

Public reporting burden for this collection of information is estimated to average 25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to Department of Agriculture, Paperwork Project, Office of Management and Budget, Room 404-W, Washington, D.C. 20503, and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503.

NOV 29 2006

FORM APPROVED OMB NO. 0579-0036

No license may be issued until the completed application has been received by USDA 212-00140, and the applicant is in compliance with the standards and regulations Section 2130.

<p align="center">U.S DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p align="center">APPLICATION FOR LICENSE (TYPE OR PRINT)</p> <p align="center">LICENSE RENEWAL</p>	<p align="center">DO NOT USE THIS SPACE - OFFICIAL USE ONLY</p> <p>SEND THE COMPLETED FORM TO: 920 Main Campus Drive Suite 200, Unit 3040 Raleigh, NC 27606 Telephone: (919) 855-7101</p>					
	<p>CERTIFICATE / CUSTOMER NO.</p> <p>CERT: 55-C-0178 CUST: 21722</p>	<p>RENEWAL DATE</p> <p>28-NOV-2006</p>	<p>FEES</p> <table border="1"> <tr> <th>AMOUNT</th> <th>DATE RECEIVED</th> </tr> <tr> <td>\$40</td> <td>30 NOV 06 RSM</td> </tr> </table>	AMOUNT	DATE RECEIVED	\$40
AMOUNT	DATE RECEIVED					
\$40	30 NOV 06 RSM					

1. NAME(S) OF LICENSEE(S) AND MAILING ADDRESS

Ann Roberts
 Robanns Nest
 5024 Stephens Lane
 Durham, NC 27712

Telephone: (919)477-9413

2. ALL BUSINESS (Site) LOCATIONS HOUSING ANIMALS; INCLUDE DIRECTIONS TO EACH LOCATION (P.O. Box not acceptable)

5024 Stephens Lane
 Durham, NC 27712
 County: Durham
 Telephone:

3. LIST PERSONS 18 YEARS OF AGE OR OLDER AUTHORIZED TO CONDUCT BUSINESS. RESPONSIBLE OFFICIAL SIGNING BLOCK 10 SHOULD BE LISTED IN THIS BLOCK.

(b)(6) (b)(7)(c)

4. (A) PREVIOUS USDA LICENSE NUMBER (if any)

-

(B) ACTIVE USDA CERTIFICATE NUMBER IN WHICH YOU HAVE AN INTEREST:

6. DATE OF LAST 12-MONTH BUSINESS YEAR (CALENDAR OR FISCAL)

FROM	TO
01-JAN-2005	31-DEC-2005

7. TYPE OF ORGANIZATION

Individual Corporation Partnership

Other (Specify) _____

8. DEALERS ONLY. Class A or Class B licensees must complete this Block. (Class C Exhibitors go to Block 9)

CLASS A (BREEDER) - LINE 'D' = 1/2 OF LINE 'C'
 CLASS B (DEALER) - LINE 'D' = LINE 'C' LESS THE AMOUNT PAID FOR THE ANIMAL(S)
 (Sections 2.6)

A. TOTAL NO. OF ANIMALS PURCHASED IN THE LAST BUSINESS YEAR	<p align="center">CERTIFICATION</p> <p>I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and certify to the best of my knowledge I am in compliance with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2 and 3. I certify that I am 18 years of age or older.</p>
B. TOTAL NO. OF ANIMALS SOLD IN THE LAST BUSINESS YEAR	
C. TOTAL GROSS DOLLAR AMOUNT DERIVED FROM REGULATED ACTIVITIES (SALES, BOOKING FEES, COMMISSIONS, ETC.)	
D. DOLLAR AMOUNT ON WHICH FEE IS BASED (SECTIONS 2.6 AND 2.7)	

9. CLASS C EXHIBITORS ONLY. (Number of animals holding now or held during the last business year, whichever is greater.)

DOGS	NONHUMAN PRIMATES	RODENTS (Do not include lab rats or mice)
CATS	MARINE ANIMALS	WILD/EXOTIC HOOFSTOCK
GUINEA PIGS	FARM ANIMALS	BEARS
HAMSTERS	WILD/EXOTIC CANINES	WILD/EXOTIC MAMMALS (NOT LISTED ELSEWHERE)
RABBITS	WILD/EXOTIC FELINES	TOTAL (ALL ANIMALS LISTED IN BLOCK 9)

2 1 3

10. SIGNATURE	11. PRINT NAME	12. SOCIAL SECURITY OR TAX	13. DATE
(b)(6) (b)(7)(c)			APR 1 2006



EXPIRATION DATE: NOVEMBER 28, 2007

**United States
Department of
Agriculture**

**Marketing and
Regulatory
Programs**

**Animal and
Plant Health
Inspection
Service**

Animal Care

This is to certify that

ANN ROBERTS
DBA: ROBANNS NEST

is a licensed
under the

CLASS C EXHIBITOR

Animal Welfare Act

(7 U.S.C. 2131 et seq.)

Certificate No. 55-C-0178

Customer No. 21722

A handwritten signature in cursive script, appearing to read "Charles A. Gibson".

Deputy Administrator



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

CERTIFIED MAIL-RETURN
RECEIPT REQUESTED

Ann T. Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

Dear Ms. Roberts:

The Animal and Plant Health Inspection Service (APHIS) enforces regulations in order to protect the health and care of animals, plants, and the agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

The enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations", is being issued to you for alleged violations of Federal Regulations, Case Number (NC07037-AC).

This notice is being issued at this time as a serious warning that if you fail to comply with APHIS laws and regulations in the future, this citation and all past and future documented violations will be used to justify a more severe penalty.

If you have questions regarding this citation please contact IES Enforcement Specialist

(b)(6) (b)(7)(c)

at the address above or at

(b)(6) (b)(7)(c)

Sincerely,

(b)(6), (b)(7)c

Allison Khroustalev
Chief, Enforcement Operations Branch
Investigative and Enforcement Services

*Magical
Goldentyer
NC (21722)*

Enclosure

cc: J. Kinsella, IES, ER B. Goldentyer, AC, ER
H. Jordan, IES, Area Manager

45-C-0178(c)

APHIS

(b)(6) (b)(7)(c)

15/08:i:dc NC07037-AC Ann T.Roberts ltr.doc

T12 Warning Cover Letter Rev 2 11/9/07



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program
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CA NO.
NC07037-AC

VIOLATOR
Ann T. Roberts

ADDRESS (Street, City, State, Zip Code)

**DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712**

**OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS**

The Department of Agriculture has evidence that on or about see dates below, you or your organization committed the following violation of Federal Regulations:

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
19-JUNE-07	3.28(a)	Primary enclosures; facility must be structurally sound and maintained in good repair. Cage for two guinea pigs was in disrepair at the time of inspection. Wood was damaged and not properly sealed to be impervious to moisture.
	3.31(a)	Sanitation. Facility and premises shall be cleaned and sanitized often enough to prevent accumulation of excreta or debris. Cage containing two guinea pigs had an excess accumulation of feces at the time of inspection.
	3.84(c)	Cleaning, Sanitization, housekeeping, and pest control. Premise must be kept clean and free of accumulations of trash, junk, waste, and discarded matter. Playroom containing macaques had an accumulation of trash and debris. Food and feces on carpeted floor, unable to be sanitized properly. Room need to be cleaned to reduce strong urine odor and pest problems.

Page 1 of 2

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title) Allison Khroustalev Chief, Enforcement Operations Branch Investigative and Enforcement Services		OFFICE ADDRESS: 4700 River Road, Unit 85 Riverdale, MD 20737
SIGNATURE	DATE ISSUED	TELEPHONE NO. (301) 734-5578
FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)		DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
	3.127(d)	Perimeter fence. There is a gap under the gate of the perimeter fence, and no padlock on gate of perimeter fence. The perimeter 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.
	3.131(c)	Housekeeping, to protect the health of the animals. There was a torn-up blanket/comforter in a cage with two coatimundis. This is a potential danger because of possible ingestion by the animals.
27-JUNE-07	2.126	Access and Inspection. Failed to have a responsible adult available to facilitate inspection of facility and records by APHIS inspectors.
17-AUG-07	3.28(a)	Primary enclosures; facility must be structurally sound and maintained in good repair. Cage for two still has damaged wood that is not properly sealed to be impervious to moisture.
	3.31(a) 3.31(c)	Sanitation. Facility and premises shall be cleaned and sanitized often enough to prevent accumulation of excreta or debris. Cage containing two guinea pigs had an excess accumulation of feces and old food at the time of inspection. Ants were also observed crawling in and under guinea pig cage and surrounding floor area.
	3.84(c)	Cleaning, Sanitization, housekeeping, and pest control. Premise must be kept clean and free of accumulations of trash, junk, waste, and discarded matter. Playroom containing macaques had an accumulation of trash and debris. Food and feces on carpeted floor, unable to be sanitized properly. Room need to be cleaned to reduce strong urine odor and pest problems.
17-AUG-07	3.127(d)	Perimeter fence. There is still a gap under the gate of the perimeter fence, although an attempt was made to block gap with chain link gate propped in that area. The perimeter 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.



2nd AMENDMENT

Date: 3 September 2008

To: Robert J. Huttenlocker, Director
Investigative and Enforcement Services

From: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

Subject: CASE # NC07037
License # 55-C-0178 (Customer # 21722)
Ann Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

The enclosed investigative report documents violations of the Animal Welfare Act. We request a 7060 be issued.

cc:

(b)(6), (b)(7)c

E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

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Animal and
Plant Health
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Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

**Ann T. Roberts
DbA Robanns Nest
5024 Stephens Lane
Durham, NC 27712**

**CERTIFIED MAIL
RETURN RECEIPT**

Dear Ms. Roberts:

Animal and Plant Health Inspection Service (APHIS) enforces regulations to protect the health and care of animals, plants, and agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

Our investigation shows that you have violated the United States Code of Federal Regulations as described on the enclosed Stipulation. APHIS laws and regulations provide for administrative and criminal penalties to enforce these regulatory requirements.

The Secretary of Agriculture may, after providing notice and opportunity for a hearing, impose civil penalties or other sanctions. You may, however, waive your right to a hearing and settle this matter by paying \$250 by March 18, 2008, and signing the enclosed Stipulation.

Please pay the \$250 penalty by certified check or money order made payable to the Treasurer of the United States. Write the Case Number (NC07037-AC) on your check or money order and mail it with the signed Stipulation to:

USDA, APHIS, (General) (NC07037-AC)
P. O. Box 979043
St. Louis, MO 63197-9000

If we do not receive your signed stipulation agreement and payment or notice that you wish to exercise your right to a hearing by March 18, 2008, this matter will be forwarded to the Department's Office of the General Counsel for litigation. The penalty offered in this Stipulation is not relevant to the sanctions APHIS may seek, or that will be assessed after issuance of a formal complaint. You may contact our office at telephone number (301) 734-8684 if you have any questions.

Sincerely,

Allison Khroustalev
Chief, Enforcement Operations Branch
Investigative and Enforcement Services

Enclosure

cc: B. Goldentyer, AC, ER
H. Jordan, Area Manager

J. Kinsella, IES, ER

(b)(6), (b)(7)c

Magid
KACC

NC (21722)

55-C-0178(6)

(b)(6) (b)(7)(c)

02/14/08:i:dcs: NC07037-AC Sag Ltr.doc

T03-A- SA Ltr Certified Rev 1 11/9/07



Safeguarding American Agriculture
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Investigative and Enforcement Services

Settlement Agreement

USDA, APHIS, IES
4700 River Road, Unit 85
Riverdale, MD 20737
Phone: (301) 734-8684
Fax: (301) 734-4328

RESPONDENT:
Ann T. Roberts
Dbas: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

CASE NUMBER NC07037-AC
DUE ON OR BEFORE
CONTACT
PHONE (b)(6) (b)(7)(c)

DATE	CITATION	DESCRIPTION
(SEE ATTACHED PAGES)		

PENALTY \$250.

TERMS

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent: _____ **Date:** _____

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
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	3.31(c)	
	3.84(c)	Cleaning, Sanitization, housekeeping, and pest control. Premise must be kept clean and free of accumulations of trash, junk, waste, and discarded matter. Playroom containing macaques had an accumulation of trash and debris. Food and feces on carpeted floor, unable to be sanitized properly. Room need to be cleaned to reduce strong urine odor and pest problems.

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
17-AUG-07	3.127(d) 9 CFR	Perimeter fence. There is still a gap under the gate of the perimeter fence, although an attempt was made to block gap with chain link gate propped in that area. The perimeter 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.



AMENDED

**United States
Department of
Agriculture**

**Marketing and
Regulatory
Programs**

**Animal and Plant
Health Inspection
Services**

Animal Care

**920 Main Campus Drive
Suite 200
Raleigh, NC 27606**

**Tel No. 919-855-7100
Fax No. 919-855-7123**

Date: 4 February 2008

To: Robert J. Huttenlocker, Director
Investigative and Enforcement Services

From: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

Subject: CASE # NC07037
License # 55-C-0178 (Customer # 21722)
Ann Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

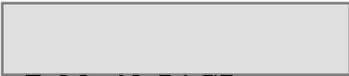
The enclosed investigative report documents violations of the Animal Welfare Act. We request a stipulated penalty be offered.

The size of the business is small.

Ann Roberts has prior history of an APHIS Form 7060 (NC06018) issued on 24 Jul 06.

We have evidence of good faith based on the fact that the license is cancelled and she has gone out of business.

cc:


E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178



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Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Date: 28 January 2008
Case No: NC07037

SUBJECT: Supplemental Information for an Investigation of Alleged
Violations Regarding the AWA, Regulations and/or Standards

TO: Robert J. Huttenlocker, Director
Investigative and Enforcement Services

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

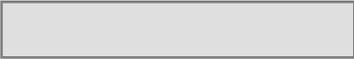
RE: Customer # 21722
License/Registration # 55-C-0178
Ann Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

Supportive documents enclosed:

- Enforcement Action Option Worksheet dated 10 Dec 07
- Certificate Cancellation for Failure to Renew dated 19 Dec 07 with certified mail receipts

Comments:

The field inspector to contact is 
The SACS to contact is Dr. Ellen Magid (703) 812-6608.

cc: 

E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178

Enforcement Action Option Worksheet

Date of Enforcement Action Request <u>12/10/07</u>	
Name of violator <u>Ann Roberts</u>	Customer # <u>21722</u> License/Registration # <u>55-C-0178</u>
Action Requested (Check all that apply)	
<input checked="" type="checkbox"/> There is a current Open Investigation. Case No. <u>NC07037</u> Attached information is submitted as additional information for an open case	
<input type="checkbox"/> No Action	Explanation: <input type="checkbox"/> Violation(s) are not severe enough to necessitate further enforcement action at this time. <input type="checkbox"/> There is evidence that the facility is making credible progress towards full compliance. <input type="checkbox"/> Other
<input type="checkbox"/> LOI on 2 nd Attempted Inspection <input type="checkbox"/> LOI on repeat NCI's <input type="checkbox"/> 7060 <input type="checkbox"/> Investigation to acquire information <input type="checkbox"/> Investigation for a stipulation <input type="checkbox"/> Investigation for administrative prosecution by OGC <input type="checkbox"/> New License Application Denial <input type="checkbox"/> Renewal Application Denial <input type="checkbox"/> License termination	
Carrier Inspection Report with NCIs	
Is there injury, escape, or death involved? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Supporting Information Attached	
Inspection Report Date: Customer # Report # Site #	Inspection Report Date: Customer # Report # Site #
<input type="checkbox"/> There is a complaint. Complaint Number: _____	
<input type="checkbox"/> This is a self reported incident.	
Photos Included (Required for all photographable NCIs) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Explanation: <u>attempted inspection</u>	
Airway bill Included <input type="checkbox"/> Yes <input type="checkbox"/> No Explanation:	
Inspector Name (b)(6), (b)(7)c	Date
12/10/07	
Inspector Comments (include why action is requested): <u>open case info</u>	
Action Requested or SACS Comments <u>open case</u>	SACS Name: <u>Eileen Mlynski</u> Date <u>12-10-07</u>
Action Taken or Office Comments <u>suppl info NC07037</u>	Reviewer Initials: <u>EAH</u> Date <u>1/28/08</u>



United States
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Inspection
Service

Animal Care

920 Main Campus
Drive, Suite 200
Raleigh, NC
27606-5213
Tel. 919-855-7100
Fax: 919-855-7123

Ann Roberts
Robanns Nest
5024 Stephens Lane
Durham, NC 27712

December 19, 2007

Customer No: 21722
Certificate No: 55-C-0178
Renewal Date: 11/28/2007

RE: CERTIFICATE CANCELLATION
FAILURE TO RENEW
CERTIFIED MAIL-RETURN RECEIPT

Dear Sir/Madam:

This is to inform you that, because we did not receive your Animal Welfare Act (AWA) license renewal documents and applicable fees before the stated expiration date, your license has expired and is no longer valid.

If you have allowed your license to lapse and are no longer conducting regulated activities, please be advised that you must undergo the entire licensing process, i.e. apply, pay the appropriate fees and pass a pre-licensing inspection, before being issued another license..

However, if you are currently conducting regulated activities without a valid license, you will be considered in violation of the Animal Welfare Act and subject to legal action.

We appreciate your efforts in complying with the Animal Welfare Act. Contact this office at 919-855-7100 if you have any questions regarding this letter or the Animal Welfare Act.

Sincerely,

Elizabeth Goldentyer, DVM
Regional Director - Animal Care
Eastern Region

cc:

(b)(6), (b)(7)c

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

95-C-0176
ANN ROBERTS
6024 STEPHENS LANE
DURHAM, NC 27712

Canx

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

Loren W. Roberts, III

C. Signature

(b)(6) (b)(7)(c)

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

DEC 26 2007

3. Service Type

- Certified Mail Express Mail
- Registered Return Receipt for Merchandise
- Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number (C

7007 0710 0000 9573 0730

7007 0710 0000 9573 0730

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		

Total 55-C-0178

Sent To ANN ROBERTS
 Street, or P.O. 5024 STEPHENS LANE
 City, St. DURHAM, NC 27712



United States
Department of
Agriculture

Marketing and
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Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Date: 29 October 2007

To: Robert J. Huttenlocker, Director
Investigative and Enforcement Services

From: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

Subject: CASE # NC07037
License # 55-C-0178 (Customer # 21722)
Ann Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

The enclosed investigative report documents violations of the Animal Welfare Act. We request a stipulated penalty be offered.

The size of the business is small.

Ann Roberts has prior history of an APHIS Form 7060 (NC06018) issued on 24 Jul 06.

We have no evidence of good faith.

cc:

(b)(6), (b)(7)c

E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

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Date: 11 September 2007
Case No: NC07037

United States
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920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

SUBJECT: Supplemental Information for an Investigation of Alleged
Violations Regarding the AWA, Regulations and/or Standards

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

RE: (Customer # 21722) Certificate # 55-C-0178
Ann Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

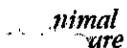
Supportive documents enclosed:

- Enforcement Action Option Worksheet dated 20 Aug 07
- Inspection Report dated 17 Aug 07 with photos

Comments:

The field inspector to contact is (b)(6), (b)(7)c
The SACS to contact is Dr. Ellen Magid (703) 812-6608.

cc: (b)(6), (b)(7)c
E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178



Enforcement Action Option Worksheet

Date of Enforcement Action Request 8/20/07

Name of violator Ann Roberts

Customer # 21722

License/Registration # 55-C-0178

Action Requested (Check all that apply)

There is a current Open Investigation. Case No. NC 07037
Attached information is submitted as additional information for an open case

No Action Explanation:
 Violation(s) are not severe enough to necessitate further enforcement action at this time.
 There is evidence that the facility is making credible progress towards full compliance.
 Other

- LOI on 2nd Attempted Inspection
- LOI on repeat NCI's
- 7060
- Investigation to acquire information
- Investigation for a stipulation
- Investigation for administrative prosecution by OGC
- New License Application Denial
- Renewal Application Denial
- License termination

RECEIVED

AUG 21 2007

BY: _____

Carrier Inspection Report with NCI's

Is there injury, escape, or death involved?
 Yes No

Supporting Information Attached

Inspection Report Date: <u>8/17/07</u> Customer # <u>21722</u> Report # <u>308169</u> Site # <u>23322</u>	Inspection Report Date: Customer # Report # Site #
--	---

There is a complaint. Complaint Number: _____
 This is a self reported incident.

Photos Included (Required for all photographable NCI's)
 Yes No
 Explanation:

Airway bill Included
 Yes No
 Explanation:

Inspector Name: _____ (b)(6), (b)(7)c Date: <u>8/20/07</u>	
Inspector Comments (include why action is requested): <u>Continuing noncompliances. Facility is filthy.</u> (Note: escaped wallaby was recaptured safely)	

Action Requested or SACS Comments: <u>multiple reports - needs investigation as well as animal escape</u>	SACS Name: <u>May 4</u>	Date: <u>7-7-07</u>
---	-------------------------	---------------------

Action Taken or Office Comments: <u>Suppl Info to Investigator</u>	Reviewer Initials: <u>SAF</u>	Date: <u>11 Aug 07</u>
--	-------------------------------	------------------------



Date: __13 July 2007__

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

SUBJECT: Request for Investigation of Alleged Violations
Regarding the AWA, Regulations and/or Standards

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

RE: Customer # 21722
License/Registration No: 55-C-0178
Name: Ann Roberts
Doing Business As: Robanns Nest
Address: 5024 Stephens Lane
Durham, NC 27712

Previous enforcement actions

- 7060 (NC06018) dated 24 Jul 06

Supportive documents enclosed:

- Application for license renewal dated 21 Nov 06 with certificate, 21 Oct 05, and 15 Nov 04
- Enforcement Action Option Worksheet dated 22 Jun 07, 23 Jun 06, 13 Jun 06, 31 Mar 06, and 31 Mar 06
- Aphis Form 7060 (NC06018) dated 24 Jul 06
- LOI dated 24 Apr 06
- Letters from County of Durham Animal Control dated 14 Dec 04 and 14 Dec 04
- Inspection Reports dated 27 Jun 07, 19 Jun 07, 26 Jan 07, 07 Dec 06, 28 Jul 06, 23 Jun 06, 13 Jun 06, 02 Jun 06, 23 Mar 06, 13 Mar 06, 03 Feb 06, 27 Jun 05, 11 Feb 05, and 16 Dec 04

*animal
care*

Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer

Comments:

The field inspector to contact is [REDACTED] (b)(6), (b)(7)c
The SACS to contact is Dr. Ellen Magid (703) 812-6608.

Please notify [REDACTED] (b)(6) (b)(7)(c) of the case number as soon as it is assigned.

cc:

[REDACTED] (b)(6), (b)(7)c

E. Magid, SACS
K. Carter-Corker, ARD
* NC (21722) 551C-0178



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer

Enforcement Action Option Worksheet

Date of Enforcement Action Request 6/22/07

7 2007

Name of violator Ann Roberts

Customer # 21722

License/Registration # 55-C-0178

Action Requested (Check all that apply)

There is a current Open Investigation. Case No. _____
Attached information is submitted as additional information for an open case

No Action Explanation:
 Violation(s) are not severe enough to necessitate further enforcement action at this time.
 There is evidence that the facility is making credible progress towards full compliance.
 Other

- LOI on 2nd Attempted Inspection
- LOI on repeat NCI's
- 7060
- Investigation to acquire information
- Investigation for a stipulation - *possible*
- Investigation for administrative prosecution by OGC
- New License Application Denial
- Renewal Application Denial
- License termination

Carrier Inspection Report with NCI's

Is there injury, escape, or death involved?
 Yes No

Supporting Information Attached

Inspection Report Date: <u>6/19/07</u> Customer # <u>21722</u> Report # <u>308150</u> Site # <u>23322</u>	Inspection Report Date: Customer # Report # Site #
--	---

There is a complaint. Complaint Number: _____
 This is a self reported incident.

Photos Included (Required for all photographable NCI's)
 Yes No
 Explanation: Escape not photographable

Airway bill Included
 Yes No
 Explanation:

Inspector Name: (b)(6), (b)(7)c Date: 6/22/07

Inspector Comments (include why action is requested): Need to get more information to verify how wallaby escaped. Licensee claims Duke electric worker opened gates??? Durham Animal Control has some info regarding sightings of escaped wallaby at horse pasture nearby.

Action Requested or SACS Comments: Agree. Investigation needed - name that individual problem with + SACS Name: M. [unclear] Date: 7/6/07

Action Taken or Office Comments: Request Investigation Reviewer Initials: KCC Date: 7/13/07



24 July 2006

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

CERTIFIED MAIL
RETURN RECEIPT
70010360000063864028
RE: Cust. # 21722
Lic/Reg # 55-C-0178
Warning Notice
APHIS Form 7060

Ann Roberts
Robanns Nest
5024 Stephens Lane
Durham, NC 27712

Dear Ms. Roberts:

The enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations," is being issued to you for alleged violations of the Federal Animal Welfare Act. This notice is being issued at this time as a serious warning that if you fail to comply with the requirements of the Animal Welfare Act in the future, this citation and all past and future documented violations will be used to justify a more severe penalty. The Animal Welfare Act provides for penalties of up to \$3,750 per violation. If you have any questions regarding this citation or the Animal Welfare Act, please contact this office at the above address or phone (919) 855-7100.

Sincerely,

Elizabeth Goldentyer, DVM
Eastern Regional Director
Animal Care

Enclosure

cc: A. Christian, IES
(b)(6), (b)(7)c
E. Magid, SACS
K. Carter-Corker, ARD
NC (21722) 55-C-0178

*Animal
Care*

Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

CASE NO.

NC00018

VIOLATOR

Customer # 21722
Certificate # 55-C-0178
Ann Roberts
Robanns Nest

ADDRESS (Street, City, State, Zip Code)

5024 Stephens Lane
Durham, NC 27712

The Department of Agriculture has evidence that on or about **02 Jun 06 - 23 Jun 06** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

2.126

Have a responsible adult available to accompany APHIS officials during inspection. (Licensee must be available for unannounced inspections during business hours)

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS Official.

APHIS OFFICIAL (Name and Title)

Elizabeth Goldentyer, DVM

Regional Director

SIGNATURE

Handwritten signature of Elizabeth Goldentyer in black ink.

DATE ISSUED

7/24/06

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

OFFICE ADDRESS:

920 Main Campus Dr., Suite 200
Raleigh, NC 27606

TELEPHONE NO. AC (919) 855-7100

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

7001 0360 0000 6386 4028

CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

7001 0360 0000 6386 4028

POSTAL

Postage	\$	Postmark Here
Certified Fee		
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
Total P		

Sent To 55-C-0178
ANN ROBERTS

7060

Street, or PO Box 5024 STEPHENS LANE
City, State DURHAM, NC 27712



United States Department of Agriculture
Animal and Plant Health Inspection Serv.

21722 cust_id
308230 insp_id
23322 site_id

INSPECTION REPORT

**ANN ROBERTS
ROBANN'S NEST**

Customer ID: 21722

Certificate: 55-C-0178

**5024 STEPHENS LANE
DURHAM, NC 27712**

Site: 001

ROBANN'S NEST

Inspection

Type: ATTEMPTED INSPECTION

Date: NOV-30-2007

2.126

ACCESS AND INSPECTION OF RECORDS AND PROPERTY.

A responsible adult shall be made available to accompany APHIS officials during inspection.

***No one was present to allow inspection.

Prepared By:


F BINKLEY, D V M., USDA, APHIS, Animal Care

Date:

NOV-30-2007

Title: VETERINARY MEDICAL OFFICER , Inspector ID: 1020

Received By:

sent by regular mail

Date:

NOV-30-2007

Title:



21722 cust_id
003169 insp_id
23322 site_id

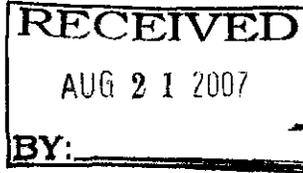
INSPECTION REPORT

**ANN ROBERTS
ROBANN'S NEST**

Customer ID: 21722

Certificate: 55-C-0178

5024 STEPHENS LANE
DURHAM, NC 27712



Site: 001

ROBANN'S NEST

Inspection

Type: ROUTINE INSPECTION

Date: AUG-17-2007

3.28 (a) REPEAT NCI

PRIMARY ENCLOSURES.

Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

***One wooden guinea pig cage housing two guinea pigs had unsealed wood walls and floor edges. Front of wood edge was chewed. Need to ensure that all surfaces of cage are smooth and impervious to moisture. This is a repeat noncompliance.

3.31 (a) REPEAT NCI

3.31 (c)

SANITATION.

Cleaning and sanitation of primary enclosures. (1) Primary enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta or debris: Provided, however, That such enclosures shall be sanitized at least once every 2 weeks in the manner provided in paragraph (a)(4) of this section.

***One wooden guinea pig cage housing 2 guinea pigs had excessive accumulation of feces and old food. Numerous small ants were crawling into and under cage. Need to clean cage more often to prevent accumulation of excreta and debris. This is a repeat noncompliance.

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

***Numerous small ants were observed crawling in and under guinea pig cage and on surrounding floor. Old food and debris were on floor which were attracting ants. Need to keep area clean and provide adequate pest control. Correct by September 1, 2007

3.84 (c) REPEAT NCI

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair in order to protect the nonhuman primates from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents, pests, and vermin. Premises must be kept free of accumulations of trash, junk, waste, and discarded matter.

***The playroom where two macaques are housed is still filthy with old food, debris, and trash scattered about. Some feces are on the carpeted floor and the room has a strong smell of urine. Old food is on the floor around cages which is attracting numerous ants. Other animals (six guinea pigs, 2 ferrets, 2 chinchillas, and a free-roaming parrot.) are also housed in this room, contributing to

Prepared By:

Title:

(b)(6) (b)(7)(c)

Received By:

Ann Roberts

Title: LICENSEE

Date:

AUG-17-2007

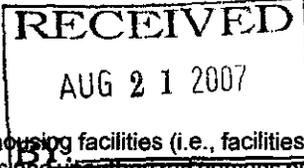
Date:

AUG-17-2007



INSPECTION REPORT

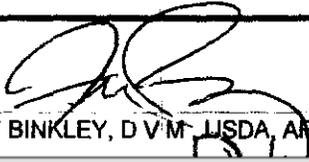
odor and housekeeping problems. While some improvement has been made, the room is still dirty and has strong odors and pest problems. This is a repeat noncompliance.



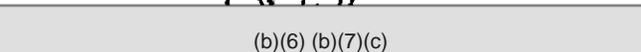
3.127 (d) REPEAT NCI FACILITIES, OUTDOOR.

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.

***There is still a gap under the gate of the perimeter fence. An effort was made to block the gap with chain link gate propped up over the gap, but there is still a small gap where animals could get thru. Need to block gap so that there is no significant opening under fence. This is a repeat noncompliance.

Prepared By: 
F BINKLEY, D V M, USDA, APHIS, Animal Care

Date:
AUG-17-2007

Title: 
Received By: 

(b)(6) (b)(7)(c)

Ann Roberts
Title: LICENSEE

Date:
AUG-17-2007



21722 cust_id
001154 insp_id
23322 site_id

INSPECTION REPORT

**ANN ROBERTS
ROBANNS NEST**

**Customer ID: 21722
Certificate: 55-C-0178**

**5024 STEPHENS LANE
DURHAM, NC 27712**

**Site: 001
ROBANNS NEST**

**Inspection
Type: ATTEMPTED INSPECTION
Date: JUN-27-2007**

2.126

ACCESS AND INSPECTION OF RECORDS AND PROPERTY.

A responsible adult shall be made available to accompany APHIS officials during inspection.

***No responsible adult was available to allow inspection. Licensee's 17 year-old son contacted licensee by phone, but licensee was not available at this time (2:30pm). Licensee's son stated that escaped wallaby had been recaptured this morning.

Prepared By:


F BINKLEY, D V M, USDA, APHIS, Animal Care

Date:

JUN-27-2007

Title: VETERINARY MEDICAL OFFICER , Inspector ID: 1020

Received By:

Sent by regular mail

Date:

JUN-27-2007

Title:



INSPECTION REPORT

**ANN ROBERTS
ROBANNS NEST**

Customer ID: 21722

Certificate: 55-C-0178

**5024 STEPHENS LANE
DURHAM, NC 27712**

Site: 001

ROBANNS NEST

Inspection

Type: ROUTINE INSPECTION

Date: JUN-19-2007

3.28 (a)

PRIMARY ENCLOSURES.

Primary enclosures shall be structurally sound and maintained in good repair to protect the guinea pigs and hamsters from injury. Such enclosures, including their racks, shelving and other accessories, shall be constructed of smooth material substantially impervious to liquids and moisture.

***Cage for two guinea pigs was in disrepair. Wood frame on door was broken and missing and would no longer stay closed. Wood was damaged and was not properly sealed to be impervious to moisture. Need to repair cage and seal all wood so cage can be properly sanitized. Correct by June 25, 2007

3.31 (a)

SANITATION.

Cleaning and sanitation of primary enclosures. (1) Primary enclosures shall be cleaned and sanitized often enough to prevent an accumulation of excreta or debris:

***Cage housing two guinea pigs has excess accumulation of feces on floor and on wooden shelter inside. Need to clean this enclosure more frequently to keep guinea pigs clean and to reduce odors. Correct by June 21, 2007,

3.84 (c)

CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

Housekeeping for premises. Premises where housing facilities are located, including buildings and surrounding grounds, must be kept clean and in good repair in order to protect the nonhuman primates from injury, to facilitate the husbandry practices required in this subpart, and to reduce or eliminate breeding and living areas for rodents, pests, and vermin. Premises must be kept free of accumulations of trash, junk, waste, and discarded matter.

***The playroom where two macaques are housed is filthy with trash, debris and other item scattered about. Some feces are on the carpeted floor and the room has a strong smell of urine. Old food is on the floor; old fruit is present which is attracting numerous flies. Other animals (7 guinea pigs, 2 ferrets, 2 chinchillas and a free-roaming parrot) are also housed in this room contributing to the odor and housekeeping problems. Need to thoroughly clean this room to reduce odor and pest problems. Correct by June 21, 2007.

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 poten

Prepared By:

F BINKLEY, D V M, USDA, APHIS, Animal Care

Date:

JUN-19-2007

Title: VET

Received By:

(b)(6) (b)(7)(c)

Date:

JUN-19-2007

Title: LICENSEE



INSPECTION REPORT JUN 27

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.

***There is a gap under the gate of the perimeter fence large enough for animals to get thru. There is also no padlock on perimeter fence gate (in residential neighborhood). Licensee stated that one wallaby escaped when utility worker opened gates without permission. (Wallaby is still loose.)Need to control access to animal areas and keep all gaps under fence repaired. Correct by June 25, 2007.

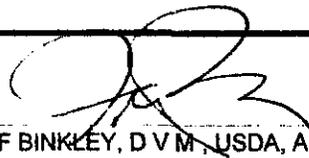
3.131 (c)

SANITATION.

Housekeeping. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.

***There is a torn-up blanket/comforter in the cage with two coatis. They have torn it to bits and the pieces pose a danger if ingested. Need to promptly remove torn up blanket or any other items that could be ingested. Correct by June 20, 2007.

Prepared By:


F BINKLEY, D V M , USDA, APHIS, Animal Care

Date:

JUN-19-2007

Title: VETERINARY MEDICAL OFFICER, Inspector ID: 1030

Received By:


(b)(6) (b)(7)(c)

Date:

JUN-19-2007

Title: LICENSEE



24 July 2006

CERTIFIED MAIL
RETURN RECEIPT
70010360000063864028
RE: Cust. # 21722
Lic/Reg # 55-C-0178
Warning Notice
APHIS Form 7060

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Ann Roberts
Robanns Nest
5024 Stephens Lane
Durham, NC 27712

Dear Ms. Roberts:

The enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations," is being issued to you for alleged violations of the Federal Animal Welfare Act. This notice is being issued at this time as a serious warning that if you fail to comply with the requirements of the Animal Welfare Act in the future, this citation and all past and future documented violations will be used to justify a more severe penalty. The Animal Welfare Act provides for penalties of up to \$3,750 per violation. If you have any questions regarding this citation or the Animal Welfare Act, please contact this office at the above address or phone (919) 855-7100.

Sincerely,

Elizabeth Goldentyer, DVM
Eastern Regional Director
Animal Care

Enclosure

cc: A. Christian, IES

(b)(6), (b)(7)c

E. Magid, SACS

NOT A FOIA DELETION

~~██████████~~, ARD
NC (21722) 55-C-0178



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

An Equal Opportunity Provider and Employer

CASE NO.

NC06018 AC

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

VIOLATOR

Customer # 21722
Certificate # 55-C-0178
Ann Roberts
Robanns Nest

ADDRESS (Street, City, State, Zip Code)

5024 Stephens Lane
Durham, NC 27712

The Department of Agriculture has evidence that on or about **02 Jun 06 - 23 Jun 06** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

2.126

Have a responsible adult available to accompany APHIS officials during inspection. (Licensee must be available for unannounced inspections during business hours)

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS Official.

APHIS OFFICIAL (Name and Title)

Elizabeth Goldentyer, DVM

Regional Director

SIGNATURE

Handwritten signature of Elizabeth Goldentyer in black ink.

DATE ISSUED

7/24/06

OFFICE ADDRESS:

920 Main Campus Dr., Suite 200

Raleigh, NC 27606

TELEPHONE NO. AC (919) 855-7100

FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

7001 0360 0000 6386 4028



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

CERTIFIED MAIL-RETURN
RECEIPT REQUESTED

Ann T. Roberts
DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712

Dear Ms. Roberts:

The Animal and Plant Health Inspection Service (APHIS) enforces regulations in order to protect the health and care of animals, plants, and the agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

The enclosed APHIS Form 7060, "Official Warning, Violation of Federal Regulations", is being issued to you for alleged violations of Federal Regulations, Case Number (NC07037-AC).

This notice is being issued at this time as a serious warning that if you fail to comply with APHIS laws and regulations in the future, this citation and all past and future documented violations will be used to justify a more severe penalty.

If you have questions regarding this citation please contact

(b)(6) (b)(7)(c)

at the address above or

(b)(6) (b)(7)(c)

(b)(6) (b)(7)(c)

Sincerely,

Allison Khroustalev
Chief, Enforcement Operations Branch
Investigative and Enforcement Services

Enclosure

cc: J. Kinsella, IES, ER B. Goldentyer, AC, ER
H. Jordan, IES, Area Manager

(b)(6), (b)(7)(c)

*Magical
Goldentyer
NC (21722)
55-C-0128(c)*

(b)(6) (b)(7)(c)

5/08:i:dcs NC07037-AC Ann T.Roberts ltr.doc

T12 Warning Cover Letter Rev 2 11/9/07



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program
An Equal Opportunity Provider and Employer

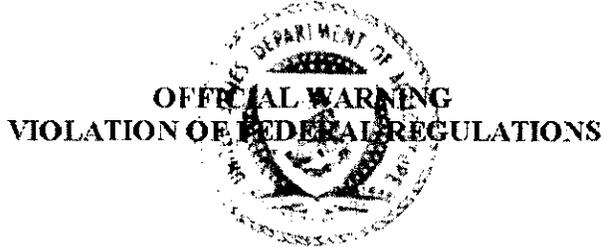
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

CASE NO.
NC07037-AC

VIOLATOR
Ann T. Roberts

ADDRESS (Street, City, State, Zip Code)

**DBA: Robanns Nest
5024 Stephens Lane
Durham, NC 27712**



The Department of Agriculture has evidence that on or about see dates below, you or your organization committed the following violation of Federal Regulations:

<u>DATE</u>	<u>CITATION</u>	<u>DESCRIPTION</u>
	9 CFR	
19-JUNE-07	3.28(a)	Primary enclosures; facility must be structurally sound and maintained in good repair. Cage for two guinea pigs was in disrepair at the time of inspection. Wood was damaged and not properly sealed to be impervious to moisture.
	3.31(a)	Sanitation. Facility and premises shall be cleaned and sanitized often enough to prevent accumulation of excreta or debris. Cage containing two guinea pigs had an excess accumulation of feces at the time of inspection.
	3.84(c)	Cleaning, Sanitization, housekeeping, and pest control. Premise must be kept clean and free of accumulations of trash, junk, waste, and discarded matter. Playroom containing macaques had an accumulation of trash and debris. Food and feces on carpeted floor, unable to be sanitized properly. Room need to be cleaned to reduce strong urine odor and pest problems.

Page 1 of 2

Titles 7 & 9 Code of Federal Regulations were promulgated to help prevent the spread of animal and plant pests and diseases and assure the humane treatment of animals. Since the violations of the regulations can have serious and costly impact detrimental to the public interest, you are warned of this violation. Any further violation of these regulations may result in the assessment of a civil penalty or criminal prosecution. If you have any questions concerning this warning or violation, please contact the listed APHIS official.

APHIS OFFICIAL (Name, Title) Allison Khroustalev Chief, Enforcement Operations Branch Investigative and Enforcement Services		OFFICE ADDRESS: 4700 River Road, Unit 85 Riverdale, MD 20737
SIGNATURE	DATE ISSUED	TELEPHONE NO. (301) 734-5578
FOR PERSONAL SERVICE - RECEIVED BY: (Name and signature)		DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
	3.127(d)	Perimeter fence. There is a gap under the gate of the perimeter fence, and no padlock on gate of perimeter fence. The perimeter 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.
	3.131(c)	Housekeeping, to protect the health of the animals. There was a torn-up blanket/comforter in a cage with two coatimundis. This is a potential danger because of possible ingestion by the animals.
27-JUNE-07	2.126	Access and Inspection. Failed to have a responsible adult available to facilitate inspection of facility and records by APHIS inspectors.
17-AUG-07	3.28(a)	Primary enclosures; facility must be structurally sound and maintained in good repair. Cage for two still has damaged wood that is not properly sealed to be impervious to moisture.
	3.31(a) 3.31(c)	Sanitation. Facility and premises shall be cleaned and sanitized often enough to prevent accumulation of excreta or debris. Cage containing two guinea pigs had an excess accumulation of feces and old food at the time of inspection. Ants were also observed crawling in and under guinea pig cage and surrounding floor area.
	3.84(c)	Cleaning, Sanitization, housekeeping, and pest control. Premise must be kept clean and free of accumulations of trash, junk, waste, and discarded matter. Playroom containing macaques had an accumulation of trash and debris. Food and feces on carpeted floor, unable to be sanitized properly. Room need to be cleaned to reduce strong urine odor and pest problems.
17-AUG-07	3.127(d)	Perimeter fence. There is still a gap under the gate of the perimeter fence, although an attempt was made to block gap with chain link gate propped in that area. The perimeter 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.