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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 18- |
| |) | |
| DANIEL J. MOULTON, an individual, |) | |
| also known as DAN MOULTON, |) | |
| doing business as MOULTON |) | |
| CHINCHILLA RANCH, |) | |
| |) | |
| Respondent |) | COMPLAINT |

19-0004

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(AWA or Act), and the regulations thereunder (9 C.F.R. § 1.1 *et seq.*)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Daniel J. Moulton, also known as Dan Moulton, is an individual doing business as Moulton Chinchilla Ranch, whose address is in the State of Minnesota. Respondent's address will not be provided in the complaint to protect the respondent's personal privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint and future documents. At all times mentioned herein, respondent was a dealer, as that term is defined in the Act and the Regulations, and held AWA license number 41-B-0239.

ALLEGED VIOLATIONS

2. On or about December 3, 2013, May 5, 2015, May 6, 2015, July 17, 2015, March

8, 2016, June 6, 2016, July 21, 2016, August 2, 2016, and May 16, 2017, respondent failed to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection, in willful violation of the Act and the Regulations. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126.

3. On or about the following dates, respondent willfully violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals.

a. September 11, 2014. Respondent did not obtain veterinary care for one chinchilla with a large protruding growth coming out of its neck. 9 C.F.R. § 2.40(b)(2).

b. December 22, 2014. A chinchilla (#S68) had its right front leg entrapped in its collar, and had weeping wounds and sores on its legs, and the respondent neither noticed these conditions nor obtained veterinary care for the chinchilla. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

c. March 12, 2015. Respondent did not obtain veterinary care for a chinchilla (#S68) that was identified on December 22, 2014, with a wounded right front leg, despite the animal's deterioration, evidenced by its unthrifty appearance, lethargy, worsened right front leg, and its missing part of its left front leg. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

d. April 6, 2015. A chinchilla (#118) was squinting and had a watery discharge from its left eye and crusty material and hair loss below that eye, and respondent neither noticed the chinchilla's condition nor obtained veterinary care for the chinchilla. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

e. April 6, 2015. An unidentified chinchilla had crusty material on both eyes,

was unable to open its eyes and had hair loss around its left eye, and respondent neither noticed the chinchilla's condition nor obtained veterinary care for the chinchilla.

9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

f. April 6, 2015. Respondent did not obtain veterinary care for a chinchilla (#BD-X-531) that was unable to open its left eye and was squinting its right eye, which had a watery discharge. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

g. April 6, 2015. A chinchilla (#131) had hair loss around its left eye, its left eyelid was reddened and swollen shut, and respondent failed to follow the treatment plan recommended by his veterinarian. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

h. April 6, 2015. Two unidentified chinchillas were squinting and had watery ocular discharge, and respondent failed to follow the treatment plan recommended by his veterinarian. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

i. April 6, 2015. A chinchilla (#M 675) was squinting, and had watery discharge in its right eye, and respondent failed to follow the treatment plan recommended by his veterinarian. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

j. April 6, 2015. A chinchilla (#BD-Z-172) could not open its eyes, which were covered with thick exudate, and respondent failed to follow the treatment plan recommended by his veterinarian. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

k. April 6, 2015. A chinchilla (#505) could not open its left eye, and had crusty material and hair loss around its left eye, and respondent failed to follow the treatment plan recommended by his veterinarian. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

l. May 18, 2015. A chinchilla (#118) that was identified on April 6, 2015, as having an eye condition, had crusty material over its left eye, which exuded a thick

discharge, and the area around the eyeball was red and swollen, and respondent failed to notify his attending veterinarian of these conditions. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

m. May 18, 2015. A chinchilla (#BD-X-531) that was identified on April 6, 2015, as having an eye condition, was unable to open its right eye because it was encrusted with matter, and its left eye was abnormally pale, and respondent failed to notify his attending veterinarian of these conditions. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

n. May 18, 2015. Two unidentified chinchillas that were observed on April 6, 2015, as having an eye condition, each had crusty material around the right eye, which obscured the eye, and respondent failed to notify his attending veterinarian of these conditions. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

o. October 28, 2015. Respondent did not obtain veterinary care for a female chinchilla (#145) with a swollen chin, and hair loss, crusting, and discharge around her eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

p. October 28, 2015. Respondent did not obtain veterinary care for a female chinchilla (#183) that was unable to bear weight on her right front leg. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

q. October 28, 2015. Respondent did not obtain veterinary care for a female chinchilla (#197) that tilted her head to the right continuously. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

r. October 28, 2015. Respondent did not obtain veterinary care for a male chinchilla (#673) with a reddened right eye with pale discharge. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

s. October 28, 2015. Respondent did not obtain veterinary care for a

chinchilla (#242) that was unable to open its eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

t. October 28, 2015. Respondent did not obtain veterinary care for a chinchilla (#533) whose right eye was crusted with pale discharge. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

u. October 28, 2015. An unidentified chinchilla housed in the back south section was unable to open its eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

v. October 28, 2015. An unidentified chinchilla housed in the back south section had a swollen, closed, right eye with ocular discharge. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

w. October 28, 2015. An unidentified chinchilla housed in the back south section had a swollen, closed, right eye. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

x. October 28, 2015. An unidentified chinchilla housed in the back south section had ocular discharge in both eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

y. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #DJM 131) with crusty material covering both eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

z. February 3, 2016. Respondent did not obtain veterinary care for an unidentified female chinchilla in pen 166 who was unable to open her eyes, which were covered with crusted material, and had a swollen left eyelid and hair loss. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

aa. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (card #580) whose eyes were sealed shut with crusted material and whose right eye had exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

bb. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #DJM 145) who was unable to open her eyes, which were covered with crusty material and whose left eyelid was swollen. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

cc. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #OKES 108 or 801) with a swollen right eyelid with hair loss and exudate, and a swollen area under her chin. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

dd. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (ear tag #147) with a swollen chin with hair loss and reddened skin. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ee. February 3, 2016. Respondent did not obtain veterinary care for an unidentified male chinchilla (cage card #AM-F-8) whose left eyelid was swollen and weeping, and whose right eye was crusted shut. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ff. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (ear tag #VVCR 179) with a swollen right eyelid that was crusted shut. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

gg. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #337) with a swollen right eyelid with crusty material and exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

hh. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (cage card #R242) with a swollen right eyelid with exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ii. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #391) who was thin, unresponsive, and was missing part of her leg.

9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

jj. February 3, 2016. Respondent did not obtain veterinary care for an unidentified male chinchilla (cage card #3-5) with swollen eyelids with crusty material and exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

kk. February 3, 2016. A female chinchilla (ear tag DJM #196) had a swollen left eyelid that exuded a thick discharge, and respondent had not obtained veterinary care for her. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ll. February 3, 2016. Respondent did not obtain veterinary care for a female chinchilla (ear tag #505) with hair loss, reddened skin, and whose eyes were sealed shut with crusty material and exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

mm. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (ear tag CRO #968) with hair loss, reddened skin, and a swollen left eyelid crusted shut. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

nn. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (cage card #4-8) who was hunched over and reluctant to move, and had swollen eyelids that were crusted shut, exudate, hair loss, and bright red tissue around his eyes. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

oo. February 3, 2016. Respondent did not obtain veterinary care for a male chinchilla (cage card #9-13-11) whose right eye was sealed shut by crusty material and exudate. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

pp. February 3, 2016. Three unidentified chinchillas housed in the back south room that were identified on October 28, 2015, with eye conditions, were not treated as prescribed by the attending veterinarian, and their eyes were partly sealed by crusty

material. 9 C.F.R. § 2.40(b)(2).

qq. February 3, 2016. A chinchilla (#BD-X-531) that was identified on April 6, 2015 and May 18, 2015, as having an eye condition, had both eyes partly sealed shut by crusty material around them, its right eye was abnormally pale, and respondent had not obtained veterinary care for this condition. 9 C.F.R. § 2.40(b)(2).

rr. February 3, 2016. A chinchilla (cage card #2113) had creamy discharge in its right eye. 9 C.F.R. §§ 2.40(b)(2).

ss. June 22, 2016. An unidentified gray male chinchilla housed in the west/front room had a large hairless swelling under his chin and his right eye was sealed shut with a crusty discharge, and respondent had not obtained veterinary care for these conditions. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

tt. June 22, 2016. A gray female chinchilla (ear tag #332) had a swollen right eye and pale creamy discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

uu. June 22, 2016. A black female chinchilla (ear tag #GROS 313) had an unkempt coat, crusty eyes, and hair loss around her jaw, and respondent had not obtained veterinary care for these conditions. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

vv. June 22, 2016. A beige male chinchilla (ear tag #GROS 329) had a swollen left eye with a pale creamy discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ww. June 22, 2016. A beige male chinchilla (cage card #AMMC) had a swollen left eye with a pale creamy discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

xx. June 22, 2016. A male chinchilla (ear tag #GROS 375) had a large hairless inflamed swelling under his chin that was painful to the touch, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

yy. June 22, 2016. A beige female chinchilla (ear tag #GROS 352) had a large hairless swelling under her chin, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

zz. June 22, 2016. A white female chinchilla (tag #876) had a swollen area with hair loss and her tissue felt thickened upon touching. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

aaa. June 22, 2016. A gray female chinchilla (ear tag #PMR 233) had an opaque mass inside her left eye, and had not been seen by a veterinarian for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

bbb. June 22, 2016. An unidentified gray female chinchilla housed in the front room was observed tilting its head to the left and circling to the left when she moved, and respondent had not obtained veterinary care for this condition. 9 C.F.R. § 2.40(b)(2).

ccc. August 22, 2016. A grey female chinchilla (ear tag #GROS 23) had a crusted, swollen shut eyelids with a pale discharge and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ddd. August 22, 2016. A female chinchilla (ear tag #DJM 118) had a crusted shut and swollen right eye with a pale discharge upon touching and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

eee. August 22, 2016. Respondent did not obtain veterinary care for a female

chinchilla (ear tag #PMR 580) who was found thin and bony to the touch and not able to use her front legs with an unkempt and dirty hair coat. 9 C.F.R. § 2.40(b)(2).

fff. October 24, 2016. An unidentified male silver chinchilla housed in the south enclosure (#37) was observed with a crusty and sealed shut left eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ggg. October 24, 2016. A female chinchilla (cage card #KCS529) was observed with a white discharge in the right eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

hhh. October 24, 2016. A female chinchilla (ear tag #GROS 213) and cage card #C103) was observed with an injury on its left leg and a scab on its chest with hair loss, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

iii. October 24, 2016. An unidentified silver grey female that was identified on June 22, 2016 was observed tilting its head to the left and circling to the left when she moved, and respondent had not obtained veterinary care for this condition. 9 C.F.R. § 2.40(b)(2).

jjj. October 24, 2016. A female chinchilla (ear tag #PMR 233) that was identified on June 22, 2016 was observed with an opaque mass inside the left eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. § 2.40(b)(2).

kkk. October 24, 2016. A male chinchilla (cage card #BDZ-419) was observed with a crusty left eye with white discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

lll. October 24, 2016. A female chinchilla (ear tag #GCC 5) was observed

with a crusty left eye with discharge upon touching, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

mmm. February 8, 2017. A female chinchilla (ear tag #33) was observed with a red, hairless swelling under her chin, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

nnn. February 8, 2017. An unidentified female chinchilla (enclosure C-5) was observed with a hairless right eyelid and swollen shut right eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ooo. February 8, 2017. A female chinchilla (ear tag #GROS 996) was observed with hairless swellings on the undersides of her bottom jaw, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ppp. February 8, 2017. A female chinchilla (ear tag #GROS 302) was observed with hairless swelling under the left side of her chin, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

qqq. February 8, 2017. An unidentified pink-white male chinchilla was observed with a red right eyelid with discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

rrr. February 8, 2017. A female chinchilla (ear tag #GROS 95) was observed squinting with her right eye with discharge, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

sss. February 8, 2017. An unidentified female chinchilla had excessively matted, crusted and firm fur on her stomach, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

ttt. April 3, 2017. A female chinchilla (ear tag #GROS 639) was observed with an open wound around the neck with a pale liquid discharge mixed with a pale granular-type discharge in it and a putrid odor, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

uuu. April 3, 2017. A female chinchilla (ear tag #GROS 204) was observed with a red, hairless swollen area under her chin, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

vvv. April 3, 2017. A male chinchilla (ear tag #GROS 331) was observed with eyes swollen shut and hair loss around the eyelids with a pale discharge upon touching, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

www. April 3, 2017. A female chinchilla (ear tag #GROS 245) was observed with a shut and crusted left eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

xxx. April 3, 2017. A white chinchilla (cage card #10-25-16) was observed with an open wound on its back, and respondent had not obtained veterinary care for this condition. 9 C.F.R. § 2.40(b)(2).

yyy. April 3, 2017. A male chinchilla (cage card #C323) was observed squinting his right eye with hair loss along the swollen eyelid, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

zzz. April 3, 2017. A female chinchilla (ear tag #GROS 311) was observed with sealed shut right eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

aaaa. April 3, 2017. An unidentified female chinchilla was observed with a pale discharge in her left eye, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

bbbb. May 25, 2017. A beige chinchilla (yellow enclosure tags #126 and #72) was observed with a large, reddened, hairless swelling under its chin, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

cccc. May 25, 2017. A chinchilla (ear tag #GROS 139) was observed with a crusted shut left eye with pale discharge upon touching, and respondent had not obtained veterinary care for this condition. 9 C.F.R. §§ 2.40(b)(2), 2.40(b)(3).

4. On or about the following dates, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum Standards for structural strength (9 C.F.R. § 3.125(a)):

a. June 9, 2014. A newborn chinchilla was stuck in the one inch by one inch wire flooring of the enclosure and had to be physically removed by respondent.

b. June 9 and July 23, 2014. Six enclosures contained wood with exposed nails accessible to the animals.

c. July 23, 2014. The decomposing body of a deceased newborn chinchilla was underneath an enclosure, buried in waste.

d. September 11, 2014. Several enclosures had rusty metal wire with sharp points inside of the cages, exposing the animals within to potential injury.

e. February 3, 2016. Three enclosures had metal wire broken with sharp edges inside of the cages, exposing the animals within to potential injury, and two of these enclosures had holes on the floor that could permit escape.

f. February 3, 2016. A female chinchilla (#391) had part of her leg stuck in the flooring of her enclosure.

g. February 3, 2016. A chinchilla was running loose in the facility.

h. June 22, 2016. Two enclosures had metal wire broken with sharp edges inside of the cages, exposing the animals within to potential injury.

i. October 24, 2016. One enclosure had a hole in the floor approximately three inches wide with sharp wire points inside of the cage, exposing the animal within to potential injury.

5. On or about the following dates, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum Standards:

a. March 11 and June 9, 2014. Respondent failed to remove an excessive accumulation of excreta and food waste in primary enclosures and an excessive accumulation of used wood shavings, fur, and dust in the facility. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.131(a).

b. July 23, 2014. Respondent failed to remove an excessive accumulation of excreta and food waste in primary enclosures and a buildup of hair and used wood shavings in the facility. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.131(a).

c. October 22, 2014. Respondent failed to remove an excessive accumulation of excreta in three primary enclosures and an accumulation of wood shaving waste, fur, and dust throughout the facility. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.131(a).

d. December 22, 2014. Respondent failed to remove an excessive accumulation of excreta underneath the watering ports in seven primary enclosures and an accumulation of dust, fur, and used shavings in the facility. 9 C.F.R. § 3.125(d), 9 C.F.R.

§ 3.131(a).

e. April 6, 2015. Respondent failed to remove a large build-up of excreta, waste, used bedding, and water throughout the facility. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.126(d).

f. October 28, 2015. Respondent failed to remove and dispose of excreta, waste, and bedding as required. 9 C.F.R. § 3.125(d).

g. February 3, 2016. Respondent failed to remove and dispose of dead animals, excreta, and waste as required. 9 C.F.R. § 3.125(d).

h. June 22, 2016. Respondent failed to remove and dispose of excreta, waste, used bedding, and water as required. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.126(d).

i. August 22, 2016. Respondent failed to remove and dispose of excreta, waste, used bedding, and water in the north gutter of the facility, as required. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.126(d).

j. October 24, 2016. Respondent failed to remove and dispose of excreta, waste, used bedding, and water in the south gutter of the facility, as required. 9 C.F.R. § 3.125(d), 9 C.F.R. § 3.126(d).

k. April 3, 2017. Respondent failed to remove and dispose of a large buildup of soiled excreta, as required. 9 C.F.R. § 3.125(d).

l. April 3, 2017. Respondent failed to remove a deceased chinchilla (cage card #Z32), as required. 9 C.F.R. § 3.125(d).

m. June 9, July 23, and December 22, 2014, and April 6 and October 28, 2015. Respondent failed to provide adequate lighting in indoor housing facilities. 9 C.F.R. § 3.126(c).

- n. March 11, June 9, July 23, September 11, October 22, and December 22, 2014, April 6 and October 28, 2015, February 3 and June 22, 2016. Sections of the watering line were not kept clean and sanitary. 9 C.F.R. § 3.130.
- o. September 11, 2014. Five water receptacles were not kept clean and sanitary. 9 C.F.R. § 3.130.
- p. October 22, 2014. Three water receptacles were not kept clean and sanitary. 9 C.F.R. § 3.130.
- q. December 22, 2014. Eight water receptacles were not kept clean and sanitary. 9 C.F.R. § 3.130.
- r. June 22, 2016. At least one water receptacle was not kept clean and sanitary. 9 C.F.R. § 3.130.
- s. September 11, 2014. Three primary enclosures contained an excessive accumulation of excreta. 9 C.F.R. § 3.131(a).
- t. April 6, 2015. Primary enclosures housing 15 chinchillas contained an excessive accumulation of excreta. 9 C.F.R. § 3.131(a).
- u. February 3, 2016. Primary enclosures housing 44 chinchillas contained an excessive accumulation of excreta. 9 C.F.R. § 3.131(a).
- v. June 22, 2016. Primary enclosures housing 20 chinchillas and primary enclosures housing 10 chinchillas contained an excessive accumulation of excreta, and respondent stated that these enclosures had not been cleaned in approximately two and a half weeks. 9 C.F.R. § 3.131(a).
- w. June 9 and July 23, 2014. Respondent failed to remove accumulations of trash from the premises as required. 9 C.F.R. § 3.131(c).

x. October 28, 2015. Respondent failed to establish and maintain an effective program for the control of flies. 9 C.F.R. § 3.131(d).

y. March 11 and June 9, 2014. Respondent failed to employ a sufficient number of employees to carry out required husbandry practices. 9 C.F.R. § 3.132.

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WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondent, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter be conducted in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington, D.C.
this 19th day of Nov. 2018

(b) (6)

Administrator
Animal and Plant Health Inspection Service

RUPA CHILUKURI
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2331 South Building
Washington, D.C. 20250-1400
(202) 720-4982
1-844-354-1115 (Fax)
rupa.chilukuri@ogc.usda.gov