



Delta Airlines, Inc.
P. O. Box 20706
Atlanta, GA 30320

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Alleged Violation: March 4, 2015

9 C.F.R. § 3.19(b)(2) Handling. Any person handling a primary enclosure containing a dog or cat must use care and must avoid causing physical harm or distress to the dog or cat. ...A primary enclosure containing a dog or cat must not be tossed, dropped, or needlessly tilted, and must not be stacked in a manner that may reasonably be expected to result in its falling. It must be handled and positioned in the manner that written instructions and arrows on the outside of the primary enclosure indicate.

Delta accepted a cat (Maxwell) for transport in commerce from John Fitzgerald Kennedy Airport (JFK) via Flight DL 2364; to Hartsfield-Jackson Atlanta International Airport (ATL). Delta failed to handle Maxwell as carefully as possible in a manner that did not cause trauma, behavioral stress, physical harm, or unnecessary discomfort. Delta personnel did not use proper care when unloading Maxwell from Flight 2364. Maxwell's kennel fell from the belt loader causing the lid to crack, allowing Maxwell to escape. Consequently, a Delta Air Lines baggage tug struck/ran over and killed Maxwell.

The penalty for the alleged violation(s) described above is \$10,000.



UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE USDA OFFICIAL WARNING NOTICE OF ALLEGED VIOLATION	CASE NUMBER: (b) (6), (b) (7)(C)
	ALLEGED VIOLATOR: (b) (6), (b) (7)(C)
	ADDRESS (City, State, ZIP Code): (b) (6), (b) (7)(C)

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to make, keep and maintain adequate records. You failed to properly record information on APHIS form 7005 or on cage cards, and record date of dispositions and buyer/receiver information on APHIS form 7006.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed a male poodle with an overgrown and matted hair coat.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is

transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to make, keep and maintain adequate records. You failed to properly record animal inventory, puppy births and acquisition information.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed a male Welsh Corgi with overgrown nails.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.50(a)(1) Time and method of identification. A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in section 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

You failed to provide identification for all live dogs on the premises. APHIS officials observed two female Pomeranians, one male Pomeranian/poodle mix, and two female Pomeranians/poodle mixes without identification.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to make, keep and maintain proper records. You were unable to provide buyer/receiver information on twelve dispositions that occurred between (b) (6), (b) (7)(C) 2014 and (b) (6), (b) (7)(C) 2015.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed a sixteen-week-old female Pekinese/Pomeranian mix with an abnormal condition with her left eye that caused squinting and drainage was in and around the eye and one female Pomeranian with a grayish-brown material on the surface of her front and cheek teeth.

Date of Alleged Violation: (b) (6), 2015

9 C.F.R. § 2.50(a)(1) Time and method of identification. A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in section 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

You failed to provide identification for all live dogs on the premises. You failed to properly identify a sixteen-week-old female Pekinese/Pomeranian mix.

Date of Alleged Violation: (b) (6), (b) 2015

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of jagged edges or sharp points that might injure the animals.

You failed to construct housing facilities that are structurally sound. You failed to remove sharp wire points inside the runs of the middle enclosure on the west side of the inside/outside building, and in the second pen on the east side of the inside/outside building.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed the following:

- 1) One seven-month-old female Pekinese/Pomeranian mix with an abnormal eye condition that the fur around the eye to be wet and the dog to squint, and,
- 2) One adult, female Pekinese with reddened gums and a hard, grayish-brown material on the surfaces of her front and cheek teeth, and,
- 3) One adult, female Pomeranian/Pekinese mix with reddened gums and a hard, grayish brown material on the surface of her front and cheek teeth, and,
- 4) One adult, male Welsh Corgi with overgrown toenails; and,
- 5) You were deworming the dogs and puppies at your facility with a product labeled for use in goats. You failed to consult an attending veterinarian on the appropriateness of using a product not labeled for use in dogs or puppies.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.50(a)(1) Time and method of identification. A class “A” dealer (breeder) shall identify all live dogs and cats on the premises as follows: All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in section 2.51 affixed to the animal’s neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

You failed to provide identification for all live dogs on the premises. You failed to properly identify a seven-month-old female Pekinese/Pomeranian mix.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.50(a)(2) Time and method of identification. A class “A” dealer (breeder) shall identify all live dogs and cats on the premises as follows: Live puppies or kittens, less than 16 weeks of age, shall be identified by an official tag, a distinctive and legible tattoo, or plastic-type collar.

You failed to provide identification for all live dogs on the premises. You failed to properly identify twelve weaned puppies.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to make, keep and maintain records. You failed to provide accurate and up-to-date inventory records for fifty-two adult dogs and twenty-two live puppy births.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(a) Housing facilities, general. Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animal securely, and restrict other animals from entering.

You failed to provide an enclosure that was structurally sound as evidenced by a portion of the wire fence that was pulled away from the support frame.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(b) Housing facilities, general. Condition and site. Housing facilities and areas used for storing animal food or bedding must be free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. Animal areas inside of housing facilities must be kept neat and free of clutter, including equipment, furniture, and stored material, but may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices and research needs. Housing facilities other than those maintained by research facilities must be physically separated from any other business. If a housing facility is located on the same premises as another business, it must be physically separated from the other business so that animals the size of dogs, skunks and raccoons are prevented from entering it.

You failed to keep areas used for storing animal food or bedding free of any accumulation of trash, waste material, junk, weeds and other discarded materials. You failed to remove or discard an accumulation of lights, bulbs, an empty medication bottle and bait trays for mice on the floor in the whelping building.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of jagged edges or sharp points that might injure the animals.

You failed to construct housing facilities that are structurally sound. You failed to remove sharp wire points inside the runs on the west side of the inside/outside building and in the second pen on the east side of the building.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed one nine-month-old female Pekinese/Pomeranian mix with discharge around its left eye and a loose upper, right pre-molar; and,

2) One female Pomeranian with teeth that were covered in a dark, hard material, with a pale discharge, a thick, brown discharge in the matted hair around its right ear; and,

3) You were deworming the dogs and puppies at your facility with a product labeled for use in goats. You failed to consult an attending veterinarian on the appropriateness of using a product not labeled for use in dogs or puppies.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.50(a)(1) Time and method of identification. A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in section 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

You failed to provide identification for all live dogs on the premises. You failed to provide identification for a nine-month-old female Pekinese/Pomeranian mix.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of jagged edges or sharp points that might injure the animals.

You failed to construct housing facilities that are structurally sound. You failed to remove sharp wire points inside the second pen on the east side of the inside/outside building.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed the following:

- 1) One eleven-month-old female Pekinese/Pomeranian mix with discharge around its left eye and a loose upper, right pre-molar; and,
- 2) One female Pomeranian with teeth that were covered in a dark, hard material, with a pale discharge, a thick, brown discharge in the matted hair around its right ear; and,
- 3) You were deworming the dogs and puppies at your facility with a product labeled for use in goats and failed to present documentation for dosage that should be used for dogs from an attending veterinarian.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 2.50(a)(1) Time and method of identification. A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: All live dogs and cats held on the premises, purchased, or otherwise acquired, sold or otherwise disposed of, or

removed from the premises for delivery to a research facility or exhibitor or to another dealer, or for sale, through an auction sale or to any person for use as a pet, shall be identified by an official tag of the type described in section 2.51 affixed to the animal's neck by means of a collar made of material generally considered acceptable to pet owners as a means of identifying their pet dogs or cats, or shall be identified by a distinctive and legible tattoo marking acceptable to and approved by the Administrator.

You failed to provide identification for all live dogs on the premises. You were unable to provide identification for an eleven-month-old female Pekinese/Pomeranian.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 2.50(a)(2) Time and method of identification. A class "A" dealer (breeder) shall identify all live dogs and cats on the premises as follows: Live puppies or kittens, less than 16 weeks of age, shall be identified by an official tag, a distinctive and legible tattoo, or plastic-type collar.

You failed to provide identification for all live dogs on the premises. You failed to provide identification for five eight-week-old puppies and two eight-and-a-half-week-old puppies.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of jagged edges or sharp points that might injure the animals.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.



Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 3.3(e)(1) Sheltered housing facilities. Surfaces. The following areas in sheltered housing facilities must be impervious to moisture: All walls, boxes, houses, dens, and other surfaces in contact with the animals.

You failed to provide enclosures that were impervious to moisture. Three newly constructed primary enclosures, housing eight dogs, have wooden supports that are in contact with animals and cannot be properly sanitized to reduce disease hazards, waste accumulation and odors.

Date of Alleged Violation: (b) (6), (b) 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed a female Pomeranian with teeth that were covered in dark, hard material, a loose right upper pre-molar, and a thick, brown discharge matted in the hair of her right ear.

Date of Alleged Violation: (b) (6), (b) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) 2016

9 C.F.R. § 3.3(e)(1) Sheltered housing facilities. Surfaces. The following areas in sheltered housing facilities must be impervious to moisture: All walls, boxes, houses, dens, and other surfaces in contact with the animals.

You failed to provide enclosures that were impervious to moisture. Three newly constructed primary enclosures, housing eight dogs, have wooden supports that are in contact with animals and cannot be properly sanitized to reduce disease hazards, waste accumulation and odors.

Date of Alleged Violation: (b) (6), 2016
(b) (7)

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed a female Pomeranian with teeth that were covered in a dark, hard material, a loose right, upper pre-molar and one male tri-colored Welsh Corgi with overgrown toenails.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) (7) 2016

9 C.F.R. § 3.3(e)(1) Sheltered housing facilities. Surfaces. The following areas in sheltered housing facilities must be impervious to moisture: All walls, boxes, houses, dens, and other surfaces in contact with the animals.

You failed to provide enclosures that were impervious to moisture. Several surfaces on the inside of the inside/outside building have areas of scratched and worn paint and some of the metal door flaps are rusted.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose, and treat disease and injury. APHIS officials observed one female Pomeranian with its upper teeth covered in dark, hard material, a loose right pre-molar and a thick, brown discharge matted in the hair of its right ear.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 2.50(a)(2) Time and method of identification. A class “A” dealer (breeder) shall identify all live dogs and cats on the premises as follows: Live puppies or kittens, less than 16 weeks of age, shall be identified by an official tag, a distinctive and legible tattoo, or plastic-type collar.

You failed to provide identification for all live dogs on the premises. You failed to provide identification for one puppy.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 2.75(a)(1) Records: Dealers and exhibitors. Each dealer, other than operators of auction sales and brokers to whom animals are consigned, and each exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning each dog or cat purchased or otherwise acquired, owned, held, or otherwise in his or her possession or under his or her control, or which is transported, euthanized, sold, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to make, keep and maintain records. You failed to provide accurate and up-to-date inventory records for four adult dogs and one live puppy birth.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors). Each dealer or exhibitor shall establish and maintain programs of adequate veterinary that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to provide adequate veterinary care to prevent, control, diagnose and treat disease and injury. APHIS officials observed one female Pomeranian with a dark, hard material around its upper teeth and a Pomeranian with a build-up of brownish colored material on her teeth.



Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.1(c)(1) Housing facilities, general. Surfaces. General requirements. The surfaces of housing facilities including houses, dens, and other furniture-type fixtures and objects within the facility must be constructed in a manner and made of materials that allow them to be readily cleaned and sanitized, or removed or replaced when worn or soiled. Interior surfaces and any surfaces that come in contact with dogs or cats must be free of excessive rust that prevents the required cleaning and sanitization, or that affects the structural strength of the surface.

You failed construct the surfaces of the housing facility to allow them to be readily cleaned and sanitized when worn or soiled. You failed to remove/replace worn metal door flaps of the enclosures that contained excessive rust.



The Animal and Plant Health Inspection Service (APHIS) published federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):

Steven M. Bennett

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):

Director, Investigative and Enforcement Services

DATE ISSUED:

3/16/2018

TELEPHONE

NUMBER:

(301) 851-2948



(b) (6), (b) (7)(C)

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: (b) (6), (b) (7) 2013

9 C.F.R. § 2.126(b) Access and inspection of records and property; submission of itineraries. The use of a room, table, or other facilities necessary for proper examination of the records and inspection of the property or animals must be extended to APHIS officials by the dealer, exhibitor, intermediate handler or carrier, and a responsible adult shall be made available to accompany APHIS officials during the inspection process.

You failed to have a responsible adult available to accompany APHIS officials during the inspection process.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.125(a) Facilities, general. Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to provide a primary enclosure fence, for two camels, one sheep and a goat, that was of adequate structural strength and maintained in good repair, as evidenced by the mesh wire that was rolled over from the top and tangled together in various areas.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.127(d) Facilities, outdoor. Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having

contact with the animals in the facility, and so that I can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence around the enclosure housing two camels.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.125(c) Facilities, general. Storage. Supplies of food and bedding shall be stored in facilities which adequately protect such supplies against deterioration, molding, or contamination by vermin. Refrigeration shall be provided for supplies of perishable food.

You failed to provide adequate storage for several large round bales that were stored directly on the ground, and that were wet and soiled.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.127(b) Facilities, outdoor. Shelter from inclement weather. Natural or artificial shelter appropriate to the local climatic conditions for the species concerned shall be provided for all animals kept outdoors to afford them protection and to prevent discomfort to such animals. Individual animals shall be acclimated before they are exposed to the extremes of the individual climate.

You failed to provide adequate shelter for llamas. Their shelter was a large metal building with large drive-through doors on each side. The west side door was open to allow access to the shelter and the wind was blowing from the west. The building had no bedding, and had only one heat lamp bulb that was at the center of the building. The temperature was measured at 35.6 degrees and two adult llamas in the shelter were shivering.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.127(d) Facilities, outdoor. Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that I can function as a secondary

containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence that restricted animals from going through it or under it. Two sheep were outside of the perimeter fence because they were able to exit the housing area through gaps under the fence.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.129(a) Feeding. The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.

You failed to provide adequate food of sufficient quantity and nutritive value to maintain all animals in good health. The feeding stations only had a little bit of hay on the ground, which was intermingled with fecal waste and dirt. The hay was soiled and some of the animals were browsing for food at the feeding stations. The animals did not have any grain, mineral blocks, or vegetation available to them. The two feeding stations were used to feed four llamas, four goats, four sheep, and two camels.

Date of Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.131(a) Sanitation. Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

You failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. The paddock housing four goats, four llamas, four sheep, and two camels had large piles of manure approximately four to five feet high.

Date of Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor. Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be

enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a completed perimeter fence around the enclosure housing two camels.

Date of Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.131(a) Sanitation. Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

You failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. The barn housing two camels, four llamas, and five sheep had an excessive accumulation of fecal waste and soiled bedding.

Date of Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.125(a) Facilities, general. Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to provide housing facilities that contained the animals. A goat crawled through the enclosure fence and was loose on the facility property.

Date of Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor. Perimeter fence. On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be



enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide an adequate perimeter fence for the enclosure housing two camels. The perimeter fence measured only 51 inches, 48 inches, 55 inches, and 71 inches in different areas, and the top wire was sagging.

Date of Violation: (b) (6), 2016

9 C.F.R. § 3.131(a) Sanitation. Cleaning of enclosures. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

You failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. The barn housing two camels, four goats, four llamas, and one sheep had an excessive accumulation of fecal waste.

Date of Violation: (b) (6), (b) (7) 2017

9 C.F.R. § 2.126(b) Access and inspection of records and property; submission of itineraries. The use of a room, table, or other facilities necessary for proper examination of the records and inspection of the property or animals must be extended to APHIS officials by the dealer, exhibitor, intermediate handler or carrier, and a responsible adult shall be made available to accompany APHIS officials during the inspection process.

You failed to have a responsible adult available to accompany APHIS officials during the inspection process.



The penalty for the alleged violation(s) described above is \$3,650.



UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

USDA

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:
NV130009-AC,
IL150001-AC;
IL150012-AC;
IL150028-AC

ALLEGED VIOLATOR:
United Airlines, Inc.

ADDRESS (City, State, ZIP Code):
Chicago, IL 60606

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:

Date of Alleged Violation: May 15, 2013 (NV130009-AC)

9 C.F.R. § 3.14(a)(1) Primary enclosures used to transport live dogs and cats.

You accepted a cat (Kato) for transport, in commerce, from Maui, Hawaii, to Las Vegas, Nevada and failed to ensure that the primary enclosure used to transport the cat was strong enough to withstand the normal rigors of transportation, and contain the animal securely and comfortably. Upon unloading in Las Vegas, Nevada, the cat escaped its enclosure and became loose on the tarmac. The cat has not been recaptured and is presumed to be lost.

Date of Alleged Violation: July 3-5, 2014 (IL150001-AC)

9 C.F.R. § 3.19(a) Handling.

You failed to move a dog as quickly and efficiently as possible. You accepted a dog (Mschief) for transport in commerce, from Kansas City, Missouri (MCI) to Chantilly, Virginia (IAD). The consignor delivered the dog to United at 9:30am on July 3, 2014. The original flight was cancelled and United arranged for Mschief to travel from MCI to Chicago O'Hare International (ORD), via flight 6229, to connect with a later flight to its final destination. You retrieved Mschief from flight 6229 at approximately 9:00pm on July 3, 2014. The employee parked the van in a dedicated parking space at United's cargo building and failed to offload Mschief from the van. Mschief remained in her transport enclosure, in the United PetSafe van, from the evening of July 3rd through the morning of July 5th. At approximately 9:00am on the morning of July 5th, Mschief was discovered in the van by another employee who reported to work.



Date of Alleged Violation: December 1, 2014 (IL150012-AC)

9 C.F.R. § 3.14(a)(1) Primary enclosures used to transport live dogs and cats.

You failed to ensure that the primary enclosure used to transport a cat was strong enough to withstand the normal rigors of transportation, and contained the animal securely and comfortably. You accepted one cat and one dog for transport, in commerce, from Munich, Germany (MUC) to Chicago, Illinois (ORD). The cat's enclosure had cable ties around the clips connecting the top and bottom halves of the enclosure, but did not have cable ties securing the enclosure door. During the flight, the cat escaped its enclosure and upon arrival and unloading at ORD, the cat escaped the cargo bin, became loose on the tarmac, and ran away. The cat has not been recaptured and is presumed to be lost.

Date of Alleged Violation: June 18-19, 2015 (IL150028-AC)

9 C.F.R. § 3.140(a) Care in transit.

You failed to provide adequate care in transit by visually observing and assessing the well-being of the shipment of sugar gliders at least once every four hours and/or during loading and unloading, and by providing needed veterinary care as soon as possible. The sugar gliders were shipped in a transparent plastic shipping container lined with a breathable mesh, and within this container, they were placed inside an open microfiber bag or pouch, which made it difficult or impossible to observe the animals without opening the shipping container. United employees brought the sugar gliders back to the office after they were not loaded on their originally-scheduled flight and reported that they were alive. The SPOT agent checked the sugar gliders into the PetSafe facility and reported that she heard them "chirping", but did not visually observe them. The employees did not open the shipping container while the animals were held at the PetSafe facility. The animals were in transit for a period of time in excess of 30 hours, and the shipping container was not opened to visually observe the animals until it was delivered to the consignee and she opened it. Upon arrival at the final destination, the sugar gliders were deceased.



The Animal and Plant Health Inspection Service (APHIS) published federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):

Steven M. Bennett

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):

Director, Investigative and Enforcement Services

DATE ISSUED:

3/6/2018

TELEPHONE

NUMBER:

(301) 851-2948



UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

USDA

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:

(b) (6), (b) (7)(C)

ALLEGED VIOLATOR:

(b) (6), (b) (7)(C)

ADDRESS (City, State, ZIP Code):

(b) (6), (b) (7)(C)

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 3.84(a) Cleaning, sanitization, housekeeping, and pest control: cleaning of primary enclosures:

Excreta and food waste must be removed from inside each indoor primary enclosure daily and from underneath them as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the nonhuman primates from becoming soiled, and to reduce disease hazards, insects, pests, and odors. Dirt floors, floors with absorbent bedding, and planted areas in primary enclosures must be spot-cleaned with sufficient frequency to ensure all animals the freedom to avoid contact with excreta, or as often as necessary to reduce disease hazards, insects, pests, and odors. When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, nonhuman primates must be removed, unless the enclosure is large enough to ensure the animals will not be harmed, wetted, or distressed in the process. Perches, bars, and shelves must be kept clean and replaced when worn. If the species of the nonhuman primates housed in the primary enclosure engages in scent marking, hard surfaces in the primary enclosures must be spot-cleaned daily.

You failed to remove excreta and dirt from the indoor resting perch for a female baboon and failed to keep the lemur enclosure floor free from excessive accumulation of feces.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 3.131(a) Sanitation: cleaning of enclosures:

Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

You failed to reduce disease hazards by ensuring the enclosures for the wolf, wolf hybrid, two red foxes, and brown bear cub did not have an accumulation

of dirt and grime on the shelters. You failed to remove excreta and spent food items from the primary enclosure containing three adult black bears.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 3.131(d) Sanitation: pest control:

A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

You failed to establish a safe and effective program for the control of pests. APHIS officials observed rodent holes on the premises near the red fox enclosures.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 2.4 Non-interference with APHIS officials:

A licensee or applicant for an initial license shall not interfere with, threaten, abuse (including verbally abuse), or harass any APHIS official in the course of carrying out his or her duties.

You failed to report the possession of a juvenile tiger to APHIS officials.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 3.131(a) Sanitation: cleaning of enclosures:

Excreta shall be removed from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors. When enclosures are cleaned by hosing or flushing, adequate measures shall be taken to protect the animals confined in such enclosures from being directly sprayed with the stream of water or wetted involuntarily.

You failed to prevent the contamination and minimize the disease hazards of two red foxes. The foxes' plastic igloo shelters were covered with urine, feces, dirt, and grime.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2014

9 C.F.R. § 3.131(d) Sanitation: pest control:

A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

You failed to maintain an effective program for the control of pests. APHIS officials observed rodent holes throughout the premise.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.75(b)(1) Records: dealers and exhibitors:

Every dealer other than operators of auction sales and brokers to whom animals are consigned, and exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, or otherwise in his or her



possession or under his or her control, or which is transported, sold, euthanized, or otherwise disposed of by that dealer or exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

You failed to provide a record of disposition for a wolf hybrid.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 3.56(b)(1) Sanitation: sanitation of primary enclosures:

Primary enclosures for rabbits shall be sanitized at least once every 30 days in the manner provided in paragraph (b)(3) of this section.

You failed to properly sanitize the primary rabbit enclosure that had excessively wet bedding, two rabbit shelters with significantly chewed edges, areas of chewed wood on the interior of the shelters, and the back wall that was warped inward.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 3.125(a) Facilities, general: structural strength:

The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to construct your facility of such material and strength as appropriate for the animals involved. There were multiple areas needing repair:

1. A chain link fencing for two adult tigers was pulled loose from the structural supports;
2. The African crested porcupine barn had two areas of wall which were chewed, leaving two holes in the wall;
3. The adult pig enclosure had an approximately twelve inch wide section of metal wire running along the bottom of the enclosure which was above ground;
4. The enclosure housing two adult black bears had a broken section of wire, along with a section of metal flashing that was loose and bent outwards;
5. The gate to the male camel's yard was broken on the lower left corner; and
6. The metal feeder for the kangaroo and Patagonian cavy was coming apart at the seams on the top, and also had a loose edge near the front. This created sharp areas on the feeder which were a potential injury hazard to the animals.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 3.127(c) Facilities, outdoor: drainage:

A suitable method shall be provided to rapidly eliminate excess water. The method of drainage shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

You failed to properly drain the primary animal enclosure of an adult male Syrian brown bear. APHIS officials observed an extremely muddy area that was completely wet with a mixture of stone, gravel, mud and water.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence which would function as a secondary containment system. APHIS officials observed eight large, mature trees, piles of building materials and animal husbandry items against the perimeter fence with no preventatives to stop an animal from climbing over the perimeter fence and accessing the facility.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors):

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to prevent, control, diagnose and treat diseases and injury for an adult white tiger (Sampson) with a wound on the right flank that was approximately two inches in diameter and 0.5 inch deep that exposed underlying tissue.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2015

9 C.F.R. § 2.40(b)(3) Attending veterinarian and adequate veterinary care (dealers and exhibitors):

Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

You failed to assess, by daily observation, the health and well-being of an adult white tiger named Sampson.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.125(a) Facilities, general: structural strength:

The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to keep enclosures in good repair to protect the animals from injury and to contain the animals. APHIS officials observed the following:

1. The fox enclosure housing three adult fox had areas of the floor where buried metal was exposed;
2. The buried fence in these fox enclosure had areas that were broken, leaving areas where the animal's feet could have fallen through and/or have been injured; and,
2. The fox enclosure housing two adult foxes had a feeder that was rusted around the edges and the top of the feeding area.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence that would function as a secondary containment system. APHIS officials observed eight large, mature trees, piles of building materials and animal husbandry items against the perimeter fence with no preventatives to stop an animal from climbing over the perimeter fence and accessing the facility.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors):

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to prevent, control, diagnose and treat diseases and injuries.
APHIS officials observed the following:

1. A thirteen-year-old Timber Wolf with a mass that was four inch by two inch a wound on the back of its left leg.
2. A ten-year-old male ring-tailed lemur that was and an inward curled first digit on its hand.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 2.40(b)(3) Attending veterinarian and adequate veterinary care (dealers and exhibitors):

Daily observation of all animals to assess their health and well-being; provided, however, that daily observation of animals may be accomplished by someone other than the attending veterinarian; and provided, further, that a mechanism of direct and frequent communication is required so that timely and accurate information on problems of animal health, behavior, and well-being is conveyed to the attending veterinarian.

You failed to assess, by daily observation, the health and well-being of a thirteen-year-old female Timber Wolf and a ten-year-old male ring-tailed lemur.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.125(a) Facilities, general: structural strength:

The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to maintain your facility in good repair to protect the animals from injury and to contain the animals. The enclosure housing five pigs had an area of plastic coated floor that was exposed.

Date of Alleged Violation: (b) (6), (b) (7) 2015

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the

primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence that would function as a secondary containment system. APHIS officials observed eight large, mature trees along the perimeter fence with no preventatives to stop an animal from climbing over the perimeter fence and accessing the facility.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence that would function as a secondary containment system. APHIS officials observed mature trees along the perimeter fence with no preventatives to stop an animal from climbing over the perimeter fence and accessing the facility.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence which could function as a secondary containment system. APHIS officials observed trees in the upper storage area, near the dumpster, without any preventatives to stop an animal from climbing the trees and leaping over the perimeter fence.

Date of Alleged Violation: (b) (6), (b) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence which could function as a secondary containment system. APHIS officials observed trees in the upper storage area, behind the coatimundi/deer area and one tree growing through the perimeter fence in the upper East portion with no preventatives to stop an animal from climbing the trees and leaping over the perimeter fence.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 3.127(d) Facilities, outdoor: perimeter fence:

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence. Such fences less than 3 feet in distance from the primary enclosure must be approved in writing by the Administrator.

You failed to provide a perimeter fence which could function as a secondary containment system. APHIS officials observed trees in the upper storage area, behind the coatimundi/deer area and in the upper East portion with no



preventatives to stop an animal from climbing the trees and leaping over the perimeter fence.



The Animal and Plant Health Inspection Service (APHIS) published federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):

Steven M. Bennett

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):

Director, Investigative and Enforcement Services

DATE ISSUED:

3/16/2018

TELEPHONE

NUMBER:

(301) 851-2948



UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

USDA

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:

(b) (6), (b) (7)(C)

ALLEGED VIOLATOR:

(b) (6), (b) (7)(C)

ADDRESS (City, State, ZIP Code):

(b) (6), (b) (7)(C)

The U.S. Department of Agriculture has evidence that on or about the date(s) listed below, you or your organization committed the following alleged violation(s) of Federal laws:

Date of Alleged Violation: (b) (6), (b) (7) 2017

9 C.F.R. § 2.1(a)(1) Requirements and application.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

You failed to obtain a license prior to operating as a dealer. You sold and shipped a Shih Tzu Poodle mix puppy to an individual in New Braunfels, Texas for a sum of \$1,200 plus shipping via United Airlines.

Date of Alleged Violation: (b) (6), (b) 2017

9 C.F.R. § 2.1(a)(1) Requirements and application.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

Reference Number: (b) (6), (b)

AC

Issuance Date: (b) (6), 2018

Version: Final

You failed to obtain a license prior to operating as a dealer. You sold and shipped a Shih Tzu Poodle mix puppy to an individual in Minneapolis, Minnesota for a sum of \$1,500 plus shipping via United Airlines.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2017

9 C.F.R. § 2.1(a)(1) Requirements and application.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

You failed to obtain a license prior to operating as a dealer. You sold and shipped a live dog to an individual in Rio Verde, Arizona via United Airlines.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2017

9 C.F.R. § 2.1(a)(1) Requirements and application.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

You failed to obtain a license prior to operating as a dealer. You sold and shipped a Yorkshire Terrier to an individual in South Hadley, Massachusetts via American Airlines.

Date of Alleged Violation: (b) (6), (b) (7)(C) 2017

9 C.F.R. § 2.1(a)(1) Requirements and application.

(a)(1) Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the



application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

You failed to obtain a license prior to operating as a dealer. You sold and shipped a live dog to an individual in Odessa, Florida via United Airlines.



The Animal and Plant Health Inspection Service (APHIS) published federal regulations to ensure the welfare of animals and help prevent the spread of animal and plant pests and diseases. Since violations of the regulations can have serious and costly impacts that are detrimental to the public interest, APHIS is providing you with an Official Warning for the alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):

Steven M. Bennett

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):

Director, Investigative and Enforcement Services

DATE ISSUED:

3/27/2018

**TELEPHONE
NUMBER:**

(301) 851-2948

APHIS FORM 7060

Previous editions may be used

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