

UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



OFFICIAL WARNING
VIOLATION OF FEDERAL REGULATIONS

CASE NO.

NC07001-AC

VIOLATOR

**Diane and Joseph Merzlak
Carolina Specialty Pets, LLC**

ADDRESS (Street, City, State, Zip Code)

**1240 Gracewood Drive
Hendersonville, NC 28739**

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

(SEE ATTACHED PAGES)

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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)

Bernadette Juarez, Deputy Director
Investigative and Enforcement Services

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

SIGNATURE

DATE ISSUED

Bernadette Juarez

8-24-10

TELEPHONE NO.

(301) 734-5578

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

DATE RECEIVED:

FOR CERTIFIED MAIL - RECEIPT NO:

DESCRIPTION/DATE(S)

- 2.1(a)(1)** **Licensing. Requirements and application.** Failed to obtain the required USDA license as required. Operated as an exhibitor without a valid USDA license. **27-SEP-2006**
- 2.40(a)(1)** **Attending Veterinarian and Adequate Veterinary Care.** Failed to employ an attending veterinarian under formal arrangements and provide adequate veterinary care as required. Failed to have a written program of veterinary care. Failed to provide adequate veterinary care for animals as required. **30-MAR-2006; 22-AUG-2006; 26-SEP-2006; 27-SEP-2006; 18-OCT-2006; 20-OCT-2006**
- 2.40(b)(2)** **Attending Veterinarian and Adequate Veterinary Care.** Failed to have an attending Veterinarian to provide adequate veterinary care as required. **22-AUG-2006; 18-OCT-2006; 20-OCT-2006; 24-OCT-2006**
- 2.40(b)(3)** **Attending Veterinarian and Adequate Veterinary Care.** Failed to have an attending Veterinarian to provide adequate veterinary care as required. Daily observations were not being made as required. **27-SEP-2006**
- 2.75(b)(1)** **Records: Dealers and Exhibitors.** Failed to make, keep, and maintain adequate records of acquisition and disposition of animals as required. **30-MAR-2006; 22-AUG-2006; 26-SEP-2006; 27-SEP-2007**
- 2.8** **Notification of change of name, address, control, or ownership of business.** Failed to notify USDA of move to 147 1st Avenue, Hendersonville, North Carolina, as required. **01-JUN-2006; 27-SEP-2006; 18-OCT-2006; 20-OCT-2006; 24-OCT-2006**
- 2.131(b)(1)** **Handling of Animals.** Failed to handle all animals as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort. **27-SEP-2006; 18-OCT-2006; 20-OCT-2006**
- 2.313(c)(1)** **Handling of Animals.** Failed to maintain proper barriers between the animals and the public to ensure safety of the animals and the public. **30-MAR-2006; 22-AUG-2006; 26-SEP-2006; 27-SEP-2006**
- 3.26(b)** **Facilities, indoor.** Failed to provide adequate ventilation in indoor housing facilities for guinea pigs. **30-MAR-2006**
- 3.50(a)** **Facilities, general. Structural strength.** Failed to provide indoor and outdoor housing facilities for rabbits that are structurally sound and maintained in good repair to protect, contain, and restrict entrance of other animals as required. **27-SEP-2006; 20-OCT-2006**
- 3.51(b)** **Facilities, indoor.** Failed to provide adequate ventilation in indoor housing facilities for rabbits. **30-MAR-2006; 22-AUG-2006; 27-SEP-2006; 18-OCT-2006**
- 3.53(c)** **Primary Enclosures.** Failed to provide adequate space for rabbits. **22-AUG-2006**

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- 3.56(a)(1) **Sanitation. Cleaning of primary enclosures.** Failed to adequately clean primary enclosures for rabbits as required. **20-OCT-2006**
- 3.55 **Watering.** Failed to provide sufficient potable water daily as required. **18-OCT-2006**
- 3.75(e) **Housing facilities, general. Storage.** Failed to properly store food and bedding supplies in a manner that protect from contamination and vermin infestation. **20-OCT-2006**
- 3.76(c) **Indoor housing facilities. Lighting.** Failed to provide adequate lighting for non human primates as required. **20-OCT-2006**
- 3.81 **Environment enhancement to promote psychological well-being.** Failed to provide adequate psychological enhancement for non human primate and develop a plan that was in accordance with currently acceptable professional standards as required. **27-SEP-2006; 18-OCT-2006; 20-OCT-2006**
- 3.82(a) **Feeding.** Failed to provide the appropriate diet for non human primates. **18-OCT-2006**
- 3.125(a) **Facilities, General.** Failed to provide enclosures of sufficient structural strength to contain animals and prevent harm to the animals housed within. **30-MAR-2006; 22-AUG-2006; 26-SEP-2006; 27-SEP-2006; 18-OCT-2006; 20-OCT-2006**
- 3.126(b) **Facilities, indoor. Ventilation.** Failed to provide adequate ventilation by either natural or mechanical means to prevent the discomfort of the animals as required. **27-SEP-2006; 20-OCT-2006**
- 3.126(c) **Facilities, indoor. Lighting.** Failed to provide adequate lighting as required. **20-OCT-2006**
- 3.128(a) **Space requirements.** Failed to provide enclosures constructed and maintained as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement as required. **27-SEP-2009; 20-OCT-2006**
- 3.129 **Feeding.** Failed to provide food to animals that was of sufficient quantity and nutritive value to maintain animals in good health. **30-MAR-2006; 26-SEP-2006; 27-SEP-2006; 20-OCT-2006**
- 3.130 **Watering.** Failed to provide clean potable water to a pig and a goat. **30-MAR-2006; 22-AUG-2006; 26-SEP-2006; 27-SEP-2006; 18-OCT-2006;**
- 3.131(a) **Sanitation. Cleaning of enclosures.** Failed to clean primary enclosures as often as necessary to prevent contamination, minimize disease hazards, and to reduce odors as required. **26-SEP-2006; 27-SEP-2006; 20-OCT-2006**
- 3.131(c) **Sanitation. Housekeeping.** Failed to keep premises (building and grounds) clean and in good repair as required. **18-OCT-2006; 20-OCT-2006; 24-OCT-2006**

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- 3.131(d)** **Sanitation. Pest control.** Failed to establish and maintain a safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests as required. **18-OCT-2006; 20-OCT-2006; 24-OCT-2006**
- 3.132** **Employees.** Failed to have a sufficient number of adequately trained employees to maintain a professionally acceptable level of husbandry practices. **20-OCT-2006**
- 3.133** **Separation.** Failed to separate animals housed in the same primary enclosure that were not compatible as required. **18-OCT-2006**
- 18 USC 1001(a)(1)** **Statements or entries generally.** Provided false statements to APHIS officials. **2-OCT-2006; 4-OCT-2006**
- 18 USC 1519** **Destruction, alteration, or falsification of records in a Federal investigation and bankruptcy.** Knowingly provided false and/or altered records and statements to APHIS officials. **31-AUG-2006; 2-OCT-2006; 4-OCT-2006**