

OFFICIAL WARNING



VIOLATION OF FEDERAL REGULATIONS

CASE NO.

IN11015

VIOLATOR

Customer # 323233
Certificate # 32-C-0224
Vernon Miller
Dutch Creek Farm Animal Park

ADDRESS (Street, City, State, Zip Code)

6255 North 1000 West
Shipshewana, IN 46565

The Department of Agriculture has evidence that on or about **January 5, 2011 - January 31, 2011 - March 15, 2011 - April 29, 2011** you or your organization committed the following violation of Federal Regulations:

9 CFR, SECTION

Failure to

2.126 (b)

- **Have a responsible adult available to accompany APHIS officials during the inspection process, and a room, table or other facilities for examination of records and inspection of property or animals for use by APHIS officials if necessary.**

(On January 5, 2011 a responsible adult was not available to accompany an USDA inspector on inspection.)

3.76 (a)

- **Sufficiently heat and cool indoor housing facilities when necessary to protect nonhuman primates from temperature extremes and to provide for their health and well-being. Ambient temperature in the facility must not fall below 45 °F for more than 4 consecutive hours when nonhuman primates are present, and not rise above 85 °F for more than 4 consecutive hours when nonhuman primates are present. The ambient temperature must be maintained at a level that ensures the health and well-being of the species housed, as directed by the attending veterinarian, in accordance with generally accepted professional and husbandry practices.**

(On January 31, 2011, housing temperatures for two primates fell below 32 °F.**

****On March 15, 2011, housing temperatures for two primates was approximately 36 °F.**

****On April 29, 2011, housing temperatures were monitored since last inspection on March 15, 2011. There were 11 episodes where temperature fell below 45 °F.**

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.

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| APHIS OFFICIAL (Name and Title) C [REDACTED] Deputy Administrator, AC | OFFICE ADDRESS: 4700 River Road, Riverdale, MD 20737 |
| SI [REDACTED] DATE ISSUED JAN 10 2012 | TELEPHONE NO. AC (301) 734-4980 |
| FOR PERSONAL SERVICE RECEIVED BY: (Name and signature) | DATE RECEIVED: |

FOR CERTIFIED MAIL - RECEIPT NO:
7011 1150 0002 0712 1603