



Animal and Plant
Health Inspection
Service

Marketing and
Regulatory Programs
Business Services

Investigative and
Enforcement Services

Headquarters:
4700 River Road
Unit 85
Riverdale, MD 20737
Voice 301.851.2948
Fax 301.734.4328

Eastern Region:
920 Main Campus Drive
Suite 200
Raleigh, NC 27606
Voice 919.855.7080
Fax 919.855.7090

Western Region:
2150 Centre Avenue
Building B-3W10
Fort Collins, CO 80526
Voice 970.494.7485
Fax 970.494.7487

VIA: USPS Certified Mail
Shipping Event: 1st

February 26, 2018

University of California, Davis
One Shields Avenue
345 Briggs Hall, 3rd Floor
Davis, CA 95616

SETTLEMENT AGREEMENT

Dear Sir or Madam:

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. 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 alleged violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What are the terms of the Settlement Agreement?

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

If you agree to waive your right to a hearing and pay the penalty, then do the following:

- Pay the amount due, \$5,000, by **March 26, 2018**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.
- If you are unable to pay the full amount due by **March 26, 2018**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **March 26, 2018**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.



What are my other options?

If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **March 26, 2018**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

What happens if I fail to respond?

If we do not receive a payment or hearing request from you by **March 26, 2018**, we will forward this matter to our Office of the General Counsel for litigation.

What should I do if I need help?

If you have any questions concerning this letter, contact Kelly Ferrell at (301) 851-2755, 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?

APHIS always welcomes comments on how it can better assist small businesses. 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 would prefer to comment to someone outside APHIS, you may contact the Small Business Regulatory Enforcement Ombudsperson at <http://sba.gov/ombudsman>, email ombudsman@sba.gov, or toll free at 1-888-REG-FAIR. The Ombudsperson's office receives comments from small businesses and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small businesses.

Sincerely,

A handwritten signature in black ink, appearing to read "S.M. Bennett".

Steven M. Bennett, Director
Investigative and Enforcement Services



University of California, Davis
One Shields Avenue
345 Briggs Hall, 3rd Floor
Davis, CA 95616

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Alleged Violation: July 19, 2016

9 C.F.R. § 2.31(c)(7) Institutional Animal Care and Use Committee (IACUC). IACUC functions. With respect to activities involving animals, the IACUC, as an agent of the research facility, shall review and approve, require modifications in (to secure approval), or withhold approval of proposed significant changes regarding the care and use of animals in ongoing activities.

You made significant changes in the care and use of animals in ongoing activities prior to approval from the IACUC. Significant changes were made to protocol 18187 in that rabbits were not being tranquilized with acepromazine prior to anesthetic induction with ketamine. According to rabbit anesthesia records and verbal confirmation by the facility staff, rabbits were not being tranquilized with acepromazine prior to induction and xylazine was added to the ketamine for anesthetic induction.

Date of Violation: July 19, 2016

9 C.F.R. § 2.33(b)(2) Attending veterinarian and adequate veterinary care. Each research facility 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 provide adequate veterinary care. A rabbit undergoing surgery (Protocol 18187) dies while under anesthesia when a pop up valve was inadvertently left in a closed position.

The penalty for the alleged violation(s) described above is \$5,000.



United States Department of Agriculture

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VIA: USPS Certified Mail. Shipping: 1st

(b) (6), 2018

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

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 Kelly Ferrell at (301) 851-2755 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: (b) (6), (b) (7) 2016

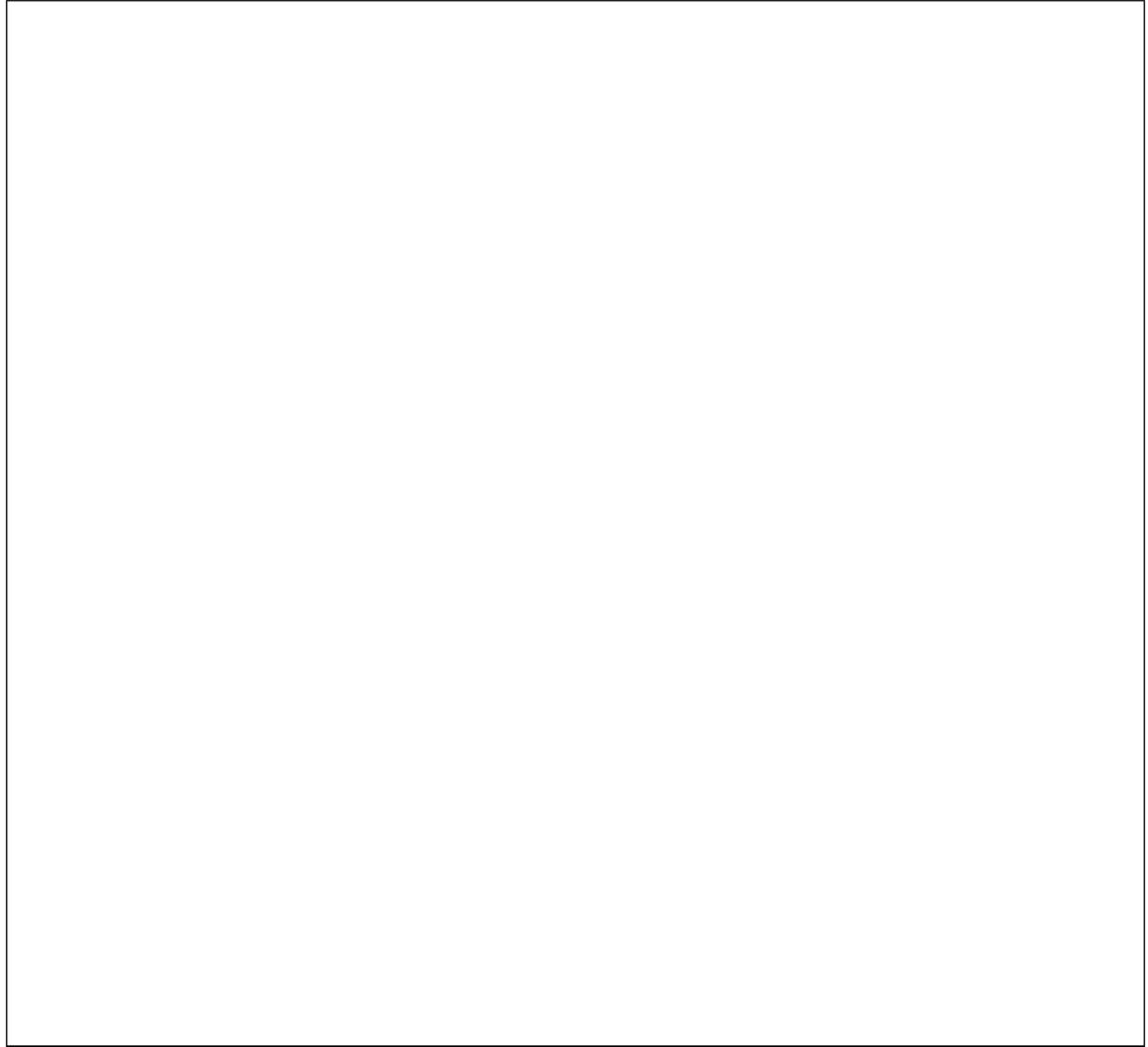
9 C.F.R. § 2.1 Requirements and application. Any person operating or intending to operate as a dealer, exhibitor, or operator of an auction sale, except persons who are exempted from the licensing requirements under paragraph (a)(3) of this section, must have a valid license. A person must be 18 years of age or older to obtain a license. A person seeking a license shall apply on a form which will be furnished by the AC Regional Director in the State in which that person operates or intends to operate. The applicant shall provide the information requested on the application form, including a valid mailing address through which the licensee or applicant can be reached at all times, and a valid premises address where animals, animal facilities, equipment, and records may be inspected for compliance. The applicant shall file the completed application form with the AC Regional Director.

You failed to obtain a USDA license before conducting regulated activity. On (b) (6), 2016 you sold to camels to a USDA licensee, (b) (6), (b) (7)(C).

Date of Alleged Violation: (b) (6), (b) (7)(C) 2016

9 C.F.R. § 2.4 Non-interference with APHIS officials. A licensee or applicant for an initial license shall not interfere with, threaten, abuse (including verbally abuse), or harass any APHIS official in the course of carrying out his or her duties.

You failed to provide accurate and forthcoming statements concerning business practices. APHIS officials observed an APHIS Form 7020 detailing the sale of two camels. When asked, you stated that the paperwork was an error when it was confirmed to be a sale.





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:

(b) (6) 2018
(6)

**TELEPHONE
NUMBER:**

(301) 851-2948

APHIS FORM 7060

Previous editions may be used

Rev. 9-13-16



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Steven M. Bennett, Director
Investigative and Enforcement Services



<p>UNITED STATES DEPARTMENT OF AGRICULTURE ANIMAL AND PLANT HEALTH INSPECTION SERVICE</p> <p>USDA</p> <p>OFFICIAL WARNING</p> <p>NOTICE OF ALLEGED VIOLATION</p>	CASE NUMBER: (b) (6), (b) (7)(C)
	ALLEGED VIOLATOR: (b) (6), (b) (7)(C)
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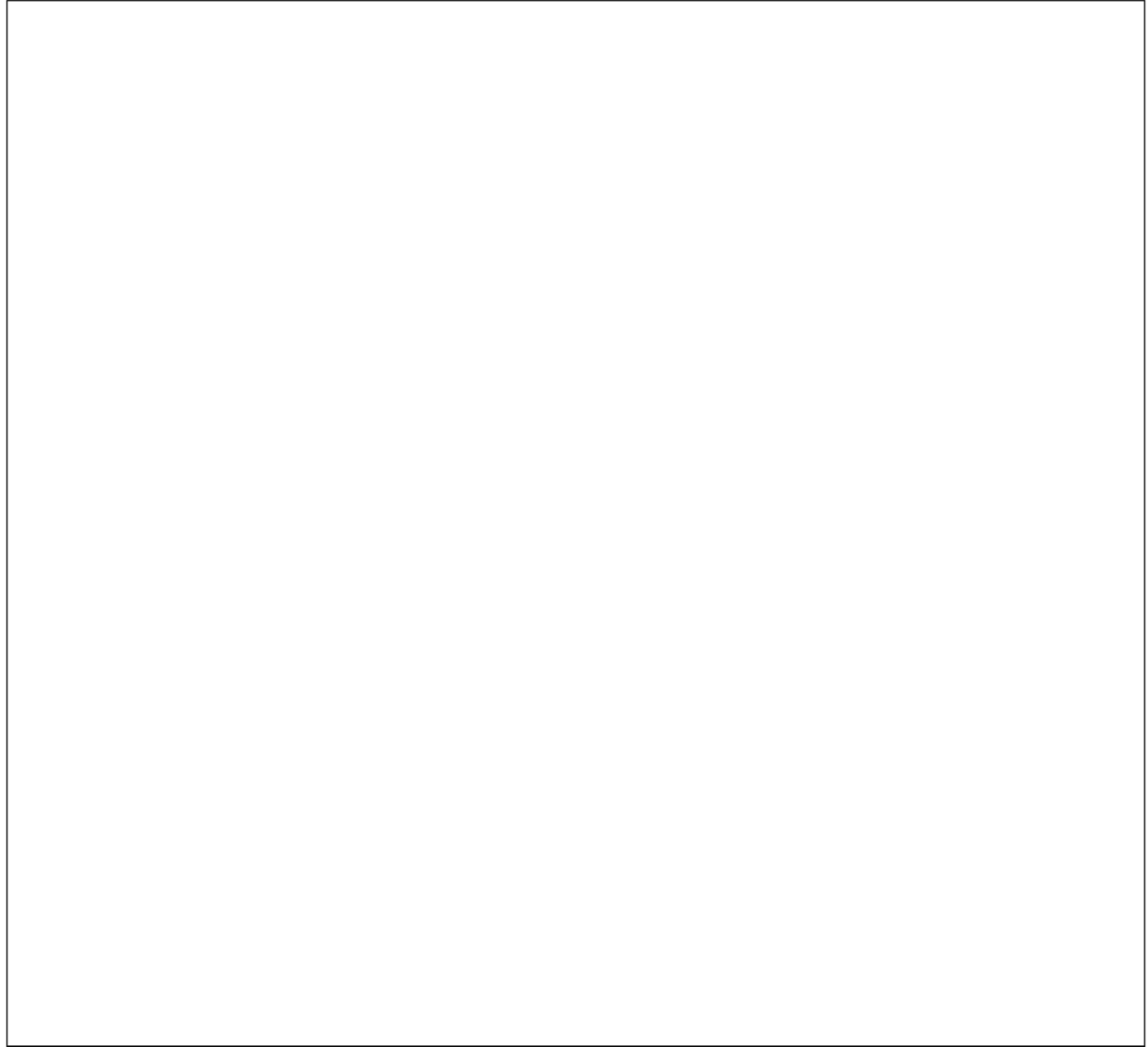
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