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UNITED STATES DEPARTMENT OF AGRICULTURE

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01-17-00

BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) AWA Docket No. 01-0029  
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 )  
 MICHAEL JURICH, an individual; and )  
 PRAIRIE WIND ANIMAL REFUGE, )  
 a Colorado corporation, )  
 )  
 Respondents. ) Consent Decision and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in the complaint, specifically admit that the Secretary has jurisdiction, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

1. Michael Jurich is an individual whose mailing address is 22111 County Road 150, Agate, Colorado 80101, and is a principal of respondent Prairie Wind Animal Refuge. Between approximately 1984 and January 31, 2000, respondent Michael Jurich operated as an exhibitor as that term is defined in the Act, under license number 94-C-052, issued under the name "Michael R. and Laurie E. Jurich dba Prairie Wind Animal Refuge," and thereafter operated as a exhibitor.

cc: IES, Fort Worth, TX AC, Sacramento, CA  
 Animal Care Staff, Riverdale, MD LPA, Riverdale, MD

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2. Prairie Wind Animal Refuge is a Colorado corporation whose business mailing address is 22111 County Road 150, Agate, Colorado 80101. The registered agent for service of process of respondent Prairie Wind Animal Refuge is Michael Jurich, located at the same address. Between approximately 1984 and January 31, 2000, respondent Prairie Wind Animal Refuge operated as an exhibitor as that term is defined in the Act, under license number 94-C-052, issued under the names "Michael R. and Laurie E. Jurich dba Prairie Wind Animal Refuge," and thereafter operated as a exhibitor.

#### Conclusions

The respondents have admitted the jurisdictional facts, the parties have agreed to the entry of this decision, and therefore such decision will be entered.

#### Order

1. Respondents are jointly and severally assessed a civil penalty of \$4,000, to be paid by certified check or money order made payable to the Treasurer of the United States, by September 1, 2001. If respondents fail to pay such sum in full by said date, respondents are jointly and severally assessed an additional civil penalty of \$2,000, without further procedure.

2. Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

3. For the purposes of this consent decision and order, the period of time between July 31, 2001, and August 1, 2003 shall be referred to as the "probation period." After August 1, 2002, the probation period may be shortened based upon respondents' application therefor, and complainant's review of same and determination that there is good cause to effect such a modification.

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4. The respondents agree that during the probation period, they will not apply for a license pursuant to the Act, and will not engage in activities for which such a license is required. The complainant agrees to provide to respondents' counsel by September 1, 2001, a letter confirming that pursuant to this consent decision and order, respondents have agreed not to engage in any activity for which a license is required under the Act, that voluntary licenses are not issued except as provided in section 2.1(b) of the Regulations, and that no license under the Animal Welfare Act would be required for other unregulated activities proposed.

5. The respondents agree that if during the probation period APHIS notifies respondents that it has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), either on or off of the premises located at 22111 Colorado Road 150, Agate, Colorado 80101, upon receipt of such notice and supporting documentation, respondents shall be jointly and severally assessed a civil penalty of \$15,000 and Animal Welfare Act license number 94-C-052, as to "Michael R. Jurich dba Prairie Wind Animal Refuge" shall be revoked, without further procedure.

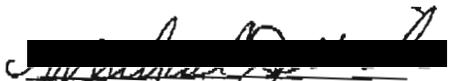
The respondents further agree to a prospective waiver of their right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties agree that respondents may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where respondents reside or have their place of business.

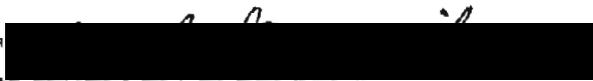
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This order shall become effective immediately. Copies of this decision shall be served upon the parties.

PRAIRIE WIND ANIMAL REFUGE  
a Colorado corporation  
Respondent

  
Michael Jurich  
Respondent

By   
Michael Jurich  
Its PRESIDENT

  
Laura J. Nagle  
Davis Graham & Stubbs  
Attorneys for Respondents

  
Colleen Carroll  
Attorney for Complainant

Done at Lakewood, Colorado  
this 31 day of July, 2001

  
Jill S. Clifton  
Administrative Law Judge

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