

STATE OF GEORGIA  
DEPARTMENT OF AGRICULTURE

IN THE MATTER OF:

Ian and Patti McCarty, dba  
Miniature Dachshunds of Georgia  
2829 Ball Ground Hwy  
Canton, GA 30114

Case No. 07-124

RESPONDENT

CONSENT ORDER

The Georgia Commissioner of Agriculture (hereafter the "Commissioner") administers the Animal Protection Act, O.C.G.A. § 4-11-1, et seq. (hereinafter the "ACT"). Any pet dealer, breeder and/or kennel as described by the Act are subject to the provisions of the Act and the rules and regulations promulgated therein.

STATEMENT OF FACTS

(1)

Respondent is living and selling dogs in the State of Georgia and is therefore subject to the Act.

(2)

Respondent's sold a total of six (6) miniature dachshunds while unlicensed. Respondent's also had several recordkeeping violations and continued misrepresentation, to include continued delays in getting contractually obligated paperwork on animals registered as AKC and/or CKC to purchaser in a timely fashion.

CONCLUSIONS OF LAW

If proven the conduct of Respondent would be a violation of the Act, specifically O.C.G.A. § 4-11-3(a), and Departmental rules, 40-13-13-09(1), 40-13-13-.02(10) (b), (f), and 40-13-13-.04(1) (h). These violations constitute sufficient grounds for the imposition of sanctions upon Respondent's license, as well as monetary penalties pursuant to O.C.G.A. §§ 2-2-9.1 and 4-11-7.

ORDER

Respondents understand they have the right to a hearing in this matter, and Respondents, without admitting the allegations, freely, knowingly, and voluntarily waives such right by

entering into this Consent Order. Thus, the Commissioner, after considering the particular facts and circumstances of this action, and the Respondent hereby agreeing, ORDERS the following:

(1)

Respondents are assessed a monetary penalty of SIX THOUSAND DOLLARS (\$6,000.00), of which a total of FIVE THOUSAND DOLLARS (\$5,000.00) shall be suspended for a period of two (2) years. The suspended portion of said penalty shall be absolved, contingent upon no significant violations during this period; however, should any violations occur during the probationary period, the suspended portion of said monetary penalty shall become due and payable immediately and/or additional sanctions may be imposed.

The remaining ONE THOUSAND DOLLARS (\$1,000.00) shall be payable in five (5) installments of TWO HUNDRED DOLLARS (\$200.00) each with the first payment due March 1, 2008, and thereafter on the first of each month. Penalties shall be paid by *cashiers check* or *money order* made payable to the Georgia Department of Agriculture's Spay and Neuter Fund. Please mail the SIGNED CONSENT ORDER and payment to:

Georgia Department of Agriculture  
Attn: Legal Services, Room 232  
19 Martin Luther King, Jr. Drive  
Atlanta, GA 30334-4201

(2)

Respondent shall provide to the Department's Animal Protection Division a letter of good standing from the American Kennel Club within sixty (60) days of receiving this Order.

(3)

A "standard-operating procedures" manual (SOP) regarding paperwork must be completed within sixty (60) days of receiving this Order. Said SOP manual must be reviewed and approved by GDA's Animal Protection Division. The SOP manual shall contain all procedures for handling paperwork. A copy of the current contract must also be provided within said time.

(4)

Respondent shall continue to report reportable diseases.

(5)

Respondent shall be placed under a two (2) year probationary period with periodic, random inspections conducted by GDA.

(6)

Respondent shall make available for review to the Departmental Inspector receipts of all people paid, including but not limited to receipts showing that Elizabeth Dunlap was paid according to the court order.

(7)

Respondent acknowledges they have read this Consent Order and understands all its' contents.

(8)

Respondents understand this Consent Order shall not become effective until approved by the Commissioner of Agriculture. Respondents further understand this Consent Order, once approved, shall constitute a public record evidencing disciplinary action of the Department. If this Consent Order is not approved, however, it shall not constitute an admission against interest in this proceeding or prejudice the right of the Department to adjudicate this matter. Respondents consent to the terms and conditions contained therein.

Accepted this 8 day of April, 2008.

Thomas T. Irvin  
THOMAS T. IRVIN, Commissioner  
Georgia Department of Agriculture

CONSENTED AND AGREED TO BY:

Ian McCarty  
Ian McCarty, dba  
Miniature Dachshunds of Georgia  
Respondent

3-25-08  
DATE SIGNED

Patti McCarty  
Patti McCarty, dba  
Miniature Dachshunds of Georgia  
Respondent

3-25-08  
DATE SIGNED