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- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

**WILLIAM B SORDONI  
 DECOVERLY KENNELS INC  
 RR 1 BOX 1316  
 POST HILL ROAD  
 FACTORYVILLE PA 18419**

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X *Jason Freethy*

- Agent
- Addressee

B. Received by (Printed Name)

*Jason Freethy*

C. Date of Delivery

*10/24/09*

D. Is delivery address different from item 1?  Yes  
 If YES, enter delivery address below:  No

3. Service Type

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- Express Mail
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- C.O.D.

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2. 7002 2030 0007 7910 6684

PS Form 3811, February 2004

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**WILLIAM B SORDONI  
 DECOVERLY KENNELS INC  
 RR 1 BOX 1316  
 POST HILL ROAD  
 FACTORYVILLE PA 18419**

PS Form 3800, June 2002

See Reverse for Instructions



**pennsylvania**  
DEPARTMENT OF AGRICULTURE

**BUREAU OF DOG LAW ENFORCEMENT**

BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED  
RECEIPT NO. 7002 2030 0007 7910 6684

October 21, 2009

TO: William B. Sordoni  
DeCoverly Kennels, Inc.  
R.R. 1, Box 1316  
Post Hill Road  
Factoryville, PA 18419

Kennel License # 3419

**WAIVER ORDER – Partially DENIED and Partially APPROVED**

You recently submitted an “Application for Waiver of Commercial Kennel Requirements,” in which you sought a temporary waiver from one or more of the requirements that are otherwise applicable to a kennel that is subject to a Kennel Class C license. These requirements are set forth in Sections 207(h)(1) through 207(h)(16) of the Dog Law and Section 207(i) of the Dog Law.

Specifically, you requested a *fourteen-month* “good faith effort” temporary waiver from Sections 207(h)(2)(v), 207(h)(2)(ix), 207(h)(6), 207(h)(7), 207(h)(9) and 207(i)(1) of the Dog Law.

You are hereby advised that your application for the temporary waivers with respect to Sections 207(h)(2)(v), 207(h)(2)(ix), 207(h)(6), 207(h)(7) and 207(h)(9) of the Dog Law is **denied**, and that you are afforded two months – **until December 21, 2009** – within which to be in compliance with these specific provisions.

You are also advised that your application for the temporary waiver with respect to Section 207(i)(1) of the Dog Law is **approved** for an interval **through December 21, 2010 (fourteen months from the date of this letter) or through completion of construction of the new primary enclosures at your kennel – whichever occurs first.**

A more detailed explanation follows:

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

***General.***

1. The Pennsylvania Department of Agriculture (“PDA”) has the statutory authority and obligation to administer and enforce the Dog Law and, in particular, the provisions relating to the licensure of kennels.

2. The Dog Law allows a kennel owner to apply for a temporary waiver from having to comply with certain provisions of that statute, where the kennel owner has *acted in good faith* to come into compliance but has been unable to comply. The conditions that must exist for the issuance of such a “good faith effort” temporary waiver are in Section 207(j)(1)(ii) of the Dog Law, and read as follows:

(1) The secretary may waive the applicability of subsection (h)(1) through (16) and (i) if one of the following subparagraphs applies:

\* \* \*

(ii) The kennel owner:

(A) has not been convicted of, pled guilty to or pled no contest to a violation under this act within the three years preceding the effective date of this subsection;

(B) is making a good faith effort to comply with the requirements of this act but is not in compliance because of a circumstance beyond the kennel owner's control; and

(C) makes a showing of reasonable expectation that compliance can be achieved through the granting of an extension as determined by the secretary.

3. You filed an “Application for Waiver of Commercial Kennel Requirements” (“Application”) with PDA, seeking “good faith effort” temporary waivers with respect to Sections 207(h)(2)(v), 207(h)(2)(ix), 207(h)(6), 207(h)(7), 207(h)(9) and 207(i)(1) of the Dog Law.

4. PDA has determined that you have not been convicted of, pled guilty to or pled no contest to a violation of the Dog Law within the three years preceding the October 9, 2008 effective date of the “good faith effort” temporary waiver language set forth above, in Paragraph No. 2.

5. Your Application was complete and set forth sufficient information to allow PDA to determine the extent and legitimacy of the waivers requested.

6. Your Application lists the following “good faith efforts you have made to comply...” in support of *each* request for a “good faith efforts” temporary waiver described in Paragraph No. 3, above:

We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

7. Your Application lists the following “circumstances beyond your control that have prevented your compliance...” with the provisions of the Dog Law described in Paragraph No. 3, above:

The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time!

8. Your Application lists the following as the reasons in support of *each* request for a “good faith efforts” temporary waiver described in Paragraph No. 3, above:

The sole reason is that our construction project will take the amount of time requested according to our architect and contractor. Once completed it will bring us into full compliance. Please note that the time requested is for one major project that will satisfy multiple requirements.

***Consideration of Specific Statutory Provisions for which a Temporary Waiver is Sought.***

*Section 207(h)(2)(v) of the Dog Law.*

9. You seek a “good faith efforts” temporary waiver with respect to Section 207(h)(2)(v) of the Dog Law, which reads as follows:

**(h) Additional requirements for Kennel Class C license holders only.--**The following shall apply only to primary enclosures for all dogs in Kennel Class C kennels:

\* \* \*

(2) Primary enclosures must meet the following requirements:

\* \* \*

(v) Enable the dogs to remain dry and clean.

\* \* \*

10. Although Section 207(h)(2)(v) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. You have had ample time within which to prepare to come into compliance with this requirement.

11. The requirement that a primary enclosures keep dogs dry and clean is a requirement that directly impacts the health, comfort and safety of the dogs within that enclosure. Your Application does not explain any present or prospective inability on your part to meet this basic requirement, any good faith effort to meet this requirement while your new facility is under construction, or how an inability to meet this requirement is attributable to a circumstance beyond your control. Your request for a temporary waiver from having to comply with this provision is *denied*.

*Section 207(h)(2)(ix) of the Dog Law.*

12. You seek a “good faith efforts” temporary waiver with respect to Section 207(h)(2)(ix) of the Dog Law, which reads as follows:

**(h) Additional requirements for Kennel Class C license holders only.**--The following shall apply only to primary enclosures for all dogs in Kennel Class C kennels:

\* \* \*

(2) Primary enclosures must meet the following requirements:

\* \* \*

(ix) Enable all surfaces in contact with the dogs to be readily cleaned and sanitized in accordance with paragraph (14) or be replaceable when worn or soiled.

\* \* \*

13. Although Section 207(h)(2)(ix) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. You have had ample time within which to prepare to come into compliance with this requirement.

14. The requirement that primary enclosures be constructed so as to be readily-sanitized is a long-standing regulatory requirement. The regulation at 7 Pa. Code Section 21.21(b) imposes this requirement; and provisions throughout 7 Pa. Code Chapter 21 reference sanitation requirements.

15. The requirement that primary enclosure be constructed such that surfaces that come into contact with dogs can be readily cleaned and sanitized, and be replaceable when worn or soiled, is a requirement that directly impacts the health, comfort and safety of the dogs within that enclosure. Your Application does not explain any present or prospective inability on your part to meet this basic requirement, any good faith effort to meet this requirement while your new facility is under construction, or how an inability to meet this requirement is attributable to a circumstance beyond your control. Your request for a temporary waiver from having to comply with this provision is *denied*.

*Section 207(h)(6) of the Dog Law.*

16. You seek a “good faith efforts” temporary waiver with respect to Section 207(h)(6) of the Dog Law, which reads as follows:

**(h) Additional requirements for Kennel Class C license holders only.**--The following shall apply only to primary enclosures for all dogs in Kennel Class C kennels:

\* \* \*

(6) Housing facilities for dogs must be sufficiently heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. If dogs are present, the ambient temperature in the facility must not fall below 50 degrees F. The ambient temperature must not rise above 85

degrees F when dogs are present, unless the requirements of paragraph (7) are met.

(7) Housing facilities for dogs must be sufficiently ventilated at all times when dogs are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels and to prevent moisture condensation. The Canine Health Board shall determine auxiliary ventilation to be provided if the ambient air temperature is 85 degrees F or higher. The relative humidity must be maintained at a level that ensures the health and well-being of the dogs housed therein. The appropriate ventilation, humidity and ammonia ranges shall be determined by the Canine Health Board.

17. Although Section 207(h)(6) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. You have had ample time within which to prepare to come into compliance with this requirement.

18. Where Section 207(h)(6) of the Dog Law requires sufficient heating and cooling to provide for the health and welfare of the dogs, the *current regulation* at 7 Pennsylvania Code Section 21.25(a) requires that: “kennel temperature ... be maintained ... to protect the health and comfort...” of the dogs.

19. Where Section 207(h)(6) of the Dog Law imposes ventilation requirements when the ambient temperature of a kennel exceeds 85 degrees F, the *current regulation* at 7 Pennsylvania Code Section 21.26 requires that: “Auxiliary ventilation from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher.”

20. The only *new* requirement set forth in Section 207(h)(6) of the Dog Law is the requirement to keep the kennel at or above 50 degrees F. This is a reasonable, readily-attainable requirement.

21. The requirement that primary enclosure maintain adequate heating and cooling to protect dogs from temperature and humidity extremes is a requirement that directly impacts the health, comfort and safety of the dogs within that enclosure. Your Application does not explain any present or prospective inability on your part to meet this basic requirement, any good faith effort to meet this requirement while your new facility is under construction, or how an inability to meet this requirement is attributable to a circumstance beyond your control. Your request for a temporary waiver from having to comply with this provision is *denied*.

*Section 207(h)(7) of the Dog Law.*

22. You seek a “good faith efforts” temporary waiver with respect to Section 207(h)(6) of the Dog Law, which is quoted in Paragraph No. 16, above.

23. Section 207(h)(7) of the Dog Law requires that the Canine Health Board determine “appropriate ventilation, humidity and ammonia ranges.” In the absence of these

established ranges, PDA cannot enforce – and you are not required to meet – and you do not require a temporary waiver with respect to - ventilation standards other than those prescribed in the *current regulation* at 7 Pennsylvania Code Section 21.26. That regulation reads as follows:

**§ 21.26. Ventilation in indoor housing facilities.**

Indoor housing facilities for dogs shall be sufficiently ventilated when dogs are present to minimize drafts, odors, ammonia levels and moisture condensation. Ventilation shall be provided by means of windows, doors, vents or air conditioners. Auxiliary ventilation from fans, blowers or air conditioners shall be provided when the ambient temperature is 85° F (29.5° C) or higher. The relative humidity shall be maintained at a level that ensures the health and well-being of the dog housed therein in accordance with generally accepted husbandry practices.

24. Although Section 207(h)(7) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. You have had ample time within which to prepare to come into compliance with this requirement.

25. The requirement that primary enclosure be ventilated so as to minimize drafts, odor, ammonia levels and moisture condensation is a general requirement that is presently attainable – even in the absence of more specific standards from the Canine Health Board. This requirement directly impacts the health, comfort and safety of the dogs within that enclosure. Your Application does not explain any present or prospective inability on your part to meet this basic requirement, any good faith effort to meet this requirement while your new facility is under construction, or how an inability to meet this requirement is attributable to a circumstance beyond your control. Your request for a temporary waiver from having to comply with this provision is *denied*.

*Section 207(h)(9) of the Dog Law.*

26. You seek a “good faith efforts” temporary waiver with respect to Section 207(h)(9) of the Dog Law, which reads as follows:

**(h) Additional requirements for Kennel Class C license holders only.**--The following shall apply only to primary enclosures for all dogs in Kennel Class C kennels:

\* \* \*

(9) The floors and walls of primary enclosures must be impervious to moisture. The ceilings of indoor housing facilities must be impervious to moisture or be replaceable.

\* \* \*

27. Although Section 207(h)(9) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. You have had ample time within which to prepare to come into compliance with this requirement.

28. The long-standing regulation at 7 Pa. Code Section 21.21(b) requires that the interior building surfaces of housing facilities be constructed and maintained so they are water resistant and may be readily sanitized. The long-standing regulation at 7 Pa. Code Section 21.24(e) (titled *Shelters*) requires that: "... If a solid resting surface is provided, the solid resting surface shall be constructed of material that is impervious to water or moisture and shall be kept in a sanitary condition in accordance with § 21.29 (relating to sanitation)."

29. Your Application does not explain any present or prospective inability on your part to meet the requirements of Section 207(h)(9) of the Dog Law, any good faith effort to meet this requirement while your new facility is under construction, or how an inability to meet this requirement is attributable to a circumstance beyond your control. Your request for a temporary waiver from having to comply with this provision is *denied*.

*Section 207(i)(1) of the Dog Law.*

30. You seek a "good faith efforts" temporary waiver with respect to Section 207(i)(1) of the Dog Law, which reads as follows:

**(i) Additional requirements for Kennel Class C license holders only.**--The following shall apply only to dogs over 12 weeks of age in Kennel Class C kennels:

(1) A dog housed in a primary enclosure must be provided a minimum amount of floor space in the primary enclosure, calculated as provided under this subparagraph: Find the mathematical square of the sum of the length of the dog in inches, measured in a straight line from the tip of its nose to the base of its tail, plus six inches, then divide the product by 144, then multiply by 2. The calculation is:  $(\text{length of dog in inches} + 6)(\text{length of dog in inches} + 6) = \text{required floor space in square inches}$ .  $\text{Required floor space in inches}/144 \times 2 = \text{required floor space in square feet}$ . For the second dog placed in the primary enclosure the minimum floor space shall be doubled. The floor space shall be calculated using the longest dog. For each dog above two, the minimum floor space shall be multiplied by 1.5 per additional dog.

31. Section 207(i)(1) of the Dog Law went into effect on October 9, 2009, it was part of a Dog Law revision that was enacted over one year ago. In general terms, it effectively doubled the amount of space needed for a dog in a primary enclosure.

32. Your Application represents that you have retained an architect to design new primary enclosures, and have also retained a contractor to perform all construction once the drawings are complete. PDA believes it is reasonable to afford you an interval within which to come into compliance with the requirements of Section 207(i)(1) of the Dog Law, as compliance necessarily entails new construction at your kennel. Your request for a "good faith effort" temporary waiver with respect to Section 207(i)(1) of the Dog Law is *approved* for an interval through December 21, 2010 (fourteen months from the date of



this letter) or through completion of construction of the new primary enclosures at your kennel – whichever occurs first. This approval is subject to the conditions that: (a) you proceed with the kennel construction described in your Application; (b) you not replace any install any new primary enclosure that does not meet all of the applicable requirements of the Dog Law and its attendant regulations.

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### **ORDER**

Based upon the foregoing, PDA hereby **denies** the “good faith effort” temporary waivers you sought in your “Application for Waiver of Commercial Kennel Requirements” with respect to Sections 207(h)(2)(v), 207(h)(2)(ix), 207(h)(6), 207(h)(7) and 207(h)(9) of the Dog Law, and **approves** the “good faith effort” temporary waiver you sought with respect to Section 207(i)(1) of the Dog Law, as described above.

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### **COMPLIANCE DEADLINE**

You are required to be in compliance with all provisions of the Dog Law.

With respect to those provisions of the Dog Law for which you sought the “good faith effort” temporary waivers described above and were denied these temporary waivers, you will be afforded until **December 21, 2009 (two months from the date of this letter)** by which to be in compliance *with these specific provisions*.

With respect to Section 207(i)(1) of the Dog Law, you will be afforded an interval **through December 21, 2010 (fourteen months from the date of this letter) or through completion of construction of the new primary enclosures at your kennel – whichever occurs first** – within which to be in compliance with that provision.

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### **APPEAL RIGHTS**

**IF YOU WISH TO APPEAL THIS DETERMINATION, YOU MUST FILE A WRITTEN REQUEST FOR AN ADMINISTRATIVE HEARING WITH THE SECRETARY OF THE PENNSYLVANIA DEPARTMENT OF AGRICULTURE WITHIN 15 DAYS OF YOUR RECEIPT OF THIS ORDER.**

An administrative hearing would subsequently be convened before a hearing examiner. At that hearing you could present evidence, witnesses and testimony, cross examine witnesses and present your case. You may be represented by an attorney (at your own expense) at such hearing.

The hearing would be conducted in accordance with the Administrative Agency Law, 2 Pa. C.S. § 103(a) and Chapters 5A and 7A; and the attendant regulations at Title 1 of the *Pennsylvania Code*, chapters 31, 33 and 35; and Title 7 of the *Pennsylvania Code*, chapter 131.

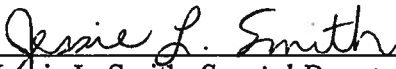
The request for an appeal must detail the basis for your appeal and shall set forth the name, address and telephone number of the appellant and include or be accompanied by a copy of the written determination of the Department and a specification of objections setting forth the manner in which appellant is aggrieved by the action and the relevant issues to be resolved by the Secretary. The proceedings shall be limited to the issues set forth in the specification of objections.

A request for an Administrative Hearing must be sent to the following address:

Pennsylvania Department of Agriculture  
Office of Chief Counsel  
2301 North Cameron Street, Room 201  
Harrisburg, PA 17110-9408

If you have any questions you may contact me at (717) 787-3062, or have your legal counsel contact David C. McKenzie III, Esq. with the Department of Agriculture's Office of Chief Counsel at (717) 787-8744.

Sincerely,

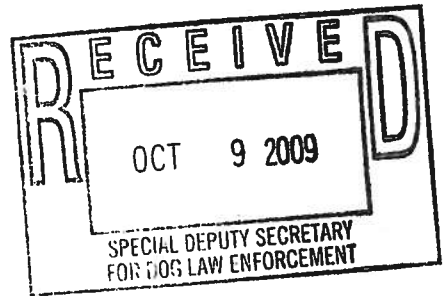
  
\_\_\_\_\_  
Jessie L. Smith, *Special Deputy Secretary*

COMMONWEALTH OF PENNSYLVANIA  
BUREAU OF DOG LAW ENFORCEMENT

*DeCoverly Kennels, Inc.*

*Wm B. Sordani*

*GF*



**Application for  
Waiver of Commercial Kennel Requirements  
of 3 P.S. § 459-207 (h) and (i)**

**(Application must be typed or printed)**

Pennsylvania Kennel  
License # 3419

**WAIVER APPLICATION INSTRUCTIONS**

This is an application for a waiver of Commercial Kennel Requirements contained in the Dog Law at 3 P.S. § 459-207 (h) and (i). The provision in the Dog Law which provides for the waiver process is 3 P.S. § 459-207 (j). All the provisions and requirements of the Dog Law cannot be explained to you in this document. If you don't understand the requirements of the law applicable to your kennel or the waiver requirements, you will need to educate yourself by reviewing the law prior to submitting this application.

A. Complete the following Application and submit to:

PA Department of Agriculture  
Bureau of Dog Law Enforcement – Waiver Form  
2301 North Cameron Street, Room 102  
Harrisburg, PA 17110-9408

B. **This application must be submitted no later than October 9, 2009.**

C. **You will not qualify for any waiver** if any person with an ownership interest in your kennel has been convicted of, pled guilty to, or pled no contest to, a violation of the Dog Law or the Dog Law regulations since October 9, 2005.

D. There are two (2) types of waivers available, but you may only receive one:

1. **SUBSTANTIAL STRUCTURAL IMPROVEMENTS WAIVER**

- i. You may qualify if you made substantial structural improvements to the housing facility of your existing kennel since October 9, 2005.
- ii. You may request a waiver to extend the time for full compliance with the commercial kennel requirements for up to a maximum of three (3) years, but the department can determine what amount of time is appropriate based on your application.
- iii. The provision of the Dog Law which provides for this type of waiver is at 3 P.S. § 459-207 (j)(1)(I)(B).

2. **GOOD FAITH EFFORTS WAIVER**

- i. You may qualify if you are:
  - a. Making a good faith effort to comply with the requirements of the commercial kennel requirements but are not in compliance because of a circumstance beyond your control;  

and
  - b. There is a reasonable expectation that compliance can be achieved through the granting of the extension requested.
- ii. You may request a waiver to extend the time for full compliance with the commercial kennel requirements for whatever amount of time is required to complete your good faith efforts to comply, but the department can determine what amount of time is appropriate based on your application.
- iii. The provision of the Dog Law which provides for this type of waiver is at 3 P.S. § 459-207 (j)(1)(II)(B).

**Note: A copy of sections 207(h), (i) and (j) of the Dog Law are attached to this Waiver Application form for your convenience.**

**PART 1: GENERAL APPLICANT INFORMATION:**

**A. Kennel Identification:**

1. Organization/Kennel Name Which Appears on 2009 Kennel License or for which applied in 2009:

DeCoverly Kennels, Inc.

2. Any Fictitious Name(s):

\_\_\_\_\_

3. Address of Kennel for Which Waiver is Requested:

RR1 Box 1316  
Post Hill Road  
Factoryville, PA 18419

B. In submitting this waiver application, the applicant acknowledges that it is submitted on behalf of all persons or entities having any ownership interest in the kennel, as those person or entities are reflected on the Kennel License Application submitted for the licensure of this kennel.

**PART 2: AFFIRMATION AS TO PRIOR DOG LAW VIOLATIONS:**

A. In submitting this waiver application, the applicant affirms to the best of his/her/their knowledge, information or belief that no person who possesses an ownership interest in the kennel as reflected on the Kennel License Application submitted for the licensure of this kennel has been convicted of, pled guilty to, or pled no contest to, a violation of the Dog Law or the Dog Law regulations since October 9, 2005.

**PART 3: TYPE OF WAIVER REQUESTED:**

**A. Type of Waiver Requested (Check Only One):**

See the instructions and attached provisions of the Dog Law for an explanation of each type of waiver.

SUBSTANTIAL STRUCTURAL IMPROVEMENTS WAIVER  
3 P.S. § 459-207 (j)(1)(I)(B)

Complete and submit Appendix A.

GOOD FAITH EFFORTS WAIVER  
3 P.S. § 459-207 (j)(1)(II)(B).

Complete and submit Appendix B.


**PART 4: APPENDIX FOR TYPE OF WAIVER REQUESTED**

Complete and submit the appropriate appendix as instructed above with this application. It is part of the application. Also attached is a list of the commercial kennel requirements for which a waiver is available under 3 P.S. 459-207(j). This is needed in order to complete the appendix. If you are seeking a waiver from more than one requirement, you will need to photocopy the appendix and submit a separate one for each requirement for which a waiver is sought.

**PART 5: APPLICANT SIGNATURE**

A. The applicant affirms to the best of his/her/their knowledge, information or belief to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Dog Law Enforcement that all information contained in this application and any appendices, attachments and supporting materials is true and correct and that the person signing is authorized to execute this Application for Waiver of Commercial Kennel Requirements Provisions on behalf of the above listed kennel operation.

B. Signature instructions: Only one person having an ownership interest in the kennel, as reflected on the Kennel License Application submitted for the licensure of this kennel, must sign.

 /date: 10-7-09  
(signature)

William B. SORDONI SOLE OWNER  
(legibly print name here and identify role in kennel ownership)

**APPENDIX A**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Substantial Structural Improvements Waiver**  
**under 3 P.S. § 459-207(i)(1)(I)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.

2. This appendix is to be completed for each and every commercial kennel requirement for which you are seeking a waiver. **If you are seeking a waiver as to more than one requirement, you will need to photocopy this page and submit a separate page for each requirement for which you are seeking a waiver.**

3. A wavier request, if granted, will only delay full compliance with that requirement for a period of up to a maximum of three (3) years, based upon the information you submit herein about substantial structural improvements to the housing facility of your existing kennel since October 9, 2005.

\*\*\*\*\*

Kennel Name and Location: \_\_\_\_\_  
\_\_\_\_\_

1. The requirement for which a waiver is sought: \_\_\_\_\_

2. The period of time for which a waiver of full compliance with this requirement is sought: \_\_\_\_\_

3. List the substantial structural improvements made to the housing facility of your existing kennel since October 9, 2005 that you wish the department to consider in this request for waiver: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Please list all reasons you wish the department to consider in support of the waiver request and the time period you are requesting for full compliance. This should include a list of the costs of the improvements made since October 9, 2005, the year and month the improvements were made, verification of the costs (please attach copies of bills, receipts, payments or other documents you have available), as well as the time period needed for compliance and the additional structural improvements or other construction or physical changes in your kennel that will be needed for compliance and the costs associated with those additional improvements: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(Attach additional pages if necessary to provide your supporting information)

**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(i)(1)(II)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.
2. This appendix is to be completed for each and every commercial kennel requirement for which you are seeking a waiver and concerning which you have been making a good faith effort to comply but circumstance beyond your control have prevented compliance. **If you are seeking a waiver as to more than one requirement, you will need to photocopy this page and submit a separate page for each requirement for which you are seeking a waiver.**
3. A wavier request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

\*\*\*\*\*

Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (h)(2)(v)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time.

5. Please list all reasons you wish the department to consider in support of the waiver request and the time period you are requesting. This should include all efforts you intend to take between now and the end of the period for which you are requesting the waiver in order to achieve compliance and eliminate the circumstance beyond your control:  
The sole reason is that our construction project will take the amount of time requested according to our architect and contractor. Once completed it will bring us into full compliance. Please note that the time requested is for one major project that will satisfy multiple requirements.

(Attach additional pages if necessary to provide your supporting information)



**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(j)(1)(II)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.
2. This appendix is to be completed for each and every commercial kennel requirement for which you are seeking a waiver and concerning which you have been making a good faith effort to comply but circumstance beyond your control have prevented compliance. **If you are seeking a waiver as to more than one requirement, you will need to photocopy this page and submit a separate page for each requirement for which you are seeking a waiver.**
3. A wavier request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

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Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (h)(2)(ix)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time.

5. Please list all reasons you wish the department to consider in support of the waiver request and the time period you are requesting. This should include all efforts you intend to take between now and the end of the period for which you are requesting the waiver in order to achieve compliance and eliminate the circumstance beyond your control:  
The sole reason is that our construction project will take the amount of time requested according to our architect and contractor. Once completed it will bring us into full compliance. Please note that the time requested is for one major project that will satisfy multiple requirements.

(Attach additional pages if necessary to provide your supporting information)

**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(i)(1)(II)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.
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3. A wavier request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

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Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (h)(6)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time!

5. Please list all reasons you wish the department to consider in support of the waiver request and the time period you are requesting. This should include all efforts you intend to take between now and the end of the period for which you are requesting the waiver in order to achieve compliance and eliminate the circumstance beyond your control:  
The sole reason is that our construction project will take the amount of time requested according to our architect and contractor. Once completed it will bring us into full compliance. Please note that the time requested is for one major project that will satisfy multiple requirements.

(Attach additional pages if necessary to provide your supporting information)

**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(i)(1)(II)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.
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3. A wavier request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

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Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (h)(7)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time!

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(Attach additional pages if necessary to provide your supporting information)

**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(i)(1)(II)(B)**

1. Attached hereto is a list of all of the applicable Commercial Kennel requirements of Section 207(h) and (i) of the Dog Law for which a waiver may be requested.
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3. A wavier request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

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Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (h)(9)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time!

5. Please list all reasons you wish the department to consider in support of the waiver request and the time period you are requesting. This should include all efforts you intend to take between now and the end of the period for which you are requesting the waiver in order to achieve compliance and eliminate the circumstance beyond your control:  
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(Attach additional pages if necessary to provide your supporting information)

**APPENDIX B**  
**to Application for Waiver of Commercial Kennel Requirements**  
**of 3 P.S. § 459-207(h) and (i)**

**Good Faith Efforts Waiver**  
**under 3 P.S. § 459-207(i)(1)(II)(B)**

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3. A waiver request, if granted, will only delay full compliance with that requirement for the amount of time within which there is a reasonable expectation compliance can be achieved, based upon the information you submit herein.

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Kennel Name and Location: DeCoverly Kennels, Inc.  
Factoryville, PA

1. The requirement for which a waiver is sought: (i)(1)

2. The period of time for which a waiver of full compliance with this requirement is sought: Fourteen (14) Months

3. List the good faith efforts you have made to comply with this requirement:  
We have hired an architect to design new primary enclosures. We have retained a contractor to perform all construction once the drawings are complete.

4. List the circumstances beyond your control that have prevented your compliance with this requirement:  
The design and construction of nearly 5,000 square feet of new space including HVAC, electrical and plumbing was simply too much work to be completed on time!

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(Attach additional pages if necessary to provide your supporting information)