



VIA: USPS Certified Mail  
Shipping Event: 1st

April 12, 2012

Daniel and Bertha Peachey  
24684 Coates Road  
Maysville, AR 72747

## **OFFICIAL WARNING**

Re: Reference number AR11014 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) 851-2758 or call our main office number at (301) 851-2948.

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE



**OFFICIAL WARNING**  
**VIOLATION OF FEDERAL REGULATIONS**

CASE NUMBER:  
AR11014 AC

VIOLATOR:  
Daniel and Bertha Peachey

ADDRESS (Street, City, State, ZIP Code):  
24684 Coates Road  
Maysville, AR 72747

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: November 4, 2010**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors). You failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries for the animals at your facility.

You failed to provide adequate veterinary care for the following animals:

- 1) A male chocolate Labrador retriever with a golf ball sized mass on the right side of his prepuce with approximately a half inch scabbed over area on the ventral portion of the mass and
- 2) A white male dog with a draining lesion on the right side next to his shoulder.

**Date of Violation: November 4, 2010**

**9 C.F.R. § 3.1(a)** Housing facilities, general. (a) Structure; construction. You failed to design and construct the housing facilities for dogs so that they were structurally sound. Additionally, you failed to keep the housing facilities in good repair and ensure that they protected the animals from injury, contained the animals securely, and restricted other animals from entering.

You failed to repair and/or replace six enclosures that were not structurally sound. APHIS officials observed the fence-type enclosures bowing when the animals leaned against them. Additionally, there were areas where the fencing was not attached to the support posts. APHIS officials observed one enclosure housing two animals that did not contain the animals securely and one dog entering and exiting the enclosure through a hole in the wire fencing.

**Date of Violation: November 4, 2010**

**9 C.F.R. § 3.6(a)(2)** Primary enclosures. (a) General requirements. You failed to construct and maintain the animal primary enclosures so that they have no sharp points or edges that could injure the dogs. Additionally, you failed to ensure that, if the primary enclosure contains a suspended floor, it is constructed of metal strands that are either greater than one eights of an inch in diameter or coated with a material such as plastic or fiberglass and strong enough so that the floor does not sag or bend between the structural supports.

You failed to remove several sharp points in the interior of at least four enclosures housing seven animals. Additionally, you failed to repair missing wire coating on the floor of at least four enclosures housing eight animals.

**Date of Violation: November 4, 2010**

**9 C.F.R. § 3.10** Watering. You failed to offer potable water is not continually available to the dogs as often as necessary to ensure their health and well-being and keep the water receptacles clean and sanitized.

You failed to keep two water receptacles in the outdoor enclosures clean. You failed to replace water in one receptacle with a green discoloration and one receptacle with a brown discoloration on the surface of the container.

**Date of Violation: November 4, 2010**

**9 C.F.R. § 3.11(a)** Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures. You failed to remove excreta and food waste 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 contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

You allowed more than one day of feces to accumulate in three enclosures that housed four adult animals and at least ten puppies. APHIS officials observed the animals having to step around the feces to move about the enclosure.

**Date of Violation: March 4, 2011**

**9 C.F.R. § 3.1(a)** Housing facilities, general. (a) Structure; construction. You failed to design and construct the housing facilities for dogs so that they were structurally sound. Additionally, you failed to keep the housing facilities in good repair and ensure that they protected the animals from injury, contained the animals securely, and restricted other animals from entering.

You housed five animals in at least three enclosures that were not in good repair. You failed to repair and/or replace a torn plastic wind break on one shelter, a loose portion of a wooden wind break on another shelter, and chewed and ragged wood attached to the front of another shelter.

**Date of Violation: March 4, 2011**

**9 C.F.R. § 3.6(a)(2)** Primary enclosures. (a) General requirements. You failed to construct and maintain the animal primary enclosures so that they have no sharp points or edges that could injure the dogs.

You failed to repair and/or remove sharp points on the interior of at least two enclosures.

**Date of Violation: March 4, 2011**

**9 C.F.R. § 3.10** Watering. You failed to offer potable water is not continually available to the dogs as often as necessary to ensure their health and well-being and keep the water receptacles clean and sanitized.

You failed to keep several water receptacles clean and sanitized.

**Date of Violation: March 4, 2011**

**9 C.F.R. § 3.11(a)** Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures. You failed to remove excreta and food waste 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 contained in the primary enclosures, and to reduce disease hazards, insects, pests and odors.

You allowed more than one day of feces to accumulate in primary enclosures. APHIS officials observed the animals having to step around the feces to move about the enclosure.

**Date of Violation: August 22, 2011**

**9 C.F.R. § 2.40(b)(2)** Attending veterinarian and adequate veterinary care (dealers and exhibitors). You failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries for the animals at your facility.

You failed to provide adequate veterinary care for an adult male bichon with heavily matted fur on his ears, legs, feet, back, and chest.

**Date of Violation: August 22, 2011**

**9 C.F.R. § 3.1(a)** Housing facilities, general. (a) Structure; construction. You failed to design and construct the housing facilities for dogs so that they were structurally sound. Additionally, you failed to keep the housing facilities in good repair and ensure that they protected the animals from injury, contained the animals securely, and restricted other animals from entering.

You housed eight animals in five enclosures that were not in good repair. You failed to repair and/or replace torn plastic wind breaks on two shelters and the chewed and ragged fencing on two plastic panels attached to the enclosures. Additionally, you failed to remove rusted and broken horizontal support posts at the bottom of two enclosures.

**Date of Violation: August 22, 2011**

**9 C.F.R. § 3.4(b)(3)** Outdoor housing facilities(b) Shelter from the elements. You failed to provide a wind break and rain break at the entrance of the shelters for the outdoor facilities.

You failed to provide adequate wind breaks and rain breaks on the shelters in the three enclosures that housed six animals. You failed to repair and/or replace rain and wind breaks on two shelters that were hung haphazardly and did not cover the entrance to the shelter and two shelters did not have barriers at all.

**Date of Violation: December 13, 2011**

**9 C.F.R. § 3.1(a)** Housing facilities, general. (a) Structure; construction. You failed to design and construct the housing facilities for dogs so that they were structurally sound. Additionally, you failed to keep the housing facilities in good repair and ensure that they protected the animals from injury, contained the animals securely, and restricted other animals from entering.

You housed six animals in at least three enclosures with structures that were not in good repair. You failed to repair and/or replace broken horizontal support post in two enclosures and allowed the horizontal post in another enclosure to become so rusty that the enclosure wiring was not attached to the support post.

**Date of Violation: December 13, 2011**

**9 C.F.R. § 3.4(c)** Outdoor housing facilities. (c) Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture.

You failed to ensure that the surfaces in which the animals come in contact were impervious to moisture in three enclosures housing three animals. You used wood to form a barrier on the shelters that was not sealed or painted in one enclosure. Additionally, you failed to construct wind breaks out of materials that were impervious to moisture for two enclosures.

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

<b>DATE ISSUED:</b> 4/12/2012	<b>TELEPHONE NUMBER:</b> (301) 851-2948
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