

MEMORANDUM

TO: Executive Board of Commissioners
FROM: Ethan Hausman, Compliance Specialist
DATE: August 14, 2025
RE: The Spanked Puppy Notice of Violation

SYNOPSIS

CSWD staff have documented that The Spanked Puppy has not had a comprehensive food waste diversion program in place. The Spanked Puppy's Managing Partner, Ted Tomlinson, was nonresponsive when contacted by CSWD staff about observed program deficiencies between August 2024 and issuance of the NOV on August 1, 2025.

After initial exchanges with CSWD Outreach staff during the summer of 2024, Mr. Tomlinson stopped responding when questioned about food waste diversion at the Spanked Puppy, prompting Outreach to refer the case to Compliance in September 2024. Compliance staff's subsequent attempts to reach Mr. Tomlinson included a Warning of Noncompliance letter sent on December 10, 2024, requesting he respond by December 31, 2024, which yielded no response. Although the Spanked Puppy was noted to have an organics tote full of food waste on site in January, 2025, it was not being serviced frequently enough to provide sufficient capacity for the quantities of food waste generated by the restaurant, and Mr. Tomlinson never responded to an email sent on January 10, 2025, about that issue that requested a reply by January 17.

The organics tote had been removed and there were no dedicated food waste containers or indications of separate management of food waste when CSWD visited again in June and July of 2025. Significant quantities of food waste were documented in the trash during two of those visits.

SWMO AUTHORITY

Penalties for Unlawful Conduct. Any Person who engages in any Unlawful Conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800) for each violation or, if lower, the maximum amount allowed by law. Each instance of Unlawful Conduct shall be a separate violation. In the event of other Unlawful Conduct which is deemed "continuing", the Person who engages in such conduct shall be subject to a civil penalty of not more than Eight Hundred Dollars (\$800), plus not more than One Hundred Dollars (\$100) for each succeeding day, or, if lower, the maximum amounts allowed by law. All penalties for Unlawful Conduct under this Ordinance shall be paid to the District.

While the maximum civil penalty for each violation is defined by the Ordinance, fines of lesser amounts can be levied, along with conditions to be met to avoid incurring additional per diem penalties for “continuing” violations, at the Executive Board’s discretion.

STAFF RECOMMENDATION

Because ensuring ongoing compliance with Ordinance requirements is the paramount goal of this enforcement action, CSWD staff support giving The Spanked Puppy the opportunity to submit a Corrective Action Plan (CAP) and demonstrate future compliance as an alternative to the maximum civil penalties for Unlawful Conduct allowed by the Ordinance. In recognition, however, of the missed diversion opportunities, irrevocable landfill and environmental impacts, and significant staff time invested in this case while Mr. Tomlinson was nonresponsive about program deficiencies, CSWD staff advise against waiving financial penalties entirely.

In summary, should the Executive Board find that The Spanked Puppy violated sections 3.8 and 3.9 of CSWD’s Ordinance, CSWD staff recommend that The Spanked Puppy be fined \$400 for each of those violations-- a total of \$800 in civil penalties-- as well as be required to submit a CAP, as defined and approved by CSWD staff, and cooperate with all CSWD efforts to confirm the restaurant’s compliance moving forward. This includes allowing for a scheduled, on-site review of the Corrective Action Plan with CSWD staff and Spanked Puppy management within fifteen (15) days of receipt of the Proposed Order.