

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 05-0002  
)  
Jane Hos, )  
)  
Respondent )

DECISION AND ORDER UPON  
ADMISSION OF FACTS BY REASON OF DEFAULT

Preliminary Statement

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the Respondent willfully violated the Act and the regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.).

A copy of the complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served on the Respondent by certified mail, return receipt requested, mailed on October 14, 2004, and signed for by the Respondent on October 22, 2004. The Respondent has failed to file an answer within the time prescribed. The material facts alleged in the complaint, which are admitted by the Respondent's failure to file an answer, are adopted and set forth herein as Findings of Fact and Conclusions of Law.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

Findings of Fact and Conclusions of Law

1. Jane Hos, hereinafter referred to as respondent, is an individual whose mailing address is RR3, Box 118 C, Ava, MO 65608.

2. The respondent, at all times material herein, was operating as a dealer as defined in the Act and the regulations.

3. The respondent, at all times material herein, was operating as a dealer as defined in the Act and the regulations, without having being licensed, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and section 2.1 of the regulations (9 C.F.R. § 2.1). Respondent's violations include, but are not limited to, the sale dogs for resale for use as pets on the following dates:

April 10, 2002	4 dogs
July 10, 2002	3 dogs
July 24, 2002	3 dogs
September 11, 2002	4 dogs
September 18, 2002	4 dogs
September 25, 2002	5 dogs
October 16, 2002	3 dogs

The sale of each dog constitutes a separate violation.

Conclusions

1. The Secretary has jurisdiction in this matter.
2. The following Order is authorized by the Act and warranted under the circumstances.

Order

1. The Respondent, her 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 issued thereunder, and in particular, from operating as a dealer as defined in the Act and regulations without being licensed as required.

2. The Respondent is assessed a civil penalty of \$2,000, which shall be paid by a certified check or money order made payable to the Treasurer of United States and shall be sent to Robert A. Ertman, Attorney, Office of the General Counsel, United States Department of Agriculture, Room 2014 South Building, Washington, D.C. 20250.

The provisions of this order shall become effective on the first day after this decision becomes final.

Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.  
this 17<sup>th</sup> day of October, 2005

Marc R. Hillson  
Administrative Law Judge