to claim that state dog wardens could not determine if a commercial kennel was in compliance with temperature and humidity requirements without use of a kestrel.

Ventilation is a complex measurement and a kestrel is a tool for determining whether the ventilation levels certified by the engineer are potentially being met.

Appendix B: Agency Response to Findings (Continued)**6. The report in Finding No. 1 – Failure to Enforce the Commercial Kennel Canine Health Regulations is materially incomplete and inaccurate by failing to include relevant and material facts available during the audit.**

This finding generally recites a series of alleged facts culled from various sources, some of which are presently unknown, relevant to enforcement of the Commercial Kennel Canine Health Regulations between July 1, 2011 and August 2012. The gravamen of the finding in this regard is that Dog Law Enforcement did not strictly enforce the July 1, 2011 effective date of the regulations and “made a conscious decision to work with kennel owners rather than citing them for not being in compliance,” “essentially choosing to delay enforcement.”

The finding does not provide an accurate presentation of facts relevant to enforcement of the regulations at issue and is materially deficient in reciting piece-meal, incomplete and outdated information about efforts to ensure the remaining 54 commercial kennels in Pennsylvania came into compliance with the law. A fair, objective and accurate report should acknowledge the necessity of, and provide, an accurate and thorough summation “of the whole,” so as not to mislead citizens.

Presently, there are 54 commercial kennels licensed in Pennsylvania. That number has remained relatively constant since the audit began in April 2012. As of June 27, 2012, in the midst of the audit, only six (6) commercial kennels did not yet have data logger installations, all for good reason. Of those six commercial kennels, five (5) had waivers granted in accordance with law that had not yet expired. One (1) commercial kennel ultimately became licensed as a non-commercial kennel on July 19, 2012. As of July 1, 2012, in the midst of the audit, all commercial kennels had at least one data logger installed. However, the report does not provide that information.

The report also inaccurately recites facts relevant to an August 2012 inspection attended by the auditors. On August 16, 2012, when the auditors accompanied DLEO employees to kennel inspections, a data logger was already present in each of the three kennels inspected. During these August 2012 inspections, additional loggers were being installed due to the contents of engineering certifications received relevant to these kennels. What was occurring at that time was not accurately recounted in the report.

With regard to engineers’ certifications, on June 12, 2012, Notices of Violation pursuant to 3 P.S. §459-903 of the Dog Law were issued to the final 15 commercial kennels who had not yet submitted the required engineers’ certifications. This was during the audit but the report does not mention it.

Appendix B: Agency Response to Findings (Continued)

Enforcement efforts continued after the auditors last communicated with DLEO approximately nine (9) months ago. As of January 18, 2013, all commercial kennels had submitted the required engineers' certifications. One of the final non-compliant kennels paid \$5,000 in civil penalties for their non-compliance.

7. The report in Finding No. 1 – Lack of written standard operating procedures is outdated in that corrective action for this condition has already been taken before the issuance of the report.

The report acknowledges receipt of written standard operating procedures in October 2012.

8. The report in Finding No. 1 – Lack of formal training of dog wardens is not accurate.

State dog warden training has always been obtained and provided but not necessarily offered and completed in a manner that tracks the provisions of 3 P.S. §459-901. The former director would have been in error if she told the auditors "there were none," if asked about written materials used in training. The auditors were made aware of training obtained by state dog wardens and provided by PDA. However, the report only highlights an isolated statement, not representative of the entirety of information provided.

In addition to on-the-job training and other training provided by PDA, all state dog wardens hired since at least 2007 have completed formal Humane Society Police Officer (HSPO) training in accordance with 22 Pa.C.S.A. § 3712. This is the same 60 hours of formalized training required for all persons (other than PSP troopers and municipal police officers) certified to enforce animal cruelty laws in Pennsylvania. It covers the role of the criminal investigator, laws and the legal system, search and seizure, rules of evidence, stages of investigation, crime scene photography, report writing, courtroom testimony, crime scene procedures and collection of evidence, interview and interrogation, officer safety/crises intervention and dealing with media. This includes every topic of training referenced in the Dog Law with the exception of the Dog Law-specific topics that were, and continue to be, part of PDA Office of Chief Counsel and departmental training.

PDA Office of Chief Counsel has provided multiple hours of training on the dog law, regulations and criminal law and procedure since 2008. The Dog Law amendments in 2008 changed the number of formal training hours from 56 to 64. The formal HSPO training, combined with the other training provided, far surpassed 64 hours even before the Dog Law amendments.

Moreover, in December 2010, all state dog wardens were required to take and pass the written examination on all the required subject matters of training set forth in 3 P.S. §459-901(b.1)(3).

Appendix B: Agency Response to Findings (Continued)

All of the above was disclosed during the audit yet the report does not mention any of it. The omission of these facts leaves a misleading impression that training was not occurring.

There was and continues to be training for state dog wardens and all training requirements set forth in 3 P.S. §459-901 have been met and are continuing to be met as new state dog wardens become employed. Since June 2012, training is now being tracked and documented in one centralized database.

9. The report in Finding No. 1 – Lack of monitoring citations is not accurate.

The report states that the DLEO does not run a report showing the sheer number of citations issued by each state dog warden per year as a mechanism to determine “that wardens were adequately performing their duties.”

Measuring the quantity of citations issued by each state dog warden is not a probative measure of job performance on its own. The nature of each state dog warden’s geographic jurisdiction and the real-world variability of enforcement job duties influence those numbers. Moreover, the information in the report is inaccurate.

The licensing/enforcement software utilized by the DLEO is known as PA Dogs. This is the database that all state dog wardens use to enter all of their paperwork (daily time entries, kennel inspections, audits, incidents, damage claims, dog bites, dangerous dogs, citations, and misdemeanor complaints). All of the above entries can be reviewed and monitored by the supervisors and management. Supervisors can run summary reports on all entered activity completed by their subordinate employees as well as pull reports regionally.

Management can pull the same reports, as well as additional administrator reports regarding dangerous dogs, holding and disposing, citation types and counts, kennel counts and license types, kennel approvals pending, etc. – all to monitor statewide activity.

The **2012 DLEO Annual Report reflects that 3,113 summary citations and 56 misdemeanor charges were filed** that year. These numbers include citations related to kennel inspections and other violations of the Dog Law, including but not limited to failure to license, dogs running at large or abandoned and dangerous dogs.

The **DLEO also refused five kennel license applications and revoked one kennel license in 2012**. In 2012, the **DLEO has identified 37 illegal kennels**. The DLEO has **shut down and fined 30 of these kennels that were operating without a license**. The remaining **7 have come into compliance** and received a kennel license or they have an application pending.

In 2012, **all commercial kennels received the mandatory two inspections per year**. In fact, most if not all received more than two inspections in 2012.

Appendix B: Agency Response to Findings (Continued)

As of mid-April 2013, the DLEO:

- Identified 5 illegal kennels which have been fined for operating without a license.
- Regulates 54 commercial kennels currently licensed and operating in 2013.
 - Of those 54, 27 have received their first inspection of 2013.
 - Only 5 of those 27 did not pass the inspection for varying issues.
 - 4 of those 5 were issued Notice Of Violations.
 - 1 of those 5 was assessed civil penalties resulting in \$5,000.00 to the DLEO.
 - 1 was issued a summary criminal citation for selling a puppy underage.

Since October of 2012, the DLEO has received \$10,500.00 in assessed civil penalties (all of which came from three commercial kennels not complying with the Commercial Kennel Canine Health Regulations)

10. The report in Finding No. 1 – Lack of adequately monitoring the number of transferred dogs is not accurate and/or not current.

The correct information on this particular finding is as follows:

Throughout 2012, the DLEO's Director of Enforcement sent supervisors the list of all kennels licensed as commercial kennels since 2009 that have down-graded or become licensed as other types of kennels in 2012. Supervisors were told to ensure that they and their state dog wardens were paying particularly close attention to the number of dogs at these kennels as well as their records. The DLEO also sent supervisors a list of all currently licensed commercial kennels. This enables state dog wardens to readily check which PA kennels are acceptable as the wholesale source of dogs reflected on records while inspecting pet stores and prompts investigation when dogs are coming from a source other than a licensed commercial kennel.

On September 27, 2012, in a supervisors meeting prior to the Dog Law Advisory Board meeting, all supervisors were given a written document titled, "Supervisor Expectations." This document states, "As you are approving inspections pay particular attention to dog numbers especially those who have previously operated commercially and if a kennel is going to be close on their numbers they will need to be rechecked at the end of the year. You as the supervisor are responsible for ensuring the kennels in your regions are licensed and operating appropriately."

In an email dated 10/1/12 from DLEO's Director of Enforcement to all supervisors, they were told "Now that we have begun 2nd rounds of inspections it is imperative that you keep track as you approve inspections of those kennels which are close on numbers for requiring a commercial license and will need rechecked at the end of year to ensure no license type or class violation has occurred. I want each of you to email me your list at the end of each month for the remainder of the year so I can monitor where we are at, this must be a priority."

Appendix B: Agency Response to Findings (Continued)

Due to the large amount of kennels which went from operating commercially to non-commercially, a report was generated showing the kennels from 2008 operating commercially which are/were currently operating non-commercially in 2012 and 2013. Based upon that information, DLEO made it a priority of the DLEO Veterinarian, Dr. Ward, to visit all of those kennels. Many of these kennels downgraded in size to avoid compliance with the commercial kennel provisions and regulations. In doing so, DLEO made a cruelty referral on one kennel, which eventually received cruelty charges and was shut down completely.

See the following numbered response for additional relevant information on monitoring dog numbers in commercial kennels and those that have downgraded or becomes licensed as other types of kennels.

11. The report in Finding No. 1 – Lack of adequate supervisory review and confusing inspection form language is not accurate and/or not current.

The correct information on this particular finding is as follows:

On March 1, 2013, changes to the inspection report were made in PA Dogs as it relates to number of dogs on premises, and current and previous year sales, death, transferred, etc. The new report shows the new category and allows DLEO to see the exact number of dogs actually sold (transfer of ownership) for the current and previous years. This is a much more accurate approach and will allow DLEO to accurately see when a kennel is close to violating its license type or class. In the SOP manual there is a page titled “Inspection Report-Dog Counts” which spells out exactly how to utilize each new box. Please also note that a change made in 2012 added the Commercial Kennel Canine Health Regulations on the inspection report. Additionally, wardens now have spell-check on the inspection reports as well as all other reports generated in PA Dogs. Wardens now have the ability to edit their inspection reports after submission. If a supervisor sends an inspection report back for revisions, instead of the warden being required to reenter the entire inspection report they now able to simply correct the deficiencies. This minimizes the amount of time from report entry, to approval, to appearing on the public website.

II. Response to 10 Recommendations on Finding No. 1

1. *Establish a leadership team dedicated to ensuring that the department effectively administers the Dog Law program, to include establishing an adequate management control structure.*

Appendix B: Agency Response to Findings (Continued)

As compared to the majority of the audit period, DLEO has a completely new staff in Harrisburg with new management. There are seven supervisors covering 67 counties with a total of 56 wardens, not including the newly hired warden for Adams County and a job posting for Westmoreland County. Two additional postings will be completed for Lawrence County and Schuylkill County when training of two other new wardens in those regions is completed. Management created four focus groups headed by various supervisors to formulate recommendations to management, as follows: Strategic Planning, Canvassing & Treasurer Relations, Strays & Sheltering, Law Enforcement. The recommendations are being currently reviewed by management and the Office of Chief Counsel to determine if and how to implement recommendations.

2. *Effectively enforce the Dog Law and Canine Health Regulations.*

This has been done and will continue to be done. All commercial kennels have submitted certifications completed by a professional engineer, have been inspected at least 2 times in 2012, are being cited or issued Notices of Violations (NOVs) for any non-compliance, and state dog wardens are utilizing all tools, including kestrels, while inspecting commercial kennels to ensure compliance.

3. *Comply with all applicable laws and regulations.*

The DLEO is meeting this recommendation and will continue to do so.

4. *Ensure that all DLE personnel understand the formal standard operating procedures, especially conducting inspections and issuing citations, to ensure that the procedures are consistently applied.*

It is the goal of management and DLEO to bring consistency across all regions. The SOP Manual was developed, distributed to all state dog wardens, and training was provided on all materials contained within. There is a very large section of the manual that focuses on kennels and conducting kennel inspections. Management and supervisors in reviewing inspections and incidents are monitoring to ensure citations are filed appropriately. State Dog Wardens have been told that they should issue a citation for rabies violations. For other violations, depending upon the nature, enforcement will be filed either criminally or civilly.

5. *Develop and implement oversight/supervisory review procedures to ensure that DLE personnel are adequately and timely complying with the standard operating procedures.*

Supervisors and management utilize reports in the PA Dogs program which allow them to review and monitor the activities of the state dog wardens on a daily, weekly, monthly, and yearly basis.

6. *Immediately develop formal dog warden training, pursuant to the Dog Law Section 901(b), and ensure that all dog wardens, if appropriate, complete the training, and pass the final examination.*

Appendix B: Agency Response to Findings (Continued)

This has been done and will continue. With the change in management in 2012, a new tracking sheet has been created, along with a more specialized training program. Trainings provided and upcoming trainings are being put together in cooperation with the PSP, Game Commission, DCNR, National Animal Control Association, and by listening to the needs of state dog wardens and supervisors. The training provided and future trainings, as always, are consistent with the training requirements as set forth in the Dog Law, 3 P.S. §459-901(b.1).

7. *Oversee and monitor the activities of the dog wardens, including the issuance of citations, through developing applicable reports and reviewing them on a periodic basis.*

The Dog Law Enforcement Office is doing this and has always had the ability to pull reports to see how many and what type of citations are being issued, in what areas, and to compare citation numbers from year to year as a whole and by individual state dog wardens.

8. *Develop written procedures for monitoring the number of dogs transferred each calendar year to ensure that kennels are properly licensed.*

This has already been done, and can be found in the SOP Manual. The inspection report dog counts have also been changed in PA Dogs, as recounted above.

9. *Revise the kennel inspection form and provide adequate training to ensure that all dog wardens understand how to properly document dog counts obtained while conducting kennel inspections.*

This has already been done. Changes made to the inspection report in PA Dogs went into effect March 1, 2013. A clarification of each new section is provided in the SOP Manual.

10. *Ensure that adequate supervisory review exists for reviewing kennel inspection forms. Errors found should be returned to the respective dog warden and corrected.*

Changes have been made to PA Dogs effective March 1, 2013 so that kennel inspection reports are now editable and wardens do not need to reenter their entire inspection report to make any necessary changes. PA Dogs has a spell-check feature which allows wardens to click the spell-check button on all areas of any report they complete in PA Dogs with a notes or remarks section. The SOP Manual has details on how to enter time entries, incidents, inspections, etc.

Appendix B: Agency Response to Findings (Continued)**III. The Department of Agriculture does not concur with Finding No. 2.****1. The report in Finding No. 2 – Unsupported Payroll Expenditures Charged to the Restricted Account does not recite complete, accurate, and factual data.**

As noted in the report, the substance of this finding is identical to that contained in a prior report released in June 2011. The finding states “the current practice of documenting and substantiating payroll expenditures paid from the restricted account remains inadequate,” and the “detailed timesheets that identify how much was worked on each program/activity, should be utilized.”

We must simply agree to disagree on this observation. In accordance with the MD 325.10 criteria, having professional, administrative and clerical staff complete hourly/daily timesheets, and implementing a system for inputting those timesheets to allocate the Department of Agriculture’s payroll expenditures is not cost effective in relation to benefits received, nor does it take into consideration the agency’s broad-range goals and objectives of achieving employee productivity and accomplishing necessary regulatory responsibilities with ever-dwindling resources.

During the audit period in question (July 1, 2008 through approximately September 2012), PDA suffered a complement reduction of 115 due to inadequacy of General Fund appropriations, as well as a cumulative loss of \$5,143,000 in General Fund appropriations – assuming that FY 2007-08 General Fund appropriations had remained level for FY 2008-09, FY 2009-10, FY 2010-11, FY 2011-12 and FY 2012-13.

Before addressing more specifics, we must strongly object to the opinion contained in the introduction to this finding that “some of these expenditures should not have been charged to this account.” This is in direct conflict with a later opinion in the report that “we could not substantiate whether” the expenditures were reasonably charged to the account. Those are two distinct and materially different opinions and one is in conflict with the other. Although PDA disagrees with both, there is a lack of evidence to support the former, as confirmed by the latter.

The gravamen of this finding, as it was in June 2011, is that the system of documentation is inadequate. The Dog Law states at 3 § P.S. 459-1001(b):

(b) Appropriation.--As much as may be necessary of such moneys and interest in the Dog Law Restricted Account are hereby appropriated to pay:

(1) all salaries of the employees of the department in administering their duties under this act . . .

Appendix B: Agency Response to Findings (Continued)

The law does not say “employees of Bureau of Dog Law Enforcement” or “employees of the Dog Law Enforcement Office.” It is without question that all of the payroll expenditures are for employees of the Department of Agriculture. The question to be considered is whether they are administering duties under the Dog Law.

The report uses phrases like “11 employees, not employed by the DLE Office,” and “seven individuals, directly employed by the DLE Office.” These phrases do not identify who is being referred to, nor do they illuminate or shed any light upon whether they help PDA administer duties under the Dog Law.

The report is devoid of any explanation of the “11 employees” or “seven individuals” to which reference is made. The report does not list what jobs they held. The report does not state what duties they performed. The report does not state what periods of time are being examined with regard to those persons’ jobs or job duties. It is not clear if the “seven individuals” are a subset of the “11 employees” referenced.

The information provided is that “at some point for varying lengths of time during the period July 1, 2008 through March 31, 2012” certain unidentified persons’ payroll expenditures were paid from the Dog Law Restricted Account. That is not enough information upon which to rely in formulating a response.

At one point, the report states “. . . of the seven DLE employees, six were regional clerical positions.” There are no regional clerical positions that report in the supervisory chain of command of the DLEO. We remain concerned about whether there is a misunderstanding regarding the information being referenced.

The methodology of relying upon presently available written position descriptions, contained by position number in the Office of Administration database, is not appropriate for use in an audit attempting to review past events, particularly events going back five (5) years to July 1, 2008. As the report notes, those position descriptions only reflect current occupants of current position numbers. There is no retention of historical information in the system. This system has no ability to show how a position description may have read when a position number was occupied by someone other than the current occupant. It is simply not a reliable audit tool for the purpose employed.

Lastly, it must be noted that the Dog Law Restricted Account complement in FY 2009-10 was ninety-two (92) due to personnel decisions made at that time. That figure has now been reduced to seventy-three (73), a 20% reduction. No reduction involved a filled state dog warden position. The tightened enforcement and increase in dog license sales revenue noted herein is evidence that the complement reduction is not having a negative impact on PDA’s administration of the Dog Law.

Appendix B: Agency Response to Findings (Continued)**2. The report in Finding No. 2 – Unsubstantiated Cost Allocated to the Dog Law Restricted Account is not accurate.**

As noted in the report, the substance of this finding is identical to that contained in a prior report released in June 2011. Again, we must agree to disagree.

The relevant documentation for the three fiscal years requested was provided on August 22, 2012 in the form of two succinct spreadsheets that explain the entire calculation of administrative services billing for the entire agency, not just Dog Law, plus an explanation of the spreadsheets. In each year, the calculation produced an administrative billing rate to Dog Law of between 12.5 - 13%. It is correct that there was no similar spreadsheet for FY 2010-11. The explanation was provided that the same percentage calculation arrived upon for FY 2009-10 was applied for Dog Law in FY 2010-11.

What the report does not state is that in each of those three fiscal years, the Dog Law Restricted Account was not charged the percentage of administrative billing justified by the calculation, but was instead charged less. This is the reason why the report notes the documentation showed “calculations and amounts that did not agree to the amounts allocated.” The report does not state that the amounts allocated were in a lesser amount. This misleads citizens into thinking the amounts charged were more than justified, when in fact they were less than justified.

The DLEO operations and staff receive considerable resources from PDA for the annually assessed administrative services billing. Among these resources are staffing resources, a multitude of connections to organizations outside the department, connectivity and support to all manner of information technology, advocacy and representation within and outside commonwealth government.

The following is just a part of the services received:

- Advocacy for dog law enforcement concerns and issues by the Secretary of Agriculture, Deputy Secretaries, and other key Executive Office staff, including representing those interests with Governor’s senior staff, Offices of Policy and Legislative Affairs and associated staff, as well as stakeholder groups and Legislators.
- Draft and review policy positions and bill analyses on legislative initiatives related to Dog Law and impacting the operations of related stakeholder groups such as animal welfare NGOs.
- Legislative Liaison representing Dog Law interests with Legislators and Legislative Staff.

Appendix B: Agency Response to Findings (Continued)

- Press Office services including Press Secretary leadership on messaging Dog Law-related issues and handling all media inquiries.
- Legal Office services of Chief Counsel, Paralegal and Legal Assistant for an entire administrative hearing system, case management and docket maintenance for DLEO internal agency administrative appeals; arrange for and administratively support outside third-party hearing officers and court reporting services for DLEO matters. General Legal Services of Chief Counsel, other attorneys, Paralegal and Legal Assistant in oversight and support to attorneys handling DLEO litigated matters and general legal representation of all aspects of DLEO's operations; author and edit proposed Dog Law-related regulatory revisions; shepherd draft regulations and rule revisions through the Office of General Counsel, Independent Regulatory & Review Commission (IRRC), Legislative Committees, Office of Attorney; representation of DLEO as employers before Pennsylvania Human Relations Commission (PHRC), federal Equal Employment Opportunity Commission (EEOC), Pennsylvania Unemployment Compensation Board of Review, Pennsylvania State Civil Service Commission, Pennsylvania Labor Relations Board and Commonwealth Court.
- Agency Open Records Office services; receiving and disseminating requests for information under the Right to Know Law; reviewing information provided by DLEO staff in response to RTKL requests; redacting information that is exempt under RTKL exceptions and briefing all internal parties regarding potential impact/interpretation of released records; representing DLEO with agency Legal Counsel and Press Offices reviewing information to be released.
 - From 2009 to June 10, 2013, the DLEO has accounted for 816 RTKL requests.
 - In 2011 alone, the number of DLEO RTKL requests was 174 and documents produced pursuant to those DLEO RTKL requests constituted 100,001 pages.
- Administrative Services including Director of Administration, Budget Analysts, Contracting and Procurement staff, accounting services, and support staff who develop annual budget, re-budget, and legislative hearing materials; provide funds management and support; develop high-level reports for the Governor's Budget Office, legislative caucuses, and all offices within the Governor's Offices and Department of Agriculture on DLEO fiscal issues; conduct quarterly-, monthly-, and even weekly-funds monitoring meetings with Senior Staff and support staff; initiate and execute purchase requests as required for all agencies, in compliance with procurement manual and DGS processes; Dog Law Restricted Account management, including reviewing all personnel and operating expenses as well as revenue flow to ensure sufficient funds available for related expenses; provide guidance and advice regarding reduction of expenses and appropriate expenditures; provide training to staff regarding completing all transactions in SAP; administer Purchasing Card; administer and monitor fleet vehicle

Appendix B: Agency Response to Findings (Continued)

usage and related Commonwealth Travel Policy processing and review; mail services for DLEO including processing all incoming and outgoing mail for DLEO, tracking postage allocations by program

- Human Resources Office services including Human Resource Director, Human Resource Analysts, and support staff who provide all labor relations services, contract negotiations, side letter agreements, disciplinary conferences, labor-management meetings, representation at all levels of grievance hearings (local committee, area committee and state committee); provide all equal employment opportunity services, including creating and implementing annual Equal Employment Opportunity (EEO) plan and goals, investigating and resolving internal complaints, investigating and preparing reports for legal counsel in Pennsylvania Human Relations Commission and federal EEO Commission (EEOC) complaints, representing DLEO with the Office of Administration – Bureau of EEO; develop and maintain job specifications for all positions contained or contemplated within the DLEO, in accordance with Commonwealth Management Directives and Administrative Code; provide all position classification services including drafting and reviewing individual position descriptions, conducting classification audits of filled and vacant positions, and acting as DLEO advocates with the Office of Administration Classification staff; provide organization management services – aligning staff resources and supervisory reporting relationships within DLEO; advocate for DLEO employee pay issues – appointments above the minimum of established pay scale, salary exceptions for current employees, exceptions to overtime payment provisions; direct and review Employee Performance Reviews – probationary, annual, and interim performance evaluations to manage performance and process veterinarians’ performance-based bonus payments; provide oversight, direction, training, and systems related to time/pay administration for all DLEO employees; ensure DLEO compliance with federal and state laws regarding employees/employers including but not limited to – Fair Labor Standards Act, Title VII of the Civil Rights Act of 1964, Family Medical Leave Act, Equal Pay Act, Affordable Care Act, Americans with Disabilities Act, Unemployment Compensation, Workers Compensation, Minimum Wage and Equal Pay laws; consult with DLEO managers and supervisors regarding proper handling of all employee issues – absences, performance, arrests/convictions, discipline, etc.; represent DLEO with Workers Compensation benefits administrator and health care providers, before Unemployment Compensation hearing officers and Workers Compensation referees; administer and inform employees of the State Employees Assistance Program (SEAP) services; administer all other Management Directives, programs and policies as directed by the Governor’s Office of Administration – Workplace Violence prevention, Substance Abuse program, Whistleblower, Hazardous Substances, etc.; develop and maintain Workplace Safety program and policies to reduce injuries and ensure employee safety; develop and maintain Continuity of Operations Plan, Continuity of Government, and other emergency-related plans and policies

Information Technology Service Office services including Chief Information Officer, Database Administrator, Network Security Administrator, Applications Development Manager, Telecommunications Specialist and support staff who: ensure DLEO databases and the data therein are operational and protected from hacking, corruption, and physical threats (fire, water,

Appendix B: Agency Response to Findings (Continued)

theft); ensure DLEO information systems are compliant with industry and Office of Information Technology (OA-OIT) standards; procure and maintain servers, secure networks, data lines and phone lines; conduct regular network security tests and ensure data and systems are backed up in case of outage; procure, issue, and maintain physical IT resources such as desktop and laptop computers, computer monitors, printers, copier/fax/scanner, mobile devices; monitor IT users to ensure compliance with IT and HR policies; connections to DLEO facilities and users are secure, appropriate, and utilized; ensure secure transmission of information to entities such as the Comptroller and Pennsylvania Treasury – parties through which Dog Law Restricted Account payments and revenues pass.

- Executive Offices, Office of Chief Counsel, Bureau of Administrative Services, Human Resources services in connection with Department of Auditor General special performance audits.

3. The report in Finding No. 2 – Dog License Revenues is not accurate.

The report makes an unattributed statement that “the department has been admittedly lax in their efforts to increase compliance” with the dog licensing requirements of Pennsylvania law. There is no substantiation provided for this allegation and it is disputed. PDA annually has provided support to county treasurers with their license sales efforts in the form of advertising expense reimbursement, printing of the license application and promotional materials/mailings, postage and envelopes. The county treasurers’ efforts have been supplemented in some counties with regular state dog warden canvassing, coupled with media publicity, to ensure that citizens are aware of the real world ramifications of failing to license their dog.

The report also recites an unsubstantiated opinion of the auditors that, based upon an undisclosed calculation by an organization called the National Council on Pet Population, only 40.2% of Pennsylvania-owned dogs are licensed. Based upon that, it is opined that annual dog license sales revenue could be doubled. There is no empirical support in the report for such an opinion.

It should be noted that the two largest counties in the state, Philadelphia and Allegheny, perform their own dog control activities under the provisions of the Dog Law. Therefore, those two counties are responsible for enforcing the dog licensing requirement in the state’s two largest population centers and where the largest percentage of potentially unlicensed dogs exist.

As an example of DLEO efforts that could be taken to increase license sales, the report recites that Ohio’s license fee is a set figure in December and January and the fee is doubled from February through November. The department appreciates any information and ideas on how to increase revenue; however, this proposal would be illegal in Pennsylvania. The amount of the dog license fee is not a condition over which PDA has any control and PDA cannot unilaterally increase or decrease it in certain months of the year. Offering essentially what amounts to a 50% discount on the license fee in December and January, even if legislatively authorized, would actually reduce license sales revenue by driving the majority of dog owners to buy their licenses at a 50% discount during those “sale” months.

Appendix B: Agency Response to Findings (Continued)

This would be an ineffective way to increase dog license sales revenue and would likely have the opposite effect.

In 2013, great strides have been made to increase dog license sales.

A new website was unveiled on December 1, 2012, with consumer information on obtaining a dog license, the application, information about county treasurers, state dog wardens, and the Dog Law. There is also a media page with information for reporters and a secure log-on portion for state dog wardens and county treasurers to download promotional materials on dog licensing and talking points on dog licensing and rabies vaccinations. The website is www.licenseyourdogpa.com.

March 2013 was License Your Dog Awareness Month during which DLEO partnered with PetSmart. If the goal of selling 100,000 dog licenses in March was met, PetSmart would make a \$10,000 donation to Susquehanna Service Dogs. DLEO exceeded the goal and sold 101,152 licenses in March. Pet Smart will deliver that check on June 25, 2013. DLEO partnered with the Department of Education on a poster contest for elementary school students to support awareness month and educate families on the importance of having dogs licensed. A dog license application flyer was inserted into PennDOT's drivers' license renewal mailings reaching more than one million Pennsylvanians. This was an idea pursued in previous years but was finally successful in gaining PennDOT's consent this year. More than 120 press releases were issued across the state announcing state dog warden canvassing to ensure all dogs over 3 months of age in Pennsylvania are licensed. Signs and billboards are being utilized by state dog wardens and treasurers to increase awareness of dog licensing. Secretary Greig has done several media events at local shelters across the state with legislators, treasurers, and state dog wardens, to increase and encourage awareness of dog licensing.

A new record was set for dog license sales in the month of April 2013 reaching \$611,053. Many treasurers have had to re-order supplies because they are selling dog licenses at a far more rapid pace than in years past. By April 30, 2013, three (3) counties have already surpassed their total license sales figures for 2012. DLEO is set to reach the goal of achieving a 5% increase state-wide in dog license sales for FY 2012-13.

With regard to dangerous dog registration, as of mid-June 2013, there are 78 total dangerous dogs registered since the new law went into effect on October 9, 2008. For 2012, 5 of the 65 dangerous dog owners have not paid their \$500 renewal license fee. State dog wardens and supervisors have been notified of the delinquent owners for 2012 and to take steps to bring them into compliance. The 2013 dangerous dog registration renewals were mailed on December 10, 2012. Increased efforts have been made to update the registry, locate dangerous dog owners, and file misdemeanor charges against owners who are not complying with the law.

Appendix B: Agency Response to Findings (Continued)**4. The report in Finding No. 2 –Restricted Account Revenues from Citations Issued is Severely Limited is correct, but not a condition over which the DLEO has any control.**

The existence of the statutory cap on Dog Law Restricted Account revenues from fines imposed through the criminal justice system is not a condition over which the Department of Agriculture has any control.

With regard to the cap creating a disincentive for state dog wardens to issue citations, comparison of **citations issued for unlicensed dogs from January 1, 2012 through April 10, 2012 reveals 193 citations were issued compared to 299 citations for that same period in 2013.** Comparison of overall citations issued from **January 1, 2012 through June 1, 2012 reveals a total of 1,366 citations were issued compared to 1,629 citations over that same period in 2013.** Therefore, wardens are continuing to issue citations and exceeding the previous year's totals.

IV. Response to 8 Recommendations on Finding No. 2

1. *Be proactive in enforcing the Dog Law to maximize the revenue deposited in the restricted account and limit the use of funds to Dog Law expenditures only;*

This is already being done.

2. *Ensure adequate documentation exists to support all costs, including payroll costs charged to the restricted account;*

We must simply agree to disagree on this recurring observation.

3. *Ensure that the general government administrative costs allocated to the restricted account are accurately calculated and supported by a documented methodology;*

This is already being done.

Appendix B: Agency Response to Findings (Continued)

4. *Evaluate other methods for persuading/compelling dog owners to annually license their dogs;*

This is already being done, within the confines of Pennsylvania law.

5. *Consider revising the current dog license fee structure by evaluating how other states structure their dog license programs;*

This is an issue solely controlled by the Pennsylvania General Assembly.

6. *Continue to assist county treasurers to make dog licenses more convenient and available and advocate for license purchases over the Internet;*

Approximately 35 county treasurers now have online license sales. The DLEO website is constantly updated to help citizens connect with their treasurer's websites to purchase dog licenses.

7. *Require DLE to properly track all incidents resulting in the classification of a dangerous dog and ensure that all such dogs are annually licensed; and*

The SOP Manual addresses the handling of dangerous dog matters. Annual dog license renewal mailings for 2013 were mailed out on December 10, 2012 to encourage timely compliance by dog owners. State dog wardens, supervisors, and office staff have been working to update all incident documentation re: dangerous dog matters. Misdemeanor charges are being filed against dangerous dog owners that are not in compliance.

8. *Pursue an amendment to Act 64 of 1987 to eliminate or increase the cap amount for revenue generated out of fines and penalties issued through DLE citations.*

Appendix B: Agency Response to Findings (Continued)

HB 913 and SB 718 have been introduced to remove the cap on criminal justice system fine revenue.

Thank you for your consideration, feel free to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read 'M. Pechart', written over a light gray circular stamp.

Michael L. Pechart
Executive Deputy Secretary

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