

SEARCH INSPECTION	A search is an investigation of anything relating to unlicensed activity.
Subjects of Searches	<p>Subjects of searches include, but are not limited to:</p> <ul style="list-style-type: none">• involuntarily terminated licensees (i.e. canceled due to non-payment, suspended due to consent decisions and orders) NOTE: This should be done within 60 days of the termination of the license, if possible.• persons exhibiting regulated animals• persons using regulated animals for rides• previously identified violators <p>Use good judgment to decide when you have made a reasonable effort to verify unlicensed activities.</p> <p>Examples of possible ways to verify unlicensed activity are:</p> <ul style="list-style-type: none">• making phone calls• checking newspaper ads• checking the Internet• visiting the facility• communicating with other inspectors
Sources of Information	<p>Sources of information include, but are not limited to:</p> <ul style="list-style-type: none">• anonymous tips• general public• animal protection groups• whistle blower• APHIS personnel• advertisements• Internet sites• city, county, or State agency• State health certificates• other Federal agency <p>Sources may provide information by the following methods:</p> <ul style="list-style-type: none">• phone calls

**Information
Follow-up**

- letters
- e-mail
- personal contact

NOTE: The informant does not have to give his/her name. If the informant does give his/her name, the person's name should not be given out in order to maintain confidentiality.

Decide if the information supplied to the Animal Care program involves a regulated activity or animal.

If the information **does not** involve a regulated activity/animal:

- educate the informant about regulated activities/animals
- thank the informant for his/her interest in the welfare of animals
- refer the informant to the appropriate office/agency, if known. Possible referral agencies include:
 - US Fish & Wildlife Service
 - State wildlife agency
 - local animal control
 - national, State or local humane society
 - State animal welfare agency
- take no further action

If the information **does** involve a regulated activity/animal:

- thank the informant for his/her interest in the welfare of animals
- complete the top portion of a Search sheet (see page 8.14.11)
- determine if the information applies to a person in your territory

If the information applies to a person **not in your territory**:

- tell the informant that the person is not in your territory but that you will forward the information to the Regional Office for distribution to the appropriate inspector
- give the informant the Regional Office's phone number for

	<p>follow-up</p> <ul style="list-style-type: none">• forward the Search sheet and any supplemental information (e.g., copies of records, invoices, sale bills) to your SACS or Regional Office <p>If the information applies to a person in your territory, conduct a search.</p>
Conducting the Search	<p>Verify the information received by:</p> <ul style="list-style-type: none">• contacting the responsible person• gathering additional information, such as:<ul style="list-style-type: none">➤ contacting witnesses➤ assessing records➤ newspaper articles or classified ads➤ information off the Internet➤ Internet website addresses
<i>No Regulated Activity</i>	<p>If regulated activities are not being conducted:</p> <ul style="list-style-type: none">• complete Search sheet• submit your findings to your SACS or Regional Office
<i>Regulated Activity</i>	<p>If regulated activities are being conducted:</p> <ul style="list-style-type: none">• inform and make available to the responsible person all the pertinent aspects of the AWA and regulations standards• explain that the activity requires a USDA license• request a decision about the continuation of this activity• decide whether or not to request permission to inspect the facility <p>Note: Situations where you may decide not to request permission to inspect include, but are not limited to:</p> <ul style="list-style-type: none">➤ you are able to see animals and no major problems are observed➤ responsible person is uncooperative and threatening➤ person is not able to make a decision about obtaining a license at that time <ul style="list-style-type: none">• give or have the Regional Office send a prelicense packet to

the responsible person

- if you give the person a prelicense packet, complete an “Application Package Request” sheet (see page 8.14.12) and:
 - note on the sheet that a prelicense packet was given to the person
 - send a copy to the Regional Office
 - keep a copy for your records

Inspection Allowed If the responsible person **allows an inspection** of the facility, the inspection report should be completed as follows:

- classify the inspection as “Routine” if the person decides not to conduct further regulated activities
- in the narrative:
 - note that this was “**Search**” inspection
 - document all noncompliant items
NOTE: No correction date(s) should be given.
 - include a citation of “SECTION 2.1(a)(1) - CONDUCTING REGULATED ACTIVITIES WITHOUT A LICENSE” and describe the regulated activity
 - state the following at the end of the inspection report:
“NO REGULATED ACTIVITIES MAY BE CONDUCTED UNTIL USDA LICENSE IS OBTAINED.”
- classify the inspection as “**Prelicense Inspection #1**” if the responsible person decides to apply for a license and follow procedures for a “Prelicense Inspection” (see

Section

8.12)

- include a citation of “SECTION 2.1(a)(1) - CONDUCTING REGULATED ACTIVITIES WITHOUT A LICENSE” and describe the regulated activity

NOTE: Have person complete an “Application for License” (APHIS Form 7003-A) and collect application fee.

If after the inspection the responsible person refuses to sign the

inspection report, send the report to him/her by certified, return receipt mail.

Refusal of Inspection

If the responsible person **refuses to allow an inspection** of the facility:

- inform the responsible person that he/she is in violation of the Animal Welfare Act by conducting a regulated activity without a license
- leave a prelicense packet with the person, if possible
- take photographs documenting the regulated activity, if safely possible

No Inspection Conducted

If you decide **not to conduct an inspection**:

- inform the responsible person that the facility is in violation of the Animal Welfare Act by conducting a regulated activity without a license
- give or have the Regional Office send an application packet, if applicable, to the responsible person
- take photographs documenting the regulated activity, if possible

Post-Search Procedures

After conducting the search, ALWAYS:

- complete Search sheet
- submit the Search sheet with the inspection report or memo to your SACS or the Regional Office following your standard procedure
- if an **inspection was conducted**, submit:
 - the inspection report, AND
 - a memo with your recommendation for an enforcement action (see Section 9.3)
- for a **refusal of inspection**, submit a memo:
 - describing the regulated activity being conducted
 - indicate that an inspection was not permitted
 - make a recommendation regarding an enforcement action (see Section 9.3)
- if you **decided not to conduct an inspection**, submit a memo:
 - describing the regulated activity being conducted
 - indicate the reason why you did not conduct an

inspection

- if appropriate, make a recommendation for an enforcement action (see Section 9.3)
- submit any photos taken of the regulated activity

If the inspection report was completed using the Microsoft Word inspection report template, then you should:

1. contact an ILA or the Program Specialist at the Regional Office
2. provide the ILA or Program Specialist the following information:
 - person or business's full name
 - complete business address
 - complete site address
 - county, if known
 - business telephone number, including area code
3. obtain the customer number, if available
4. replicate the LARIS database, after you have been informed that the person has been entered into LARIS
5. enter the information exactly as it is on the Word Inspection Report into the LARIS database
NOTE: Date of the actual inspection, date prepared, and date received should be the same as on the Word Inspection Report.
6. place the following statement in the narrative section: **“This is an electronic version of the report dated xx/xx/xx.”**
7. send a copy of the LARIS Inspection Report to the licensee by regular mail or email
8. attach a copy of the LARIS Inspection Report to the Word Inspection Report
9. submit the Inspection Reports to your SACS or the Regional Office following your standard procedure

Follow-up procedure

If a person you contacted on a search was conducting a regulated activity and he/she has not applied for a license within 30 days, you should revisit the facility to determine if he/she is still conducting the regulated activity.

	<p>If the person is no longer conducting a regulated activity, you should</p> <ul style="list-style-type: none">• complete and send a Search sheet to the Regional Office, OR• send a memo to the Regional Office documenting your findings <p>If the person is still conducting a regulated activity, you should:</p> <ul style="list-style-type: none">• if safe and appropriate, remind the person that a USDA license is required to conduct this activity• document the regulated activity either by:<ul style="list-style-type: none">➤ conducting another inspection, if possible NOTE: Any noncompliances not corrected, including conducting regulated activities without a license, should be designated as “REPEAT” noncompliances, OR➤ completing another Search sheet, OR➤ writing a memo detailing your findings• take photographs, if possible• recommend an enforcement action (see Section 9.3)• send the information to the Regional Office
<p>On-the-Road Inspection</p>	<p>If you find an unlicensed exhibitor on-the-road, you should inform the exhibitor that:</p> <ul style="list-style-type: none">• a USDA license is required for the activity he/she is conducting• all applicable AWA regulations, standards, and policies must be met at all sites• he/she cannot exhibit until licensed <p>You should obtain the following information from the exhibitor:</p> <ul style="list-style-type: none">• location of the home base or permanent facility which he/she returns to between tours (see page 8.14.9) NOTE: A traveling exhibitor must have a home base or permanent site in order to get a license.

- animals currently housed at home base or permanent site
- name of any other Animal Care inspector that exhibitor has been in contact with and the results of that contact
- ways to contact exhibitor while on-the-road
- itinerary

NOTE: If the exhibitor refuses to give you any information, you should:

- try to get contact information and itinerary from the manager of the circus/group/venue, if applicable
- get vehicle license tag number, if possible, to use to obtain follow up information

Licensing Process Started

If the exhibitor chooses to start the licensing process, perform a prelicense inspection. Be sure to:

- follow the procedure outlined on page 8.12.3
- use TRA as the Site designation
- have the exhibitor complete an application and TIN form
- collect the application fee
- discuss all records required by the regulations, such as:
 - Program of Veterinary Care
 - acquisition and disposition records
 - Dog Exercise Plan
 - Nonhuman Primate Environmental Enhancement Plan
 - Health Certificates
- document on the inspection report all pertinent information discussed
- obtain an itinerary
- obtain on-the-road contact information
- obtain location of home base/permanent base
- inform exhibitor that the home base/permanent site must be inspected and be in compliance before a license will be issued

If noncompliances are identified, be sure to:

- inform the exhibitor that all noncompliances must be

corrected prior to the next inspection

- determine with the exhibitor when and where the next inspection will be conducted
- inform the exhibitor that he/she cannot exhibit until a license is obtained

Send the inspection report and all related paperwork to your SACS or Regional Office with your weekly paperwork.

If another prelicense inspection is required:

- contact your SACS with this information
- determine with your SACS who will contact the next inspector, if required

*Licensing Process **not** Started*

If the exhibitor chooses **not** to start the licensing process, you should:

- obtain contact information and itinerary (if necessary, check with manager of venue)
- reemphasize that he/she cannot legally exhibit without a USDA license
- inform the exhibitor that any further exhibition could result in an enforcement action
- notify your SACS or Regional Office

**Home Base or
Permanent Site**

The exhibitor **must** have a home base or permanent facility.

If a home base or permanent facility has not yet been inspected, contact your SACS or Regional Office with the location and other pertinent information.

You should:

- obtain the location of this facility
- discuss the facilities available at this site
- inform the exhibitor that a license will not be issued until all sites are in compliance with the regulations and standards

	<ul style="list-style-type: none">• obtain contact information for the inspector at the home base/permanent site• include the following or a similar statement on the inspection report: “All sites must be in compliance before a license will be issued.”• DO NOT complete the prelicense process. (DO NOT state on the inspection report that “applicant meets all requirements to be licensed” or accept the license fee.)
Final Prelicense Inspection	<p>If another prelicense inspection is not required, i.e., no noncompliances were cited and the exhibitor’s home base/permanent site has already passed inspection, then you should follow the standard procedure for completing the licensing process as detailed on page 8.12.13 under “No Noncompliant Items.”</p> <p>The inspector conducting the final prelicense inspection should:</p> <ul style="list-style-type: none">• include the following or a similar statement on the inspection report: “Applicant meets all requirements to be licensed as a “C” exhibitor.”• collect the license fee or instruct the applicant how to submit the license fee
