



**OFFICIAL WARNING  
NOTICE OF ALLEGED VIOLATION**

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**CASE NUMBER:**

**VIOLATOR**

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

**ADDRESS (City, State):**

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

The Animal and Plant Health Inspection Service (APHIS) has evidence that on or about [REDACTED] 2017 and [REDACTED] 2017, you failed to comply with the regulations issued under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (AWA), as documented in the attached inspection report(s).

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 animals and the public interest, APHIS is providing you with this Official Warning. This Official Warning is not to be construed as a final agency action or an adjudicated finding of a violation. If APHIS obtains evidence of any violation of these Federal regulations in the future, APHIS may pursue civil penalties and other sanctions for these alleged violations and for any future violations. If you have any questions concerning this Official Warning, please contact the APHIS office telephone number listed in this notice.

<b>APHIS OFFICIAL (Name):</b> Gerald Rushin	<b>OFFICE ADDRESS:</b> 4700 River Road Riverdale, MD 30737	
<b>APHIS OFFICIAL (TITLE):</b> Assistant Deputy Administrator Animal Care	<b>DATE ISSUED:</b>	<b>TELEPHONE NO:</b>
	August 28, 2017	(970) 494-7478
<b>CERTIFIED MAIL RECEIPT NO.</b>		
(b) (6), (b) (7)(C)		



## Inspection Report

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

Customer ID: (b) (6), (b) (7)(C)

Certificate:

Site: 001

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

Type: ROUTINE INSPECTION

Date: (b) (6), (b) (7)(C) 2017

2.40(b)(2)

REPEAT

### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\* A two year old, white male, Poodle named Pouch, no identification. Had matted hair that is dense and roping on the back of the dog.

\*\* A three year old, white and tan, Shih Tzu named Duke, no identification. Had matted hair on the face, around the eyes and a large dense mass of hair on the tail of the dog.

\*\* A five year old, white, Maltese named Billy Bob, no identification. Had matted hair on the face and a large hair mass covering thirty percent of the hind end of the dog with feces caught in the hair mats. The canine and cheek teeth have a buildup of tarter on the teeth that is encasing the teeth and the gums are red and swollen.

\*\* A eleven year old, male, black and tan, Yorkshire terrier named Sammie, no identification. Had hair matting on the back and feet. The canine and cheek teeth have a buildup of tarter on the teeth that is encasing the teeth and the gums are red and swollen.

\*\* A one year old, black and tan Yorkshire terrier, named Adam, micro-chip # (b) (6), (b) (7)(C). Had matted hair on the back of the dog with dirt and debris caught in the mats.

Hair matting can be painful, affect the dogs locomotion and range of motion, harbor moisture, dirt, debris and bodily fluids, cause skin irritation and contribute to other health problems. Heavily matted hair coats does not allow for normal thermoregulation, which can contribute to heat stress. The licensee must remove the hair mats and maintain the hair coats to contribute to the health and well-being of the animals.

A buildup of matter on the teeth and red swollen gums can be a sign of dental disease. Dental disease can be painful, cause tooth loss and contribute to other health problems. The licensee and a veterinarian must establish a written dental plan to ensure that all the dogs are receiving proper dental care and prevention. The two dogs listed

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#### Prepared By:

LIES JOHN, A C I USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

#### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000015



## Inspection Report

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must be evaluated by a veterinarian to determine if treatment is needed.

### 2.50(a)(1) REPEAT

#### TIME AND METHOD OF IDENTIFICATION.

\*\* Four adult dogs inspected did not have proper identification. The licensee is using micro-chips to identify the adult dogs and three dogs did not have micro-chip identification or other approved form of identification. All dogs in the facility must be properly identified to aid the USDA in tracking the animals if needed. Proper identification is also necessary to maintain accurate records. The owner must ensure that all dogs in the facility are properly identified.

### 2.50(a)(2) REPEAT

#### TIME AND METHOD OF IDENTIFICATION.

\*\* Fifteen puppies did not have proper identification. The owner is using eraser boards to identify the puppies. Cage cards can be used but they have to be kept for one year after the animals has left the facility. The cage cards must have the letters USDA, the licensee's certificate number, the puppies individual identification number, the date of birth, sex, breed, brief description and when the puppies are sold or die. Maintaining accurate litter records can aid you and your attending veterinarian in evaluating the health of the breeding program. The cage cards must be maintained for one year after the animal has left the facility. All animals in the facility must be properly identified to aid the USDA in the proper tracking of the animals.

This inspection and exit briefing conducted with the owner.

End of report.

#### Additional Inspectors

Baker Jeffrey, Veterinary Medical Officer

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#### Prepared By:

LIES JOHN, A C I      USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

#### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000016



United States Department of Agriculture  
Animal and Plant Health Inspection Service

Customer:

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

Inspection Date:

(b) (6), (b) (7)(C) 17

## Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
(b) (6), (b) (7)(C)		001	(b) (6), (b) (7)(C) [REDACTED]	(b) (6), (b) (7)(C) 17

Count	Species
000015	DOG PUPPY
000054	DOG ADULT
<b>000069</b>	<b>Total</b>



## Inspection Report

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

Customer ID: (b) (6), (b) (7)(C)

Certificate:

Site: 001  
(b) (6), (b) (7)(C)

Type: ROUTINE INSPECTION

Date: (b) (6), (b) (7)(C) 2017

2.40(b)(2) DIRECT

### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\* A twelve year old, Male, Maltese, micro-chip (b) (6), (b) (7)(C). Had a buildup of brown and yellowish matter on the canine and cheek teeth to the point that it is encasing the teeth. The hair coat was heavily matted covering at least forty percent of the hair coat, the mats around the lower legs were stained yellow with matter stuck in the mats, hair mats around the hind end had feces caught in the mats. Both ears had a large amount of dark matter in the canal to the point that it was blocking the ear canal. The toenails need to be trimmed and maintained the nails on the right front were beginning to curl to the side, this can be painful and cause locomotion problems. Long toenails can also cause the abnormal position of the digits. The dog also had labored breathing the owner stated that the dog had a heart condition and has been evaluated by the attending veterinarian, but the owner did not have documentation from the veterinarian.

\*\* A three year old, female, black and white Shih Tzu, no identification. Was heavily matted around the eyes and ears, to the point that the hair is roping, the mats were moist and contained dirt and other matter. The right eye was cloudy, had a rough, dry appearance and redness in the white of the eye.

\*\* A twelve year old, male, tan Shih Tzu, micro-chip (b) (6), (b) (7)(C). Was heavily matted around the hind quarter and the face and front legs. The mats around the face were roping and covered in saliva and drainage from the eyes. Both eyes were crusted shut with green colored discharge in around the eyes, the eyes were difficult to visualize.

\*\* A fourteen year old, female, white Poodle, micro-chip (b) (6), (b) (7)(C). Had a cloudy right eye with redness in the white of the eye. Matting of the hair on the hind quarter and ears, the hair mats on the hind end had feces caught in the mats. The teeth had a brown buildup on the teeth that is starting to encase the teeth and red swollen gums.

\*\* A one year old, female, white and tan Chihuahua, no identification. Both eyes were cloudy and had redness in the white of the eyes.

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### Prepared By:

LIES JOHN, A C I USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000044



United States Department of Agriculture  
Animal and Plant Health Inspection Service

**Inspection Report**

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\*\* A thirteen year old, male, black and tan Yorkshire terrier, micro-chip (b) (6), (b) (7)(C). The hair coat was heavily matted on at least 60 percent of the body. The hair mats on the back were dense and roping, the hair mats on the face were roping and the hair mats on the hind end had feces caught in the mats. The dog was observed rubbing its body and face against the sides of the enclosure. Both eyes were cloudy. The teeth had a brown buildup on the canine and cheek teeth that is encasing the teeth and the gums were red and swollen.

\*\* A twelve year old, female, white Poodle, micro-chip (b) (6), (b) (7)(C). Had a cloudy left eye and the canine and cheek teeth have a buildup of brown matter that is encasing the teeth and the gums were red and swollen.

\*\* A six year old, female, black and tan Yorkshire terrier, micro-chip (b) (6), (b) (7)(C). Had heavy hair matting on at least 60 percent of its body the mats were dense and roping. The canine and cheek teeth have a buildup of brown matter that is encasing the teeth and the gums were red and swollen.

\*\* A twelve year old, male, black and white Shih Tzu, micro-chip (b) (6), (b) (7)(C). Had hair matting around the eyes, with red irritated skin between the eyes. Both eyes were crusted shut with a greenish discharge, the right eye had redness in the white of the eye and the left eye could not be visualized. The canine and cheek teeth have a buildup of brown matter that is encasing the teeth and the gums were red and swollen.

The dogs listed above are Direct veterinary care non-compliant. The dogs must be evaluated by a veterinarian and all recommendations and treatment must be started and documented by no later than 12:00 P.M. on 05/18/2017. All Direct veterinary care non-compliances were evaluated and treated by a veterinarian by the time of exit.

The exit briefing was verbally communicated to the licensee at 5:00 P.M. on (b) (6), (b) (7)(C) 2017.

The following veterinary care non-compliant items are indirect.

\*\* A male, white poodle, micro-chip (b) (6), (b) (7)(C). Had matting of the hair on the face with a large mat under the right eye that is stained dark brown and feces caught in the hair around the hind end. The canine teeth have a buildup of brown matter that is starting to encase the teeth and the gums were red and swollen.

\*\* A fourteen year old, tan Poodle, no identification. Had hair matting on the back that was dense and roping. The canine and cheek teeth have a buildup of brown matter that is starting to encase the teeth and the gums were red and swollen.

\*\* A male, black and tan Yorkshire terrier, micro-chip (b) (6), (b) (7)(C). Had heavy matting on the back that was dense and roping. The canine and cheek teeth have a buildup of brown matter that is starting to encase the teeth and the

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**Prepared By:**

LIES JOHN, A C I      USDA, APHIS, Animal Care

**Date:**  
(b) (6), (b) (7)(C) 2017

**Title:** ANIMAL CARE INSPECTOR 4041

**Received By:**

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

**Date:**  
(b) (6), (b) (7)(C) 2017

**Title:** OWNER  
17-06555\_000045



United States Department of Agriculture  
Animal and Plant Health Inspection Service

**Inspection Report**

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gums were red and swollen.

\*\* A six year old, female, black and tan Yorkshire terrier, micro-chip (b) (6), (b) (7)(C). Was observed spinning in its enclosure almost continuously for the duration of the time we were in the building about one hour. This is not normal behavior and can be a sign of physiological distress. The dog must be evaluated by a veterinarian to determine if treatment and/or environmental adjustments are needed. To be corrected by: 06/01/2017.

The three dogs listed above must have hair mats removed by 05/22/2017 and the teeth evaluated by a veterinarian by 05/29/2017.

Hair matting can be painful, affect the dogs' locomotion and range of motion, harbor moisture, dirt, debris and bodily fluids, cause skin irritation and contribute to other health problems. Heavily matted hair coats does not allow for normal thermoregulation, which can contribute to heat stress. The licensee must remove the hair mats and maintain the hair coats to contribute to the health and well-being of the animals.

Long toenails can be painful, get caught and torn off by the flooring and affect the dogs' normal posture and locomotion. The licensee must trim the long toe nails and maintain the toenails to contribute to the dogs' health and well-being.

Dirty ears can contribute to other more serious ear problems and does not demonstrate proper animal husbandry. The dogs' ears must be cleaned and maintained to contribute to the dogs health and well-being.

A buildup of matter on the teeth and red swollen gums can be a sign of dental disease. Dental disease can be painful, cause tooth loss and contribute to other health problems. The licensee and a veterinarian must establish a written dental plan to ensure that all the dogs are receiving proper dental care and prevention.

Cloudy eyes, discharge from the eyes and redness of the eyes can be a sign of illness and/or injury. The licensee must observe all the dogs on a daily basis for eye problems and communicate with the attending veterinarian to address problems in a timely manner. All communication, recommendations and treatment must be documented, maintained and available for inspection.

\*\* One bottle of Salix was in the first kennel building, the bottle was not specifically labeled for the use in dogs. The licensee stated that the medication was prescribed by her attending veterinarian for a dog with a heart problem and gave her verbal instructions on the use.

\*\* One bottle of pills in the first kennel building had the word Amoxi written on the bottle in marker with no further

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**Prepared By:**

LIES JOHN, A C I      USDA, APHIS, Animal Care

**Date:**  
(b) (6), (b) (7)(C) 2017

**Title:** ANIMAL CARE INSPECTOR 4041

**Received By:**

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

**Date:**  
(b) (6), (b) (7)(C) 2017

**Title:** OWNER  
17-06555\_000046



## Inspection Report

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information.

All medicine must be properly labeled, if it is not specifically labeled for the use in dogs the medicines must be labeled or have accompanying directions for the proper use of the medicines for dogs. To include, what it is for, the dosage, the route it is administered, how often and for how long to use the medicine and an expiration date. All medicine must be properly labeled or removed from the facility. To be corrected by: 05/18/2017.

\*\* One bottle of eye wash in the first kennel building that the inspector observed the licensee use on a dog had an expiration date of 06-16. One bottle of ear wash in the first kennel building had an expiration date of 02-12 and one tube of nutrient supplement in the puppy building had an expiration date of 12-16. The use of expired medicine is not an appropriate method to treat, prevent or control diseases and injuries. The expired medicine must be removed from the facility. To be corrected by: 05/18/2017.

All dealers must use appropriate methods to diagnose, prevent, control and treat diseases and injuries.

### 2.40(b)(3)

#### ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

\*\* Multiple dogs with an eye abnormality, excessive matting, and severe dental disease (listed in 2.40(b)(2) above). When the issue was brought to the attention of the licensee, she stated that they had not previously identified or treated these animals. Observation must be performed on a daily basis to identify and assess all health issues with a mechanism of direct and frequent communication to a veterinarian so as to provide frequent and timely information on any and all health issues identified during daily observations. By not identifying and reporting the abnormal signs displayed in these animals the dogs remained untreated, which could have caused the animal unnecessary pain and discomfort. Correct by contacting a veterinarian about the dogs' condition. Furthermore, ensure all animals are adequately observed daily basis to ensure that all health issues have been properly identified and reported to a veterinarian in a timely and accurate manner. To be corrected by: 05/18/2017.

### 2.50(a)(1)

#### TIME AND METHOD OF IDENTIFICATION.

\*\* Three adult dogs inspected did not have proper identification. The licensee is using micro-chips to identify the adult dogs and three dogs did not have micro-chip identification or other approved form of identification. All dogs in

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#### Prepared By:

LIES JOHN, A C I      USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

#### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000047



## Inspection Report

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the facility must be properly identified to aid the USDA in tracking the animals if needed. Proper identification is also necessary to maintain accurate records. The owner must ensure that all dogs in the facility are properly identified. To be corrected by: 06/18/2017.

### 2.50(a)(2)

#### TIME AND METHOD OF IDENTIFICATION.

\*\* Seventeen puppies did not have proper identification. The owner is using eraser boards to identify the puppies. Cage cards can be used but they have to be kept for one year after the animals has left the facility. The cage cards must have the letters USDA, the licensee's certificate number, the puppies individual identification number, the date of birth, sex, breed, brief description and when the puppies are sold or die. Maintaining accurate litter records can aid you and your attending veterinarian in evaluating the health of the breeding program. The cage cards must be maintained for one year after the animal has left the facility. All animals in the facility must be properly identified to aid the USDA in the proper tracking of the animals. To be corrected by: 05/19/2017.

### 3.1(c)(1)(i)

#### HOUSING FACILITIES, GENERAL.

\*\* The first and last kennel building had rusted wire surfaces on at least half of the outdoor enclosures. The surfaces were rusted to the point that it is pitted and flaking and some wire was rusted through. The rusted surfaces do not allow for proper cleaning and sanitizing and is affecting the structural strength. The rusted surfaces must be repaired and/or replaced to allow for proper cleaning and sanitizing and to ensure the structural strength of the surfaces. To be corrected by: 06/18/2017.

### 3.1(c)(1)(ii)

#### HOUSING FACILITIES, GENERAL.

\*\* On the outside portion of the last building, three enclosures had broken wire creating sharp points inside of the enclosures that the dogs could come into contact with causing injury to the skin or eyes. The owner must remove all sharp points from the enclosures to minimize the risk of injury to the animals. All enclosures must be free of sharp points that might injure the animals. To be corrected by: 05/19/2017.

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#### Prepared By:

LIES JOHN, A C I      USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

#### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000048



## Inspection Report

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### 3.2(b)

#### INDOOR HOUSING FACILITIES.

\*\* Upon entering the puppy building the inspector noticed a strong odor of dog feces and urine. After about ten minutes the inspector could feel a burning in the eyes and back of the throat from the odor and ammonia. Two adult dogs were observed with tearing of the eyes which could be attributed to the strong odor and ammonia in the building. The building does have a ventilation fan, the was off when we first entered the building, the licensee did turn the ventilation fan on when the odor was mentioned. The ventilation fan must be manually turned on, it is not on a timer. The ventilation in the building must be increased to minimize odors and ammonia levels that ensures the health and well-being of the animals in the building. To be corrected by: 05/18/2017.

The inspection and exit briefing was conducted with the licensee. The written inspection report was hand delivered by 11:00 A.M. on [REDACTED] 2017. The inspection report was discussed and veterinary records were also reviewed. The Direct veterinary care non-compliant items have been addressed and the dogs were evaluated by the attending veterinarian.

End of report.

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#### Prepared By:

LIES JOHN, A C I      USDA, APHIS, Animal Care

Date:  
(b) (6), (b) (7)(C) 2017

Title: ANIMAL CARE INSPECTOR 4041

#### Received By:

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

Date:  
(b) (6), (b) (7)(C) 2017

Title: OWNER  
17-06555\_000049



United States Department of Agriculture  
Animal and Plant Health Inspection Service

Customer:

Inspection Date:

(b) (6), (b) (7)(C)  
[REDACTED] 17

## Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
(b) (6), (b) (7)(C)	001	(b) (6), (b) (7)(C)		17

Count	Species
000017	DOG PUPPY
000062	DOG ADULT
<b>000079</b>	<b>Total</b>

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**USDA**  
**OFFICIAL WARNING**  
**NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:  
**CA170235**

VIOULATOR:  
Intuitive Surgical

Customer# 1768  
Registrant# 93-R-0401

ADDRESS (City, State):  
Sunnyvale, CA

The Animal and Plant Health Inspection Service (APHIS) has evidence that on or about March 23, 2017 and July 7, 2016, you failed to comply with the regulations issued under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (AWA), as documented in the attached inspection report(s).

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 animals and the public interest, APHIS is providing you with this Official Warning. This Official Warning is not to be construed as a final agency action or an adjudicated finding of a violation. If APHIS obtains evidence of any violation of these Federal regulations in the future, APHIS may pursue civil penalties and other sanctions for these alleged violations and for any future violations. If you have any questions concerning this Official Warning, please contact the APHIS office telephone number listed in this notice.

APHIS OFFICIAL (Name): Gerald Rushin	OFFICE ADDRESS: 4700 River Road Riverdale, MD 30737	
APHIS OFFICIAL (TITLE): Assistant Deputy Administrator Animal Care	DATE ISSUED: August 28, 2017	TELEPHONE NO: (970) 494-7478
CERTIFIED MAIL RECEIPT NO: 7016 3010 0001 0727 8324		



## Inspection Report

Intuitive Surgical  
1020 Kifer Road  
Sunnyvale, CA 94086

Customer ID: 1768  
Certificate: 93-R-0401  
Site: 005  
INTUITIVE SURGICAL

Type: ROUTINE INSPECTION  
Date: 23-MAR-2017

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**2.31(e) CRITICAL**

**INSTITUTIONAL ANIMAL CARE AND USE COMMITTEE (IACUC).**

On 10 September 2015, procedures relating to one study protocol were not conducted as approved by the Institutional Animal Care and Use Committee (IACUC). A surgical procedure was performed under general anesthesia but pre-operative analgesics were not used as described in the approved protocol.

Although the animal was under general anesthesia, the impact upon the animal related to analgesia is unknown. As the investigator included pre-operative analgesics in the study protocol that was approved by the IACUC, the animal may have experienced unrelieved pain.

Procedures must be conducted in a manner to assure that discomfort and pain to animals will be limited to that which is unavoidable for the conduct of scientifically valuable research, including provision for the use of analgesic, anesthetic, and tranquilizing drugs where indicated and appropriate to minimize discomfort and pain to animals.

The noncompliance was corrected prior to the inspection.

This inspection and exit briefing were conducted with Facility Representatives.

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**Prepared By:**

SCHNELL MICHAEL USDA, APHIS, Animal Care

**Date:**  
28-MAR-2017

**Title:** VETERINARY MEDICAL OFFICER 6100

**Received By:**

FACILITY REPRESENTATIVE

**Date:**  
28-MAR-2017

**Title:** SENT VIA E-MAIL  
17-06555\_000174



United States Department of Agriculture      Customer: 1768  
Animal and Plant Health Inspection Service      Inspection Date: 23-MAR-17

## Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
1768	93-R-0401	005	INTUITIVE SURGICAL	23-MAR-17

Count	Species
000002	DOMESTIC PIG
<b>000002</b>	<b>Total</b>



## Inspection Report

Intuitive Surgical  
1020 Kifer Road  
Sunnyvale, CA 94086

Customer ID: 1768

Certificate: 93-R-0401

Site: 006

INTUITIVE SURGICAL

Type: ROUTINE INSPECTION

Date: Jul-07-2016

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**2.38 (f) (1)**

**MISCELLANEOUS.**

On November 2, 2015 during a terminal surgical procedure on a pig a technician inadvertently applied the incorrect settings on the anesthetic machine which resulted in the death of the pig prior to the end of the surgical procedure. The corrective and preventive measures and additional oversight put in place are appropriate. Corrected.

Inspection and exit briefing conducted with the Attending Veterinarian, Additional exit briefing conducted with the IO and CEO via email on July 8, 2016.

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**Prepared By:** (b) (6), (b) (7)(C)

MICHELLE WILLIAMS, DVM USDA, APHIS, Animal Care

**Date:**

**Title:** VETERINARY MEDICAL OFFICER Inspector 2028

Jul-08-2016

**Received By:**

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

**Date:**

**Title:** INSTITUTIONAL OFFICIAL

Jul-08-2016



United States Department of Agriculture  
Animal and Plant Health Inspection Service

Customer: 1768  
Inspection Date: Jul-07-16

## Animals Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
1768	93-R-0401	006	INTUITIVE SURGICAL	Jul-07-16

Count      Species  
000004 DOMESTIC PIG

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**USDA**  
**OFFICIAL WARNING**  
**NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:  
**TX170261**

VIOULATOR:  
Abilene Zoological Society  
DBA: Abilene Zoological Garden

Customer# 3901  
License# 74-C-0079

ADDRESS (City, State):  
Abilene, TX

The Animal and Plant Health Inspection Service (APHIS) has evidence that on or about May 18, 2017, you failed to comply with the regulations issued under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (AWA), as documented in the attached inspection report(s).

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 animals and the public interest, APHIS is providing you with this Official Warning. This Official Warning is not to be construed as a final agency action or an adjudicated finding of a violation. If APHIS obtains evidence of any violation of these Federal regulations in the future, APHIS may pursue civil penalties and other sanctions for these alleged violations and for any future violations. If you have any questions concerning this Official Warning, please contact the APHIS office telephone number listed in this notice.

APHIS OFFICIAL (Name): Gerald Rushin	OFFICE ADDRESS: 4700 River Road Riverdale, MD 30737	
APHIS OFFICIAL (TITLE): Assistant Deputy Administrator Animal Care	DATE ISSUED: August 28, 2017	TELEPHONE NO: (970) 494-7478
CERTIFIED MAIL RECEIPT NO: 7016 3010 0001 0727 8294		



## Inspection Report

Abilene Zoological Society  
2070 Zoo Lane  
Abilene, TX 79602

Customer ID: 3901  
Certificate: 74-C-0079  
Site: 001  
Abilene Zoological Society

Type: FOCUSED INSPECTION  
Date: 18-MAY-2017

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**3.125(a) CRITICAL**

**FACILITIES, GENERAL.**

On Monday May 15, 2017 zoo employees found a jaguar out of its enclosure at morning check. The jaguar was sedated and returned to its holding cage without incident. A spider monkey in the enclosure next to the jaguar enclosure was injured by the jaguar and had to be euthanized.

The current jaguar enclosure has housed jaguar for many years without an escape. There were no obvious failures in the construction of the exhibit and it is still unclear exactly how this animal escaped. The current pair of jaguar are younger animals and may have been able to squeeze through small gaps between wire mesh and metal rods previous cats could not fit through. However, the jaguar enclosure failed to contain the jaguar and the spider monkey enclosure failed to protect the monkey from injury.

During this inspection the zoo explained its plans to more securely attach the metal mesh covering the top of the exhibit to the metal rods along the perimeter of the enclosure.

To be corrected prior to allowing jaguars back into the exhibit.

This inspection and exit interview were conducted with zoo personnel.

This was a focused inspection on the jaguar escape.

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**Prepared By:**

DIGESUALDO CYNTHIA, D V M USDA, APHIS, Animal Care

**Date:**  
24-MAY-2017

**Title:** VETERINARY MEDICAL OFFICER 5055

**Received By:**

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

**Date:**  
24-MAY-2017

**Title:** SENT BY EMAIL  
17-06555\_000180



United States Department of Agriculture      Customer: 3901  
Animal and Plant Health Inspection Service      Inspection Date: 18-MAY-17

## Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3901	74-C-0079	001	Abilene Zoological Society	18-MAY-17

Count	Species
000001	BLACK RHINOCEROS
000001	BLACK-FOOTED FERRET
000001	BOBCAT
000001	BOBCAT
000001	BRAZILIAN AGOUTI
000001	CHACOAN PECCARY
000001	KINKAJOU
000001	MANED WOLF
000001	NORTH AMERICAN BLACK BEAR
000001	NORTH AMERICAN PORCUPINE
000001	PREHENSILE-TAILED PORCUPINE
000001	RACCOON
000001	RED-FLANKED DUIKER
000001	STRIPED SKUNK
000001	TIGER
000001	YELLOW ARMADILLO
000002	CHINCHILLA (DOMESTICATED)
000002	COMMON SQUIRREL MONKEY
000002	COTTON-TOP TAMARIN
000002	DOMESTIC GOAT
000002	DOMESTIC GUINEA PIG
000002	DOMESTIC RABBIT / EUROPEAN RABBIT
000002	DROMEDARY CAMEL
000002	EUROPEAN POLECAT
000002	FOUR-TOED HEDGEHOG (INCLUDES MOST COMMON US PET HEDGEHOGS)
000002	JAGUAR
000002	LION
000002	NORTH AMERICAN RIVER OTTER
000002	NORTH AMERICAN RIVER OTTER
000002	OCELOT
000002	PUMA / MOUNTAIN LION / COUGAR
000002	RED RIVER HOG
000002	RINGTAIL
000002	SOUTHERN THREE-BANDED ARMADILLO
000002	SWIFT FOX
000002	TAYRA
000002	TAYRA
000003	BLUE DUIKER
000003	BLUE DUIKER
000003	GUANACO

<b>Count</b>	<b>Species</b>
000004	BLACK HOWLER
000004	COMMON ZEBRA / BURCHELL'S ZEBRA / GRANT'S ZEBRA / CHAPMAN'S ZEBRA / PLAINS ZEBRA
000004	COMMON ZEBRA / BURCHELL'S ZEBRA / GRANT'S ZEBRA / CHAPMAN'S ZEBRA / PLAINS ZEBRA
000005	BLACK-HANDED SPIDER MONKEY
000006	ANGOLAN COLOBUS
000006	BLACK-TAILED PRAIRIE DOG
000006	PATAGONIAN CAVY / MARA
000007	GIRAFFE
000007	GIRAFFE
<b>000116</b>	<b>Total</b>

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

**USDA**  
**OFFICIAL WARNING**  
**NOTICE OF ALLEGED VIOLATION**

CASE NUMBER:  
**TX170262**

VIOULATOR:  
**NBJ Zoological Park LTD**

Customer# 3918  
License# N/A (cancelled)

ADDRESS (City, State):  
**Spring Branch, TX**

The Animal and Plant Health Inspection Service (APHIS) has evidence that on or about April 20, 2017, you failed to comply with the regulations issued under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (AWA), as documented in the attached inspection report(s).

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 animals and the public interest, APHIS is providing you with this Official Warning. This Official Warning is not to be construed as a final agency action or an adjudicated finding of a violation. If APHIS obtains evidence of any violation of these Federal regulations in the future, APHIS may pursue civil penalties and other sanctions for these alleged violations and for any future violations. If you have any questions concerning this Official Warning, please contact the APHIS office telephone number listed in this notice.

APHIS OFFICIAL ( <i>Name</i> ): Gerald Rushin	OFFICE ADDRESS: 4700 River Road Riverdale, MD 30737	
APHIS OFFICIAL ( <i>TITLE</i> ): Assistant Deputy Administrator Animal Care	DATE ISSUED: August 28, 2017	TELEPHONE NO: (970) 494-7478
CERTIFIED MAIL RECEIPT NO: 7016 3010 0001 0727 8348		



## Inspection Report

N B J Zoological Park Ltd  
13850 Hwy 46 West  
Spring Branch, TX 78070

Customer ID: 3918  
Certificate: 74-B-0571  
Site: 001

N B J Zoological Park Ltd

Type: ROUTINE INSPECTION  
Date: 20-APR-2017

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**2.40(b)(2) DIRECT REPEAT**

### **ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).**

One female ring tailed lemur was injured in a fight with cage mates approximately one month ago resulting in a severe injury to her right hand. Her right hand is missing and there is exposed tissue at the end of her forearm with possible bone exposed. Employees stated that the animal received antibiotics weekly and the wound was treated with antibiotic cream. The lemur has not been examined by a veterinarian since the injury occurred.

This animal must be examined by a veterinarian to determine the best treatment for the exposed end of her arm. Veterinary care was also an issue on the inspection conducted on 6/7/16.

CORRECT BY : 4/21/17

### **3.76(c)**

#### **INDOOR HOUSING FACILITIES.**

The light is not working in the enclosure housing 7 squirrel monkeys.. It is too dark to visualize the animals or properly inspect the enclosure. A flashlight was used during the inspection. it is not possible to conduct proper cleaning or husbandry in an enclosure that has such poor lighting . Indoor housing facilities must be lighted well enough to permit routine inspection, cleaning and observation of the non human primates. The light must be repaired or replaced to maintain cleaning and husbandry.

CORRECT BY : 4/21/17

**3.82(d) REPEAT**

#### **FEEDING.**

The feeder for the squirrel monkeys housed inside is caked with old food and debris .

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#### **Prepared By:**

PANNILL ELIZABETH, D V M USDA, APHIS, Animal Care

**Date:**  
20-APR-2017

**Title:** VETERINARY MEDICAL OFFICER 4018

#### **Received By:**

JUSTIN ARREDONDO

**Date:**  
20-APR-2017

**Title:** EMPLOYEE  
17-06555\_000188



## Inspection Report

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Allowing food and dirt to accumulate on feeders contaminates fresh food and may cause an illness. Food receptacles must be sanitized every 2 weeks or as often as necessary to provide for the health /well being of the animals . This was also an issue on the inspection conducted on 10/18/16

### 3.84(a)

#### CLEANING, SANITIZATION, HOUSEKEEPING, AND PEST CONTROL.

The perches for the squirrel monkeys housed inside are black and caked with body oil and debris. Allowing dirt and debris to accumulate to such an extent poses a health hazard for the animals. Perches must be kept clean and replace when worn to maintain husbandry standard and a healthy environment for the animals.

CORRECT BY : 4/25/17

The inspection was conducted with facility employees. The exit briefing was conducted with the owner and the employees.

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#### Prepared By:

PANNILL ELIZABETH, D V M      USDA, APHIS, Animal Care

Date:  
20-APR-2017

Title: VETERINARY MEDICAL OFFICER 4018

#### Received By:

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

Date:  
20-APR-2017

Title: EMPLOYEE  
17-06555\_000189



United States Department of Agriculture      Customer: 3918  
Animal and Plant Health Inspection Service      Inspection Date: 20-APR-17

## Animal Inspected at Last Inspection

Cust No	Cert No	Site	Site Name	Inspection
3918	74-B-0571	001	N B J Zoological Park Ltd	20-APR-17

Count	Species
000001	EASTERN BLACK-AND-WHITE COLOBUS / GUEREZA
000001	NILE LECHWE
000004	RED RUFFED LEMUR
000005	GIRAFFE
000006	GEMS BOK
000007	BLACK-CAPPED SQUIRREL MONKEY
000007	WHITE-CHEEKED GIBBON
000009	BRINDLED WILDEBEEST
000009	RING-TAILED LEMUR
000013	ADDRA GAZELLE
000013	AFRICAN CRESTED PORCUPINE
000014	GREATER KUDU
000015	SABLE ANTELOPE
000015	SCIMITAR-HORNED ORYX
000015	THOMSON'S GAZELLE
000022	GRANT'S GAZELLE
000140	AXIS DEER / SPOTTED DEER / CHITAL
000273	WHITE-TAILED DEER
<b>000569</b>	<b>Total</b>