



United States Department of Agriculture

Animal and Plant Health
Inspection Service

Marketing and
Regulatory Programs
Business Services

Investigative and
Enforcement Services

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VIA: USPS Certified Mail. Shipping: 1st

May 9, 2018

(b) (6), (b) (7)(C)

[REDACTED]

[REDACTED]

[REDACTED]

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

Re: Reference number (b) (6), (b) (7)(C)

Dear Sir or Madam:

We believe that you failed to comply with the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), and its implementing regulations, as described in the attached Official Warning. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and regulations 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 pursue civil penalties of up to \$10,000, or other sanctions, for each alleged violation described in this Official Warning. Although we have authority to pursue penalties for this type of alleged violation(s), we have decided not to pursue penalties in this instance so long as you comply, in the future, with the AWA and regulations.

What happens if I do not comply in the future? If you fail to comply in the future, we may pursue criminal penalties, or we may pursue civil penalties for the alleged violations described in this Official Warning, in addition to any penalties we may pursue for any future violations.

What should I do if I have questions? If you have any questions concerning this Official Warning, contact Jennifer Jones at (301) 851-2780 or call our main office at (301) 851-2948.

I am a small business owner and have comments or concerns regarding APHIS's enforcement of animal and plant health laws. Who should I contact? If you have comments about APHIS's enforcement of animal and plant health laws, please contact me, Steven M. Bennett, the APHIS Small Business Ombudsperson, at (301) 851-2948. If you prefer to comment to someone outside APHIS, contact the Small Business Regulatory Enforcement Ombudsperson at <http://sba.gov/ombudsman>, email ombudsman@sba.gov, or 1-888-REG-FAIR. The Ombudsperson's office receives comments and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small businesses.

Sincerely,

Steven M. Bennett, Director
Investigative and Enforcement Services



UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

USDA

**OFFICIAL WARNING
NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:

(b) (6), (b) (7)(C)

ALLEGED VIOLATOR:

(b) (6), (b) (7)(C)

ADDRESS (City, State, ZIP Code):

(b) (6), (b) (7)(C)

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

Date of Alleged Violation: February 23, 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to seek and provide adequate veterinary care to five animals, including, (1) an English bulldog named (b) (6), (b) (7)(C) that remained thin, with visible vertebrae and hip bones, despite receiving a supplemental diet and a partial course of deworming medication; (2) a Weimaraner named (b) (6), (b) (7)(C) with a red, swollen bite wound on her left hind leg that had not improved after a week; (3) a four-month-old Weimaraner named (b) (6), (b) (7)(C) that suffered from an intermittent, dry cough; (4) an unnamed male (b) (6), (b) (7)(C) that sat with his legs extended and had difficulty lifting the front portion of his body off of the ground while attempting to jump; and (5) an unnamed Norwich Terrier with excessively long nails that caused its digits to twist to the side.

Additionally, you failed to use the method written and demonstrated by your Attending Veterinarian to docked puppy tails. Instead, you twisted the tails off and applied blood clotter.



Date of Alleged Violation: June 29, 2016

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care (dealers and exhibitors).

Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

You failed to seek and provide veterinary care for an unnamed female Neapolitan Mastiff ((b) (6), (b) (7)(C)) that had thick, gray discharge and swollen skin around each eye and thinning hair on her neck. Four other dogs, including an unnamed female Mastiff ((b) (6), (b) (7)(C)), a female French bulldog named ((b) (6), (b) (7)(C)), a five-month-old female English bulldog named ((b) (6), (b) (7)(C)), and a female English bulldog named ((b) (6), (b) (7)(C)) each had undiagnosed skin conditions with areas of hair loss.

The Animal and Plant Health Inspection Service (APHIS) published 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 alleged violation(s) described above. This Official Warning is not to be construed as a final agency action, or as an adjudicated finding of a violation. If APHIS obtains evidence of any future violation of these federal regulations, APHIS may pursue civil penalties, criminal prosecution, or other sanctions for this alleged violation(s) and for any future violation(s). If you have any questions concerning this Official Warning or alleged violation(s), please contact the APHIS official listed in this notice.

APHIS OFFICIAL (Name):

Steven M. Bennett

OFFICE ADDRESS:

4700 River Road, Unit 85
Riverdale, MD 20737

APHIS OFFICIAL (Title):

Director, Investigative and Enforcement Services

DATE ISSUED:

5/9/2018

TELEPHONE

NUMBER:

(301) 851-2948