AN EXAMINATION OF
ALLEGED INADEQUACIES IN PET LODGES

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Chapter 1

INTRODUCTION

This report was prepared in response to House Resolution No. 151, H.D. 1, Regular Session of 1987. The resolution asked the Legislative Reference Bureau to prepare a report on the problems with the pet lodge/boarding kennel industry in Hawaii, and if there is a need for state regulation of these kennels, to recommend appropriate legislative action.

The body of the resolution, which is reproduced in Appendix A, focuses on the concern of pet owners that many pet lodges may not provide appropriate care for pets, may not properly exercise or feed them, may allow animals to become infested with pests, may overcharge owners, and may, in some cases, lose the pets. The resolution is directed solely to the internal workings of pet kennels and not on their external impact on the community, such as possible complaints of noise by neighbors.
Consumer Complaints

The researcher first turned to the organizations most likely to receive complaints from owners concerning mistreatment of pets while in kennels, or other unfair or inappropriate business practices by kennel owners: the Humane Society, the Office of Consumer Protection, the Better Business Bureau, the Sanitation Branch of the state Department of Health, and Kokua Line, a daily column in the Honolulu Star-Bulletin that receives and addresses consumer complaints. No significant complaints are currently being received by those organizations.

Humane Society

On June 9, 1988, the researcher spoke with Mr. Harris Melemai, chief investigator of the Humane Society. He stated that occasional complaints had been received from neighbors concerning noise from the Palolo Kaimuki Kennels and Aloha Pet Lodge. Neither of these facilities is currently in operation. Complaints had also been received about Aloha Pet Lodge on the ground that it was failing to keep up with its agreed duties such as grooming and providing medication to pets. Mr. Melemai noted that Aloha Pet Lodge had closed down approximately two years ago. He stated that the Humane Society was not receiving complaints about pet kennels currently in operation.

Office of Consumer Protection

On May 31, 1988, the researcher spoke with Mr. Philip Doi, Executive Director of the Office of Consumer Protection. Mr. Doi stated that
departmental files indicated that only one complaint had ever been lodged against a pet kennel. About three years ago, a pet kennel on Ala Moana Boulevard lost a dog (Aloha Pet Lodge was located on Ala Moana Boulevard). The kennel treated the owner brusquely, and the owner filed a complaint. The complaint was withdrawn when the dog was later recovered.

Better Business Bureau

The researcher sent a letter to the Better Business Bureau on this topic. The researcher received a letter from Carlos H. Salas, Trade Practices Manager, dated June 1, 1988, stating that the Bureau has checked its files for information received on pet kennels over the last three years, and that "[o]ur entire file system reflects that we have no complaints whatsoever."

Sanitation Branch, State Health Department

On June 16, 1988, the researcher spoke with Mr. Kenneth Fujii, Branch Chief of the sanitation branch of the Department of Health. Mr. Fujii stated that, while the branch receives a couple of complaints a year from pet owners about the sanitation in pet lodges, upon investigation by the branch no problems have been found.

Kokua Line

On June 13, 1988, the researcher spoke to reporter Ms. Harriet Gee, the columnist for Kokua Line. Ms. Gee stated that the only complaints that she has ever received concerning pet kennels are from neighbors who are disturbed by barking dogs.
Pet Organizations

The researcher attempted to contact all of the all-breed dog and dog obedience organizations in the State to determine whether their members had complaints about pet kennels. Most of the clubs that responded indicated that their members had no complaints, although most of them also indicated that their members did not usually use kennels and therefore would not necessarily hear of complaints.

The researcher contacted the Hawaiian Kennel Club, the Windward Hawaiian Dog Fanciers Association, the Kona Coast Kennel Club, Inc., the Hilo Obedience Training Club, Inc., the Leeward Training Club of Hawaii, the Max Obedience Training Club, the Obedience Training Club of Hawaii, the Valley Isle Kennel Club, and Progressive Dog Training, Inc. Attempts were made, unsuccessfully, to contact the West Oahu Kennel Club, the Dog Fanciers of Kauai, the Orchid Isle Dog Fanciers Club, Inc., the Maui Obedience Training Club, Inc., Art's Obedience Club, and the HRC Schutzhund Verein.

The clubs that were contacted indicated no significant problems. Only two clubs had heard of complaints. Mr. E. R. Champion of the Hawaiian Kennel Club stated that he had heard of two specific allegations: a nervous toy dog that was "lost" from a kennel, and an unwell dog on a special diet that was not fed the diet and died. Mr. Champion indicated that these events occurred two or three years ago, and that existing kennels were "mostly pretty good." He indicated that poorly maintained, dirty kennels were now gone. The only other club that mentioned any complaints was the Obedience Training Club of Hawaii, which reported sanitation problems with the now-defunct Aloha Pet Lodge and Kaimuki Kennels, and with one current kennel where some dogs that were boarded "came back skinny." The club member, Helen Kagawa, did add, however, that loss of weight is not necessarily the fault of the owner as some dogs simply do not eat well when they are away from home.
A number of the clubs indicated that their members do not use kennels themselves and therefore are less likely to have heard complaints about them. That comment was echoed by the member of the cat fancy who was contacted, who indicated that cat fanciers do not generally board their pets and that the members of the dog fancy would be much more likely to have heard of complaints, if any.

Testimony on House Resolution No. 151

The researcher reviewed the testimony submitted on House Resolution No. 151. Only one piece of testimony was submitted, a copy of which is attached as Appendix B. The testimony asks that a five-member board be established to regulate pet kennels, and states in support that "Complaints have been received for overcharging, customers being charged for dipping for fleas and ticks. When pet was picked up the pet was covered with insects. Owners were notified of pickup time between 8 a.m. and 5 p.m. Pets were not ready until 5:30 p.m. and were charged extra for picking up pet after business hours. Pets showed loss of weight." After speaking to the complainant, the researcher ascertained that rather than being a series of separate incidents, the allegations, except the one concerning pickup charges, sprung from one incident that occurred at a pet kennel, Aloha Pet Lodge, that has been out of business for several years. There was no further explanation of the pickup charge incident. The complainant was unable to supply additional persons who would support these allegations. The complainant spoke at length on a proposed regulatory board for pet kennels. A more complete synopsis of the complainant's conversations is contained in Appendix C.

We note that this study is not an appropriate vehicle to determine whether a presently unregulated profession or vocation such as pet kennels should be licensed or regulated, by either a board or other governmental entity, as requested in the complainant's testimony. Under section 26H-6, Hawaii Revised Statutes, a proposed regulatory measure such as the one
suggested by the complainant must be first evaluated by the legislative auditor.

Investigation of Pet Kennels

Given the lack of concrete data confirming a problem with the current pet kennel industry, the researcher visited pet kennels throughout the City and County to attempt to ascertain any significant problems. Those kennels are described in Appendix D. The researcher found no significant problems, with the possible exception of several lodges that did not keep a bowl of fresh water available for the pets at all times.

The researcher visited twenty-one of the pet kennels listed in the Yellow Pages under "Dog and Cat Kennels" and "Veterinary Hospitals" (the only kennel not visited was one that boarded beagles exclusively) to see if she could discover any overt mistreatment of animals that might call for regulation. The researcher viewed all of the cat areas and many of the dog areas. The researcher is not a trained animal technician and makes no claim to be able to recognize any but fundamental problems such as lack of sanitation or ventilation. The rest of this chapter contains general observations about the various considerations in boarding a pet and evaluating facilities, with specific comments about the kennels observed, and concludes with some suggestions for prophylactic regulation, if desired.

The most important factor for the researcher in evaluating the kennels was whether the kennel was willing to give an interested owner a tour of the facilities. The owner is obligated to look out for the pet's welfare, as is recognized in the resolution: "the human [owners] are responsible for the welfare of their pets." This responsibility extends to ascertaining that the pet will be reasonably comfortable in the kennel. Pets, as any owner will acknowledge, have likes, dislikes, emotions, and psychological quirks, and cannot be shipped off to a kennel in the same way that a car can be left at a garage. Whether the pet prefers air-conditioning or outdoor ventilation,
kennel food or the food usually fed to them at home, a run over a cage, or to be housed with other species or not, is not something that can be standardized. The owner should verify that the kennel suits both the needs of the pet and the taste of the owner, and owners are deluding themselves if they believe that they can abdicate this responsibility to the pet by advocating the imposition of specific legislative standards.

If a tour is available, the owner should undertake a review of the facilities and, if not to the owner's liking, the owner should not board the pet there. If an owner feels that a particular kennel is not acceptable, the owner has several options. The owner may try another kennel, or engage a professional pet sitter who will come to the owner's home to feed the pet, or make arrangements with a neighbor or friend to care for the animal. The researcher would not recommend the use of a kennel in which the owner is not allowed to view the facilities.

Another general observation is that the boarding experience can be traumatic for the pet, not because the animal is mistreated, but simply because the pet is in unfamiliar surroundings, away from the owner. Loss of weight is sometimes construed as evidence of mistreatment when it is simply the result of nervousness from the other animals, dislike of the house brand of food, or pining for the owner. One kennel did receive complaints because the pet's weight had decreased, but two sources, Harris Melemai, chief investigator for the Humane Society, and Helen Kagawa of the Obedience Training Club of Hawaii, indicated that some pets do not eat well when away from home, and that weight loss is not necessarily the fault of the kennel.

The cage or run space is also a consideration in boarding a pet. Most pets will have much more room at home than they can be expected to have in a kennel. The point at which this more limited space becomes too limited probably depends more on the the age and nature of the pet than on any formula that can be set by legislation. At a minimum, of course, the cage or run should have room enough to provide some exercise for the pet. The researcher notes that one California community specifically requires each dog
to have a run with a minimum floor area of eighteen square feet, and that each dog shall have a minimum square footage of floor space "equal to twice the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches." Resolution No. 76-626 of the Board of Supervisors of Orange County, California, adopted on May 4, 1976, at section 7.02. The researcher does not know whether this figure represents an optimum size or a minimum size (there is a similar requirement for cats). The researcher notes that not all dogs observed were in runs: some were merely in kennels.

The problem with minimum size requirements is that large spaces cost more, which might put the cost of the kennel out of reach for some owners who are only able to afford the lower priced kennels now (costs of boarding, for example, varied from $4.50 to $10.25 per day). Perhaps instead of imposing a size minimum, owners should be allowed to tour the facility and see the size of the cages where their pets will be staying, so that the owner, who is used to the normal range of movement of the pet and the pet's temperament, can decide whether the pet can inhabit the space comfortably.

Fleas and ticks are another problem that can arise when pets are boarded. All kennels required that the pets be free of pests when they arrive. Some enforce this with mandatory flea baths. Given Hawaii's temperate climate, outdoor animals can be expected to pick up pests year round, and it is probably realistic to expect that some pets will unwittingly bring pests in, which can spread to the other animals. While heavy infestations may be signs of poor sanitation, mild infestations may be inevitable. If pests are of concern to an owner, the owner should choose a kennel with a mandatory bathing policy on entry and on discharge.

Only two of the kennels visited had written brochures describing their policies and prices. Requiring prices to be posted or displayed might be a good idea. Currently, if an owner is concerned about ascertaining costs in advance, the owner can confirm prices with a letter to or from the kennel.
Separation of pets is another concern. As a cat owner, the researcher is of the opinion that cats and dogs should be boarded in separate areas. Almost all of the kennels were affiliated with a veterinarian or veterinary hospital. The researcher also believes that boarders should not be lodged along with animals that are patients of the clinic. Even if the sick animal is in for surgery and not because of disease, the fact that a neighboring animal is unwell or in pain can affect the other animals. However, the researcher is not sure that this area needs to be regulated: it was easy to ascertain, on each tour, whether boarders were lodged alone or with the sick animals, or with other species, and kennels can be chosen or avoided along those lines.

Review of the Kennels

Space

All of the kennels that the researcher visited appeared to have adequate space for the cats. They were usually housed in a standard-size cage, although some kennels would put two cats of the same "family" in a larger cage on request. Dogs, however, vary far more in size than cats. The smaller dogs were usually housed in cages and the larger dogs in runs, although some facilities appeared to keep all their dogs in cages. The researcher saw only a few dogs in cages that the researcher felt were too small for them.

Sanitation

The sanitation in the boarding areas, as judged by sight and smell, varied from very clean to somewhat noticeable. In one place, a small dog had just urinated on some paper, so there was a fresh urine smell. In the rest of the places with noticeable odor, the odor was that of dog. The researcher did not smell or see any signs of old dog feces, although the researcher did see a few fresh piles, which the researcher did not consider excessive or out of line.
Food and Water

The food ranged from different commercial brands to specialty foods. Most of the places had bowls of fresh water in the cages, although a few did not. The researcher would consider the lack of constantly available water to be objectionable. One complaint was made to the Obedience Training Club of Hawaii that some dogs sent to one kennel "came back skinny," but the club member also stated, as mentioned above, that this is not necessarily a sign of poor treatment but may be due to the pet's dissatisfaction with the brand of food or the absence of the owner.

Vaccinations

Over half of the kennels required current vaccinations for boarders. This is not an area that needs to be regulated: if an owner wants to protect his or her pet, the owner can vaccinate it and board it with other vaccinated pets. If the owner does not, the owner takes the risk of infection whether the animal is at home or at the pet kennel.

Ventilation

Over half of the kennels were air-conditioned; the others were outdoors or indoors and ventilated. The outdoor runs that the researcher observed had coverings over at least part of the runs. Although the researcher felt the non-air-conditioned kennels to be on the warm side, that is a subjective judgment from a human, and in fact the researcher did not see any animals indicating signs of excessive heat (e.g., panting).

Observations

The researcher is not a veterinarian and has no training as an animal specialist, and her observations are those of a purely subjective animal-lover. The kennels observed varied, as did their prices, but with the possible exception of kennels that did not keep bowls of fresh water constantly
available, the researcher did not conclude that the animals were being poorly treated. As pets' characteristics differ, and as almost all of the kennels give tours that allow owners to select the facility in which their pet would be most comfortable, the researcher concludes that regulation is not currently needed to correct mistreatment.

Possible Future Legislation

Although there does not appear to be a need for regulation caused by current mistreatment of pets at kennels, this does not mean that the legislature cannot promulgate prophylactic regulation to prevent future abuse. There have been past abuses, although it appears they were confined to one or two kennels now out of business. This may be an indication that the economics of the marketplace will force inadequate facilities out of business as responsible pet owners refuse to board their pets there. The scope of this resolution, however, was to investigate "the problem" with pet kennels, not to draft preventive laws, and it appears that there really are no problems significant enough to call for immediate legislation.

Should the legislature decide to enact legislation to prevent potential abusive situations, several areas might be considered, including: requiring fresh water at all times, setting up size minimums for runs and cages (if such minimums could be ascertained), posting of prices or providing a written price list, separating sick animals from the boarders, and requiring a contract at the time the animal is dropped off that would specify the dates the animal would be boarded, the rates, and the fees for procedures such as flea baths, transport to the vet (if other than the one affiliated with the kennel), and after-hours pick-up.
Findings and Recommendation

House Resolution No. 151, H.D. 1, requested a review of "the problems with the pet lodge/boarding kennel industry in Hawaii." None of the five agencies and businesses most likely to have received complaints about improper treatment of pets at kennels reports any current complaints. The researcher's tour of most of the kennels on Oahu did not reveal significant or widespread problems that need to be corrected by legislation. Kennels involved in past complaints have gone out of business, which may indicate a natural tendency of the marketplace to reject inadequate facilities. A pet owner's first and best line of defense in ensuring treatment most satisfactory to the pet is the owner's willingness to investigate the facilities to see if they meet the pet's needs. State regulation, of course, may be implemented in the absence of overt problems with the industry, but before such regulation could be enacted, a study of the issue by the legislative auditor would be required by statute.
REQUESTING A REPORT ON PROBLEMS WITH PET LODGES.

WHEREAS, pets are very important to their owners, studies having shown that the emotional relationship between people and their pets improves the physical health and emotional well-being of those pet owners; and

WHEREAS, the feelings people have for their pets are intense, pets giving their owners unconditional love while the humans are responsible for the welfare of their pets; and

WHEREAS, the quarantine requirements of our State discourage people from taking their pets with them on out-of-state trips, and the high percentage of rental households in our State prohibited from having pets prevent people from being able to leave their pets with friends, when people go on vacation they must often board their pets in pet lodges; and

WHEREAS, there is considerable concern on the part of pet owners that many pet lodges may not provide appropriate care for pets, that pets in lodges may not be exercised or properly fed, that pets come back from pet lodges infested with fleas and ticks in spite of a mandatory $10-15 charge for dipping, that owners are overcharged for the boarding of their pets, and that in some cases pets are lost while in the care of pet lodges; now, therefore,

BE IT RESOLVED by the House of Representatives of the Fourteenth Legislature of the State of Hawaii, Regular Session of 1987, that the Legislative Reference Bureau (LRB) is requested to prepare a report on the problems with the pet lodging/boarding kennel industry in Hawaii. If there is a need for State regulation of these facilities, the LRB should recommend appropriate legislative action; and
BE IT FURTHER RESOLVED that the Legislative Reference Bureau report its findings and recommendations to the Legislature at least twenty days prior to the convening of the Regular Session of 1988; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be transmitted to the Director of the Legislative Reference Bureau.
RESOLUTION HR-151

THE INTENT OF THIS RESOLUTION IS TO ESTABLISH SOME TYPE OF CONTROL OF PET LODGES.

AT THE PRESENT TIME ANYONE CAN SET UP A PET LODGE AND PEOPLE HAVE NO WAY OF KNOWING THE CONDITIONS THEY ARE BEING RUN.

SINCE I HAVE BEEN A VICTIM OF ONE OF THESE PET LODGES I WOULD LIKE TO MAKE THE FOLLOWING SUGGESTIONS.

1. APPOINT A BOARD (VOLUNTEER) CONSISTING OF 5 OR MORE-
   a. 1 VETERINARIAN OR QUALIFIED PERSON FROM THE VETERINARY.
   b. 1 FROM THE HUMANE SOCIETY
   c. 3 FROM AKC OR OTHER PET CLUBS

   THIS BOARD WOULD SET UP RULES GOVERNING PET LODGES.

2. THE PET LODGE SHOULD BE LICENSED (FEE $50 FOR 2 YEARS) SUBJECT FOR INSPECTION BY 2 OR MORE OF THE BOARD MEMBERS.

3. THE PET LODGE SHOULD BE BONDED $25,000.

4. AN ITEMIZED LIST OF CHARGES FOR BOARDING, DIPPING FOR FLEAS AND TICKS AND GROOMING SHOULD BE POSTED. COST SHOULD BE ACCORDING TO SIZE OF THE PET.

5. CUSTOMER SHOULD GIVE THE NAME OF THE VET IN CASE THE PET SHOULD GET SICK. THE PET LODGE SHOULD BE RESPONSIBLE FOR TAKING THE PET TO THE VETERINARIAN.

6. A CONTRACT SHOULD BE SIGNED BY THE OWNER OF THE PET AND THE PET LODGE OWNER.

7. ANY VIOLATION THAT REVEALS A VIOLATION BY THE PET LODGE- $500-1,000 FINE SHOULD BE IMPOSED. THEIR LICENSE SHOULD BE SUSPENDED FOR A SERIOUS VIOLATION.

COMPLAINTS HAVE BEEN RECEIVED FOR OVERCHARGING, CUSTOMERS BEING CHARGED FOR DIPPING FOR FLEAS AND TICKS. WHEN PET WAS PICKED UP THE PET WAS COVERED WITH THE INSECTS.

OWNERS WERE NOTIFIED OF PICKUP TIME BETWEEN 8 A.M. - 5 P.M. PETS WERE NOT READY UNTIL 5:30 P.M. AND WERE CHARGED EXTRA FOR PICKING UP PET AFTER BUSINESS HOURS.

PETS SHOWED LOSS OF WEIGHT.
Appendix C

CONVERSATIONS WITH THE COMPLAINANT

The researcher contacted the complainant by phone and also spoke with him when he came to the LRB office. The researcher's motivation for contacting the complainant was two-fold: to gather specifics about the allegations in the testimony, and to obtain the names of others who could verify, support, or shed additional light on, the need to regulate boarding kennels. Unfortunately, the complainant was unable to be of much help in this inquiry.

In the initial phone contact, the complainant was only able to delineate two examples of mistreatment that occurred to his pets. One was an occasion when the pet had become infested with ticks and had lost weight while being boarded at the Aloha Pet Lodge. The lodge had offered to remove the ticks upon the complainant's complaint, but the complainant declined the offer. The complainant informed the researcher that this kennel had gone out of business approximately two years ago. The complainant also complained about his dog's leg being broken while it was at the state quarantine facility. The scope of this resolution does not encompass the state quarantine facility. Finally, the complainant made a reference to being charged $120 on one occasion, which he considered excessive, but even after questioning the complainant, the researcher was unable to ascertain any specific facts about the circumstances surrounding this charge. While the complainant was unable to give helpful information on current kennel problems, the complainant did dwell at length on the regulatory board proposed in his testimony.

When asked for other specific problems, the complainant brought up the fact that a dog had been lost from the Aloha Pet Lodge. As noted above, the Aloha Pet Lodge is no longer in business. The researcher asked for the names of additional persons who could add to this testimony, and the complainant promised to provide those names.

Several days after the researcher sent the complainant a confirming letter, the complainant showed up at the LRB office to discuss the letter. The complainant appeared to take umbrage at the letter, but again was unable to come up with specific allegations of mistreatment that would justify imposing state regulation. The complainant stated that his attorney had told him that there was a federal regulation requiring the state to regulate kennels since a state "dog fee" was charged. When asked for the attorney's name so the researcher could investigate the existence of such a statute, the complainant refused to give it, stating that "I'm not on trial here."

The complainant, when asked for the names of other people to support his position, stated that he represented the National Association of Retired Federal Employees (NARFE) on this issue. The researcher later called the NARFE and ascertained from Mr. Edwin Taylor, legislative co-chair for the 1987 session and current president of the organization, that the complainant did not represent the NARFE and that any statements in his testimony were his own personal opinions.
The complainant also suggested that a hearing be held on this issue. When the researcher replied that there had already been a hearing on the resolution, the complainant stated that there had not been. After checking with the state Archives, the researcher found agendas indicating that hearings on this resolution had been held by the Agriculture committee on April 1, 1987, and by the Legislative Management committee on April 17, 1987.

The researcher explained to the complainant that the scope of the present assignment was not to draft a bill regulating pet lodges, but to investigate the need to do so, and in order to fulfill the assignment, specific facts were needed. The complainant stated that he tried to contact two people who could corroborate his testimony, but he was unable to do so as they were away on the Mainland. The researcher was never contacted by these people.

The researcher is a pet owner and is sympathetic to the desire to protect one's pets. However, the researcher concludes that the complainant has provided insufficient information concerning current mistreatment of pets in boarding kennels to demonstrate problems with boarding kennels that call for state regulation. The complainant appears to have taken his bad experience and by framing it in the plural passive ("Complaints have been received....") to have made the situation sound more serious than the facts warrant.
Appendix D

PET LODGES ON OAHU

The researcher visited and received a tour at the following kennels: Animal Clinic, Inc., The Honolulu Pet Clinic, The Kahala Pet Hospital, Kapalama Pet Hospital, The Pet Clinic, Pet Express Boarding Kennel Inc., Pet-Tel, The Veterinary Clinic, Care Animal Hospital, Inc., Kaneohe Veterinary Clinic, Ahuimanu Pet Clinic Inc., Jensen Clinic for Pets and Birds, Inc., Haiku Veterinary Clinic, Inc., The Kailua Veterinary Hospital, Animal Clinic Waimalu, Inc., and Animal Clinic Waipahu. Visits were also made to the Care Animal Clinics in Kailua and the Leeward area, but those facilities do not board pets there; they use the main facility at Care Animal Hospital on Kapahulu. Tours were not given at Gentry-Waipio Pet Clinic or Leeward Pet Clinic on the ground that surgery was being done in the back area. Gentry-Waipio is affiliated with Kapalama Pet Hospital, and pets boarded for more than a few days are sent to Kapalama. Leeward Pet Clinic was visited twice, without success. Perhaps scheduling a tour in advance would allow owners to view the facilities. A full tour was not given of the facilities at Aina Haina Pet Hospital, Inc.; rather, the researcher was allowed to stand in the doorway and take "a quick peek" at the boarders.

There may be other facilities that board pets: veterinarians may sometimes board pets for their customers, for example. However, it was not feasible to check every veterinarian on Oahu. The kennels listed in the telephone directory probably constitute the vast majority of kennels in the county.

The other counties have only a few kennels: Maui and Kauai have two, and Hawaii has one. The dog clubs contacted on those islands indicated that they had heard of no complaints concerning those kennels.