

STATE OF COLORADO OFFICE OF ADMINISTRATIVE COURTS 1525 Sherman Street, 4 th Floor Denver, Colorado 80203	<p style="text-align: center;">▲ COURT USE ONLY ▲</p>
<hr/> COLORADO COMMISSIONER OF AGRICULTURE, Petitioner v. JOANN B. ROOF, D/B/A, NEW HOPE RESCUE, INC. Respondent.	
ORDER OF SUMMARY SUSPENSION, NOTICE OF DUTY TO ANSWER, NOTICE TO SET HEARING, NOTICE OF HEARING AND NOTICE OF CHARGES	

TO: Joann B. Roof
New Hope Rescue, Inc.
2502 East Bijou Street
Colorado Springs, CO.
80909

ORDER OF SUMMARY SUSPENSION

The Colorado Commissioner of Agriculture (Commissioner), conducted a full investigation relating to the matters referred to below, and **HEREBY FINDS:**

1. The Commissioner has the authority to deny, suspend, restrict, or revoke any license authorized under title 35, article 80, if a licensee has refused or failed to comply with any provision of article 80, any rule adopted under article 80, or any lawful order of the Commissioner, as set forth in section 35-80-112(1)(a), CRS.

2. New Hope Rescue, Inc., is organized as a corporation in the State of Colorado. Joann B. Roof (Respondent) owns and operates New Hope Rescue and has legal control and authority over New Hope Rescue.
3. Respondent is, and has been, licensed in the State of Colorado as a pet animal care facility, specifically an animal shelter facility, pursuant to sections 35-80-104, CRS, and Part 1.10.3 of the Rules Pertaining to the Administration and Enforcement of the Pet Animal Care and Facilities Act, 8 CCR 1202-15 (PACFA Rules). Respondent holds license number: AG003F3J.
4. Respondent's mailing address on file with the Commissioner is: 2502 East Bijou Street, Colorado Springs, Colorado 80909.
5. The Commissioner has jurisdiction over the Respondent, Respondent's license, and the subject matter of this proceeding.
6. The Commissioner has objective and reasonable grounds to believe and finds, upon a full investigation, that Respondent has violated sections 35-80-108(1)(g) and (2)(g), CRS, and Parts 14.2 and 15.3 of the PACFA Rules, 8 CCR 1202-15. Such violations are more fully described in the Notice of Charges set forth below and which is incorporated herein.
7. Based upon the information in the Notice of Charges set forth below, which is incorporated in this Order for Summary Suspension as though fully set forth herein, objective and reasonable grounds exist to believe, and the Commissioner so finds, that Respondent is guilty of violations of sections 35-80-108(1)(g) and (2)(g), CRS, and Parts 14.2 and 15.3 of the PACFA Rules, 8 CCR 1202-15, and that the preservation of public safety, health, and welfare imperatively require that emergency action be taken. As a result, the Commissioner further finds that observance of the requirements of section 24-4-105, CRS, would be contrary to public interest.

THEREFORE, IT IS HEREBY ORDERED that under sections 24-4-104(4), 24-4-105(12), and 35-80-112(1)(a), CRS, the pet animal shelter facility license of Joann Roof and New Hope Rescue, Inc., is **SUMMARILY SUSPENDED** from the date of this order pending proceedings to determine whether Respondent's license should be further disciplined in accordance with section 35-80-112(1)(a), CRS.

Pending the outcome of such proceedings, **IT IS FURTHER ORDERED** that **Respondent immediately cease, desist and refrain from any further acts or activities for which a pet animal care facility license is required by the laws of the State of Colorado.**

DONE and DATED this 4th day of November 2021

A handwritten signature in black ink, appearing to read 'Kate Greenberg', written over a horizontal line.

Kate Greenberg
Colorado Commissioner of Agriculture

NOTICE OF DUTY TO ANSWER

YOU ARE HEREBY NOTIFIED that, pursuant to section 24-4-105(2)(b), C.R.S., you are hereby required to file a written answer to the specific charges in the Notice of Charges with the Office of Administrative Courts (OAC), 1525 Sherman Street, 4th Floor, Denver, Colorado 80203, within thirty (30) days after the mailing of this Order for Summary Suspension and Notice of Charges (“Notice”). You must also mail a copy of such answer to the undersigned Assistant Attorney General within the same thirty-day time period.

If you fail to file your written answer within the applicable time period, an order entering a default decision may be issued against you without further notice. You are further advised that issuance of a default decision may result in the imposition of sanctions against you or such other penalties that may be provided for by law, without further notice.

NOTICE TO SET

YOU ARE HEREBY NOTIFIED that the attorney for Petitioner, the Commissioner of Agriculture (“Commissioner”) or her representative will appear at **10:15 a.m. on Friday November 12, 2021** at the Office of Administrative Courts (“OAC”), 1525 Sherman Street, 4th Floor, Denver, Colorado 80203, to set a date and obtain a location for a hearing regarding the merits of the Order for Summary Suspension and Notice of Charges. You may be present in person or by counsel, or you may make prior arrangements to be reached by telephone at the time and date specified above by contacting the setting clerk **before** the day of setting at **303-866-5626**. In the event you do not appear, a date will be obtained, and you will be notified in writing of the hearing date, time, and place.

YOU ARE FURTHER NOTIFIED that, pursuant to OAC Rule 21.C, you have the right to request an expedited hearing and you have the option to request a prehearing conference with an administrative law judge.

NOTICE OF HEARING

YOU ARE HEREBY NOTIFIED that, pursuant to §§ 35-80-109(3), 24-4-104, and 24-4-105, C.R.S., a hearing will be held before an authorized administrative law judge at the time and location set forth in the above Notice to Set, for the purpose of determining whether the Commissioner’s summary suspension of Joann Roof’s animal shelter facility license should be upheld, and whether the Commissioner may properly impose lawful discipline, pursuant to section 35-80-112, CRS, against

Joann Roof and New Hope Rescue, Inc., for violations of sections 35-80-108(1)(g) and (2)(g), CRS and Parts 14.2 and 15.3 of the PACFA Rules, 8 CCR 1202-15, as more fully described in the Notice of Charges below.

YOU ARE FURTHER NOTIFIED that, at the hearing in this matter, you shall have the right to appear in person or by legal counsel or both, to present evidence on your own behalf, to cross-examine any witnesses presented by the Commissioner, and to rebut any evidence presented by the Commissioner. You may also have subpoenas issued on your behalf in compliance with OAC Rule 18.

YOU ARE FURTHER NOTIFIED that the relevant part of the above-cited provisions of the Colorado Revised Statutes and Rules alleged to have been violated are more fully set forth below.

COLORADO REVISED STATUTES

The following provisions of the Colorado Revised Statutes are relevant to this matter:

Section 35-80-108. Unlawful acts.

(1) Unless otherwise authorized by law, it is unlawful and a violation of this article for any person or entity:

....

(g) To refuse or fail to comply with any rules or regulations adopted by the commissioner pursuant to this article or any lawful order issued by the commissioner;

....

(2) It is unlawful and a violation of this article 80 for any person operating a pet animal facility:

....

(g) To fail to take reasonable care to release for sale, trade, or adoption only those pet animals that are free of undisclosed disease, injury or abnormality.

RULES PERTAINING TO THE ADMINISTRATION AND ENFORCEMENT OF THE PET ANIMAL CARE AND FACILITIES ACT, 8 CCR 1202-15

Part 14.2 Pet animals suspected of having a communicable disease must be isolated from other susceptible animals and the public.

Part 15.3 Sick, diseased, or injured animals, except for fish and invertebrates, must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian. Euthanasia must be consistent with section 35-80-102(7), CRS.

NOTICE OF CHARGES

1. Distemper is a serious and highly contagious viral disease that affects dogs, coyotes, foxes, wolves, ferrets, skunks, racoons, and felines. It causes severe illness and is often fatal; mortality rates of up to 50% have been reported. It affects numerous systems including the respiratory, gastrointestinal, and central nervous system. Patients that survive can have lifelong deficits. In addition, patients are at risk for intermittent shedding of the virus even after recovery.
2. Beginning in August 2021, Joann Roof (Respondent) was notified of a possible canine distemper outbreak at her facility, New Hope Rescue, Inc.
3. On August 5, 2021, Shuheh Watanabe, informed Joann Roof that a dog he had just adopted on July 4, 2021 from New Hope Rescue, Lady (later renamed Yuzo), was diagnosed with canine distemper and had to be euthanized.
4. On August 5, 2021, Joann Roof contacted the animal shelter where she had acquired Lady, The Animal Service Center of Mesilla Valley in Las Cruces, New Mexico, and informed them that Lady had been euthanized because of canine distemper.
5. After August 5, 2021, Respondent continued to accept transports from The Animal Service Center of Mesilla Valley in Las Cruces, New Mexico.
6. On August 9, 2021, Shelby Elliott, informed Joann Roof that a puppy she had just adopted on July 17, 2021 from New Hope Rescue, Billy, was diagnosed with canine distemper and had to be euthanized.

7. On August 10, 2021, PACFA Inspector Jessica Hanson conducted an inspection at New Hope Rescue, LLC, and observed a tri-colored Catahoula-mix-breed dog, named Claus, with obvious symptoms of illness, including coughing and extreme lethargy. Claus was not in isolation or properly quarantined. PACFA Inspector, Jessica Hanson, instructed Respondent to seek veterinary care for Claus and to properly isolate him from other susceptible dogs.
8. Respondent's veterinarian did not see Claus until September 2, 2021.
9. On September 16, 2021, Animal Law Enforcement (ALE), a division of the Humane Society of the Pikes Peak Region (HSPPR), executed a search warrant at New Hope Rescue, Inc. due to reports of a suspected outbreak of canine distemper. PACFA Inspector Jessica Hanson was present.
10. Inspector Hanson and ALE officers found Claus in an outdoor shed unable to stand or eat on his own. Claus was also suffering from tremors associated with his forelimbs and head. Claus's condition had deteriorated significantly since August 10, 2021 and he appeared to be in the advanced neurological stages of canine distemper.
11. Claus had not seen Respondent's veterinarian since September 2, 2021.
12. ALE took Claus into their custody and sought emergency veterinary services.
13. On September 25, 2021, Claus was diagnosed with canine distemper. Claus failed to recover despite intensive treatment and on September 30, 2021 he was humanely euthanized.
14. Respondent denied Claus timely veterinary care.
15. On, or about, August 10, 2021, Claus, a dog suspected of having a highly communicable disease, was not isolated from other susceptible animals and the public.
16. On September 16, 2021, Inspector Hanson and ALE officers found another dog, a Shepherd-mix-breed dog named Spitzer, in the shed with Claus. Spitzer was in obvious respiratory distress and also exhibiting signs of advanced neurological stages of canine distemper.
17. Respondent had adopted Spitzer out to Mina Ademovic on August 27, 2021.

18. At the time of adoption, Spitzer was coughing, had nasal discharge and was exhibiting signs of illness.
19. On August 28, 2021, Spitzer's symptoms increased including ongoing respiratory distress and a refusal to eat. On August 29, 2021, Ms. Ademovic took Spitzer to Pet Powers Emergency Room, where he was tested for canine distemper.
20. On September 5, 2021, Ms. Ademovic returned Spitzer to New Hope Rescue because he was so ill.
21. On September 9, 2021, the canine distemper results taken by Powers Pet Emergency Room tested positive. On September 9, 2021, Ms. Ademovic contacted Joann Roof and informed her of the positive result. Ms. Ademovic offered to provide Ms. Roof with the records from Powers Pet Emergency Room; Ms. Roof declined the records.
22. Ms. Ademovic continued to visit Spitzer at New Hope Rescue, Inc. after his diagnosis.
23. On September 16, 2021, despite Spitzer's continued decline and confirmed canine distemper diagnosis, he had not been seen by Respondent's veterinarian since he was returned to New Hope Rescue, Inc. on September 5, 2021.
24. On September 16, 2021, ALE took Spitzer into their custody so he could receive proper and timely veterinary treatment.
25. Spitzer was euthanized on September 23, 2021.
26. Respondent denied Spitzer timely veterinary care.
27. After Spitzer's September 9, 2021 canine distemper diagnosis, Respondent failed to properly isolate Spitzer from other susceptible animals and the public even though he was known to have a highly communicable disease.
28. On September 16, 2021, Inspector Hanson and ALE officers found a male dog named Zio suffering from obvious symptoms of respiratory distress. Respondent suspected Zio of having an upper respiratory infection (URI), pneumonia or kennel cough.
29. Zio had not seen Respondent's veterinarian since September 2, 2021.

30. ALE took Zio into their custody so he could receive proper and timely veterinary treatment.
31. On September 25, 2021, Zio tested positive for canine distemper.
32. While in Respondent's care, Zio was denied timely veterinary treatment.
33. On September 16, 2021, during ALE's search warrant execution, they found a female cattle/shepherd-mix-breed-dog, named Nova, exhibiting obvious signs of illness. Nova was coughing and had difficulty breathing.
34. On September 16, 2021, Respondent suspected Nova of an upper respiratory infection (URI), a communicable disease, however Nova was not properly isolated from other susceptible animals. The room Nova was in did not have a door that reached the floor or that would otherwise prevent transmission of a communicable disease.
35. Nova had not seen Respondent's veterinarian since September 2, 2021.
36. ALE took Nova into their custody so she could receive proper and timely veterinary treatment.
37. On September 25, 2021, Nova tested positive for canine distemper.
38. While in Respondent's care, Nova was denied timely veterinary care.
39. On September 16, 2021, Inspector Hanson and ALE officers identified a German Shepherd-type dog named Frankenstein with significant open wounds to his neck, abdomen and penis.
40. Respondent acquired Frankenstein on approximately August 27, 2021.
41. Frankenstein did not see Respondent's veterinarian until September 2, 2021. On September 2, 2021, Respondent's veterinarian treated the wounds on Frankenstein's neck and performed a neuter surgery but failed to provide any veterinary care for the wounds on his abdomen or penis.
42. After September 2, 2021, Frankenstein removed some of the sutures from his neck wound. The sutures were not replaced, and the neck wound remained open and uncovered.

43. As of September 16, 2021, Respondent had failed to provide Frankenstein with follow up veterinary treatment for his neck wounds and had failed to provide any veterinary treatment to the wounds on his abdomen and penis.
44. On September 16, 2021, ALE took Frankenstein into their custody so he could receive proper and timely veterinary care.
45. Frankenstein was unable to be rehabilitated from his wounds and was euthanized on October 6, 2021.
46. Respondent failed to provide Frankenstein with timely veterinary care.
47. On September 25, 2021, Respondent adopted out a Chihuahua-mix-breed dog named Miles (later renamed Lucky) to Storm Martinez.
48. At the time of adoption, despite multiple confirmed cases of canine distemper at the New Hope Rescue facility, Respondent did not test Lucky for canine distemper or disclose to Ms. Martinez that Lucky was possibly exposed to canine distemper.
49. On approximately September 29, 2021, Lucky became ill with respiratory symptoms including sneezing and a loss of appetite. On October 6 and 7, 2021, Lucky was treated by local veterinarians for possible pneumonia and tested for canine distemper.
50. On October 15, 2021, Lucky was diagnosed with canine distemper.
51. Respondent failed to take reasonable care to ensure Lucky was adopted out free from undisclosed disease.
52. On September 30, 2021, Respondent attended a cost of care hearing for the dogs seized from New Hope Rescue and was informed that Claus, Zio and Nova were confirmed positive for canine distemper.
53. On October 27, 2021, Respondent accepted twenty-two additional dogs from The Animal Service Center of Mesilla Valley in Las Cruces, New Mexico, the facility with a confirmed case of canine distemper. The Animal Service Center of Mesilla Valley in Las Cruces, New Mexico posts daily euthanasia reports online and posted that they had euthanized dogs for canine distemper on October 1, 5, 18, 25 and 27, 2021.

**COUNT I: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 15.3**

54. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
55. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
56. Pursuant to Part 15.3 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, sick, diseased and injured animals must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian.
57. On, or between August 10, 2021 and September 16, 2021, Respondent denied Claus, a sick and diseased dog, with timely veterinary care or euthanasia. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 15.3 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT II: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 14.2**

58. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
59. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
60. Pursuant to Part 14.2 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, pet animals suspected of having a communicable disease must be isolated from other susceptible animals and the public.
61. On August 10, 2021, Claus, a dog exhibiting obvious signs of illness and suspected of having a communicable disease was not isolated from other susceptible animals or the public. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 14.2 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT III: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 15.3**

62. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
63. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
64. Pursuant to Part 15.3 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, sick, diseased and injured animals must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian.
65. On, or between approximately September 5, 2021 and September 16, 2021, Respondent denied Spitzer, a sick and diseased dog, with timely veterinary care or euthanasia. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 15.3 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT IV: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 14.2**

66. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
67. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
68. Pursuant to Part 14.2 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, pet animals suspected of having a communicable disease must be isolated from other susceptible animals and the public.
69. On September 9, 2021, Spitzer, a dog diagnosed with canine distemper, a highly communicable disease, was not isolated from other susceptible animals or the public. Spitzer was housed with Claus, a dog that was not known to have canine distemper at the time. Additionally, Ms. Ademovic was allowed to visit Spitzer and no precautions were taken during the visitations to limit the spread of the virus. Respondent acted in violation of section 35-

80-108(1)(g), CRS, and Part 14.2 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

COUNT V: SECTION 35-80-108(2)(g), CRS

70. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
71. Pursuant to section 35-80-108(2)(g), CRS, it is unlawful and a violation of article 80 for any person operating a pet animal facility to fail to take reasonable care to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.
72. On August 27, 2021, Respondent allowed Spitzer to be adopted by Mina Ademovic even though he was exhibiting signs of illness and failed to take reasonable care to prevent the dog from being released free of undisclosed disease. Respondent acted in violation of section 35-80-108(2)(g), CRS, which constitutes grounds for discipline pursuant to section 35-80-112(1)(a), CRS.

**COUNT VI: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 15.3**

73. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
74. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
75. Pursuant to Part 15.3 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, sick, diseased and injured animals must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian.
76. On, or between September 2, 2021 and September 16, 2021, Respondent denied Zio, a sick and diseased dog, with timely veterinary care or euthanasia. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 15.3 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT VII: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 15.3**

77. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
78. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
79. Pursuant to Part 15.3 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, sick, diseased and injured animals must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian.
80. On, or between September 2, 2021 and September 16, 2021, Respondent denied Nova, a sick and diseased dog, with timely veterinary care or euthanasia. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 15.3 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT VIII: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 14.2**

81. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
82. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
83. Pursuant to Part 14.2 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, pet animals suspected of having a communicable disease must be isolated from other susceptible animals and the public.
84. On September 9, 2021, Nova, a dog Respondent had diagnosed with an upper respiratory infection (URI), a communicable disease, was not isolated from other susceptible animals or the public. Nova was housed in a room with a door that did not reach the floor or otherwise prevent transmission of the virus. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 14.2 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

**COUNT IX: SECTION 35-80-108(1)(g), CRS,
PACFA RULE, 8 CCR 1202-15, Part 15.3**

85. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
86. Pursuant to section 35-80-108(1)(g), CRS, it is unlawful and a violation of article 80 for any person or entity to refuse or fail to comply with any rules or regulations adopted by the Commissioner pursuant to article 80.
87. Pursuant to Part 15.3 of the PACFA Rules, 8 CCR 1202-15, a rule adopted by the Commissioner pursuant to article 80, sick, diseased and injured animals must be provided with timely veterinary care or euthanized in a humane manner under the direction of the facility's veterinarian.
88. On, or between September 2, 2021 and September 16, 2021, Respondent denied Frankenstein, an injured dog, timely veterinary care or euthanasia. Respondent acted in violation of section 35-80-108(1)(g), CRS, and Part 15.3 of the PACFA Rules, 8 CCR 1202-15, which constitutes grounds for discipline pursuant to §35-80-112(1)(a), C.R.S.

COUNT X: SECTION 35-80-108(2)(g), CRS

89. The Commissioner restates paragraphs 1 through 53 above as if fully set forth herein.
90. Pursuant to section 35-80-108(2)(g), CRS, it is unlawful and a violation of article 80 for any person operating a pet animal facility to fail to take reasonable care to release for sale, trade or adoption only those pet animals that are free of undisclosed disease, injury, or abnormality.
91. On September 25, 2021, Respondent adopted out Lucky to Storm Martinez without disclosing that the dog was possibly exposed to canine distemper or otherwise taking reasonable care to prevent the dog from being released free of an undisclosed disease. Respondent acted in violation of section 35-80-108(2)(g), CRS, which constitutes grounds for discipline pursuant to section 35-80-112(1)(a), CRS.

WHEREFORE, based on the allegations set forth above, the Commissioner respectfully requests that the administrative law judge enter an initial decision for the following relief:

- a) Affirmation of the Commissioner's summary suspension of Respondent's pet animal shelter facility license;

- b) Revocation of Respondent's pet animal shelter facility license;
- c) Such other relief as the administrative law judge deems just and proper.

DATED this 4th day of November 2021

Respectfully submitted,

PHILIP J. WEISER
Attorney General

/s/ KELLY LARSON
KELLY LARSON, 37880*
Assistant Attorney General
Attorney for the Commissioner of Agriculture
1300 Broadway, 8th Floor
Denver, Colorado 80203
Telephone: (720) 508-6381
FAX: (720) 508-6037
Email: kelly.larson@coag.gov
*Counsel of Record

CERTIFICATE OF SERVICE

This is to certify that I have duly served the foregoing ORDER OF SUMMARY SUSPENSION and NOTICE OF CHARGES upon Respondent by depositing copies of same in the United States mail, first-class postage prepaid, at Denver, Colorado, this 4th day of November 2021, addressed as follows:

Joann B. Roof
New Hope Rescue, Inc.
2502 East Bijou Street
Colorado Springs, CO.
80909

Office of the Attorney General