



VIA: USPS Certified Mail
Shipping Event: 1st

December 29, 2011

Myron Miller
DBA A and M Kennel
4537 State Route 557
Millersburg, OH 44654

OFFICIAL WARNING

Re: Reference number OH09104 AC

Dear Sir or Madam:

Why You Are Receiving This Letter

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Official Warning. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Official Warning. Although we generally pursue penalties for this type of violation(s), we have decided not to pursue penalties in this instance so long as you comply, in the future, with laws that APHIS enforces.

Consequences Of Continuing Non-Compliance

If you violate laws that APHIS enforces in the future, we may pursue criminal penalties, or we may pursue civil penalties for the violations described in this Official Warning, in addition to any penalties we may pursue for any future violations.

What To Do If You Have Questions

If you have any questions concerning this Official Warning, contact Tyrese Coleman at (301) 734-0888 or call our main office number at (301) 734-8684.

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



CASE NUMBER:
OH09104 AC

VIOLATOR:
Myron Miller
DBA A and M Kennel

ADDRESS (Street, City, State, ZIP Code):
4537 State Route 557
Millersburg, OH 44654

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

Date of Violation: July 6, 2009

9 C.F.R. § 2.126(b) Access and inspection of records and property. (b) The use of a room, table, or other facilities necessary for the 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 make a responsible adult available to allow APHIS officials access to inspect your facility.

Date of Violation: September 30, 2009

9 C.F.R. § 3.3(b) Sheltered housing facilities. (b) Ventilation. The enclosed or sheltered part of sheltered housing facilities for dogs and cats must be sufficiently ventilated when dogs or cats are present to provide for their health and well-being, and to minimize odors, drafts, ammonia levels, and moisture condensation.

You failed to provide sufficient ventilation within the sheltered housing facility to minimize a strong odor of ammonia within the facility.

Date of Violation: September 30, 2009

9 C.F.R. § 3.9(b) Feeding. Self-feeders may be used for the feeding of dry food. If self-feeders are used, they must be kept clean and must be sanitized in accordance with Sec. 3.11(b) of this subpart. Measures must be taken to ensure that there is no molding, deterioration, and caking of feed.

You failed to keep the self-feeders within your facility clean. APHIS officials discovered a thick buildup of organic material on the feeding trays.

Date of Violation: September 30, 2009

9 C.F.R. § 3.11(a) Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

You failed to remove excreta and food waste from under the primary enclosures

as often as necessary to reduce disease hazards. APHIS officials discovered stains, mineral deposits and grime within the primary enclosures.

Date of Violation: November 28, 2011

9 C.F.R. § 2.126(b) Access and inspection of records and property. (b) The use of a room, table, or other facilities necessary for the 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 make a responsible adult available to allow APHIS officials access to inspect your facility.

The Animal and Plant Health Inspection Service (APHIS) created 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 violation(s) described above. Any further violation of these federal regulations may result in the assessment of a civil penalty, criminal prosecution, or other sanctions. If you have any questions concerning this Official Warning or violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):
Robert J. Huttenlocker

OFFICE ADDRESS:
4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):
Director, Investigative and Enforcement Services

DATE ISSUED: 12/29/2011	TELEPHONE NUMBER: (301) 734-8684
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Case Number: OH09104 AC

Sending Option: USPS Certified Mail

Version: Revision

Document Create Date: 12/19/2011

Document Modify Date: 12/28/2011

Issuance Date: 12/29/2011

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and Area Managers:

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CC to Others:

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Production Notes: **[Production Notes]**

T02A Warning Letter (12-11)

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Millersburg, OH 44654