



VIA: USPS Certified Mail  
Shipping Event: 1st

November 30, 2012

Marvin Burkholder  
DBA Berlin Kennel  
5535 County Road 407  
Millersburg, OH 44654

## SETTLEMENT AGREEMENT

### 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 Violation: January 20, 010**

**9 C.F.R. § 3.6(a)(2)(i)** Primary enclosures. (a) General requirements. You failed to construct and maintain the primary enclosures so that they had no sharp points or edges that could injure the dogs.

You failed to remove sharp points or edges from around the inside of several doors where the aluminum framing was separated from the walls.

**Date of Violation: January 20, 2010**

**9 C.F.R. § 3.9(b)** Feeding. You failed to keep the self-feeders clean and sanitized. Additionally, you failed to take measures to ensure that there was no molding, deterioration, and caking of feed.

You failed to remove grime build up on the inside feed bowl and along the metal lip of several of the self-feeders.

**Date of Violation: November 17, 2010**

**9 C.F.R. § 2.40(b)** Attending veterinarian and adequate veterinary care (dealers and exhibitors). You failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

You failed to provide adequate veterinary care for a male Boston terrier that APHIS officials found deceased during the inspection.

**Date of Violation: November 17, 010**

**9 C.F.R. § 3.6(a)(2)(i)** Primary enclosures. (a) General requirements. You failed to construct and maintain the primary enclosures so that they had no sharp points or edges that could injure the dogs.

You failed to remove sharp points or edges from around the inside of several doors where the aluminum framing was separated from the walls.



**Date of Violation: November 17, 2010**

**9 C.F.R. § 3.11(b)(2)** Cleaning, sanitization, housekeeping, and pest control. (b) Sanitization of primary enclosures and food and water receptacles. You failed to sanitize hard surfaces of primary enclosures and food and water receptacles as often as necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

You failed to sanitize and clean all hard surfaces as often as necessary, as evidenced by an accumulation of grime and other organic material, especially around the trim along the bottom of the den boxes.

**Date of Violation: August 30, 2011**

**9 C.F.R. § 2.40(b)** Attending veterinarian and adequate veterinary care (dealers and exhibitors). You failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

You failed to provide adequate veterinary care for the following animals at your facility:

- 1) Several dogs with excessively long nails;
- 2) A Boston terrier puppy with abnormally bowed legs;
- 3) A dog in poor condition with a sparse hair coat, tan debris adhered to her teeth with red and swollen gums, and areas of receding gums;
- 4) A dog with abnormal areas of skin on her head and above her right eye, hair loss with increased redness, and areas of raised skin and
- 5) At least one dog with loose stool.

**Date of Violation: August 30, 2011**

**9 C.F.R. § 3.6(a)(2)(ii)** Primary enclosures. (a) General requirements. You failed to construct and maintain the primary enclosures so that they protected the dogs from injury.

You failed to remove carpet that was severely frayed, worn, and soiled from two enclosures holding Boston terrier puppies.

**Date of Violation: August 30, 2011**

**9 C.F.R. § 3.11(b)** Cleaning, sanitization, housekeeping, and pest control. (b) Sanitization of primary enclosures and food and water receptacles. You failed to sanitize hard surfaces of primary enclosures and food and water receptacles.

You failed to clean and sanitize most of the hard surfaces that come in contact with the dogs including the whelping boxes, wire mesh, and pen walls that had a moderate to heavy accumulation of waste, dust, dirt, hair, and other organic material.

“The penalty amount for the alleged violations above is \$1,964.