

<b>SEARCH INSPECTION</b>	A search is an investigation of anything relating to unlicensed activity.
<b>Subjects of Searches</b>	<p>Subjects of searches include, but are not limited to:</p> <ul style="list-style-type: none"><li>• involuntarily terminated licensees (i.e. canceled due to non-payment, suspended due to consent decisions and orders)</li><li>• person selling regulated animals to pet stores or brokers</li><li>• persons purchasing large numbers of regulated animals</li><li>• previously identified violators</li></ul> <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"><li>• making phone calls</li><li>• checking broker records</li><li>• checking dealer records</li><li>• visiting the facility</li><li>• communicating with other inspectors</li></ul>
<b>Sources of Information</b>	<p>Sources of information include, but are not limited to:</p> <ul style="list-style-type: none"><li>• anonymous tips</li><li>• general public</li><li>• animal protection groups</li><li>• whistle blower</li><li>• APHIS personnel</li><li>• advertisements</li><li>• dealer records</li><li>• auction records</li><li>• city, county, or State agency</li><li>• State health certificates</li><li>• other Federal agency</li></ul>

**Information  
Follow-up**

Sources may provide information by the following methods:

- phone calls
- 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.

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**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 Complaint/Search sheet (see page 8.12.6)
- 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 follow-up
- forward the Complaint/Search sheet and any supplemental information (e.g..copies of records, invoices, sale bills) to the Regional Office

If the information applies to a person **in your territory**, conduct a search.

**Conducting  
the Search**

Verify the information received by:

- contacting the responsible person
- gathering additional information, such as:
  - ▶ contacting witnesses
  - ▶ assessing records
  - ▶ newspaper articles or classified ads

If regulated activities are **not** being conducted:

- complete the bottom portion of complaint/search sheet
- submit your findings to the Regional Office

If regulated activities **are** being conducted:

- 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. Situations where you may decide **not** to request permission to inspect include, but are not limited to:
  - ▶ you are able to see animals and no major problems are observed
  - ▶ responsible person is uncooperative and threatening
- 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 8.12.7) 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

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 - 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 the “**1<sup>st</sup> prelicense**” if the responsible person decides to apply for a license and follow procedures for a “Prelicense Inspection” (see Section 8.9)
  - ▶ include a citation of “SECTION 2.1 - 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.

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
- submit a memo to the Regional Office:
  - ▶ describe the regulated activity that is being conducted
  - ▶ indicate that an inspection was not permitted
  - ▶ make a recommendation regarding enforcement action

**Post-Search  
Procedures**

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 for License (APHIS Form 7003-A) and other pertinent forms and information, or an application packet, if applicable, to the responsible person
- submit a memo to the Regional Office:
  - ▶ describe the regulated activity being conducted
  - ▶ indicate the reason why you did not conduct an inspection

After conducting the search, ALWAYS:

- complete the bottom portion of the Complaint/Search sheet
- determine the validity of the information as requested on the Complaint/Search sheet:
  - ▶ valid if a regulated activity was being conducted
  - ▶ invalid if no regulated activity was being conducted
- submit the Complaint/Search sheet with the inspection report or memo to the Regional Office
- make your recommendation regarding any enforcement action or no action in a separate memo

If the person was conducting a regulated activity and neither you nor the Regional Office have not heard from him/her within 6 months, you should check to determine if he/she is still conducting the regulated activity.