

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 05-0008
)	
DEBRA D. TETER, an individual doing business)	
as Luv Me Kennel; and, MELISSA D. ADAMS,)	DECISION AND ORDER
also known as MELISSA TETER, an individual)	AS TO DEBRA D. TETER
doing business as Luv Me Kennel,)	AND MELISSA D. ADAMS
)	BY REASONS OF
Respondents.)	ADMISSION OF FACTS

This proceeding was instituted under the Animal Welfare Act (AAct@), 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 respondents willfully violated the Act and the regulations and standards (ARegulations@ and AStandards@) issued thereunder (9 C.F.R. ' 1.1 et seq.).

On January 11, 2005, the Hearing Clerk sent respondents, by certified mail, return receipt, copies of the complaint and the Rules of Practice Governing Formal Adjudicatory Administrative Proceedings Instituted by the Secretary (7 C.F.R. _ 1.130 et seq.). Respondents were informed in the accompanying letter of service that an answer to the complaint should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation. Respondents actually received the complaint on January 31, 2005.¹

Respondents failed to file an answer within the time prescribed in the Rules of Practice, thus, the material facts alleged in the complaint, which are admitted by said respondents= default, are adopted and set forth herein as Findings of Fact. This Decision and Order, therefore, is issued

¹See Domestic Return Receipt for Article Number 7003 2260 0005 5721 3632 (respondent Debra Teter); Domestic Return Receipt for Article Number 7003 2260 0005 5721 3649 (respondent Melissa Adams).

pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. ' 1.139.

FINDINGS OF FACT

1. Respondent Debra D. Teter is an individual, doing business as Luv Me Kennel, a partnership or unincorporated association, and whose mailing address Post Office Box 288, Shelbyville, Missouri 63469. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 43-A-3780, issued to ADebra & Melissa Teter DBA: Luv Me Kennel@ On October 29, 2003, said respondent voluntarily terminated Animal Welfare Act license number 43-A-3780.

2. Respondent Melissa D. Adams, also known as Melissa Teter, is an individual, doing business as Luv Me Kennel, a partnership or unincorporated association, and whose mailing address Post Office Box 288, Shelbyville, Missouri 63469. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 43-A-3780, issued to ADebra & Melissa Teter DBA: Luv Me Kennel@ On October 29, 2003, said respondent voluntarily terminated Animal Welfare Act license number 43-A-3780.

3. APHIS personnel conducted inspections of respondents= facilities, records and animals for the purpose of determining respondents= compliance with the Act and the Regulations and Standards on June 4, 2003 (120 adult, 4 young animals inspected), June 6, 2003, June 9, 2003 (120 adult, 4 young animals inspected), July 21, 2003 (137 adult, 13 young animals inspected), August 26, 2003 (133 adult animals inspected), September 9, 2003 (125 adult, 17 young animals inspected), October 2, 2003.

4. Respondents violated the attending veterinarian and veterinary care regulations (9 C.F.R. ' 2.40), by failing have their attending veterinarian provide adequate veterinary care to their animals that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and specifically:

- a. On or about June 4, 2003, through on or about October 2, 2003. Respondents failed to prevent, control, diagnose, and treat ectoparasites, blood parasites and intestinal parasites in dogs. (9 C.F.R. ' 2.40(a),(b)(2)).
- b. June 4, 2003. Respondents failed to obtain veterinary treatment for thirty dogs, including: four dogs (Cocker Spaniels and Jack Russell Terriers) that had heavily matted that were nearly matted shut; twenty dogs that had extreme body matts that restricted the animals= normal movement; two dogs that exhibited severe hair loss over a third of their bodies; two dogs that had very loose, discolored stools; one dog that had a severed leg; and, one dog found dead during the inspection that was later diagnosed as suffering from, among other things, E. coli, Parvo virus, and bilateral conjunctivitis. (9 C.F.R. ' 2.40(a),(b)(2)).
- c. June 6, 2003. Respondents failed to obtain veterinary treatment for no fewer than sixteen dogs, including: seven dogs that had greenish, eye discharge; six dogs that had extreme body matts that restricted the animals= normal movement; two dogs that had severe hair loss over a third of their bodies; several dogs that had very loose, discolored stools; one dog that had a severed leg; and, one Cocker Spaniel that exhibited difficulty defecating or urinating. (9 C.F.R. ' 2.40(a),(b)(2)).
- d. June 9, 2003. Respondents failed to obtain veterinary treatment for three dogs with heavily matted eyes such that the eyes were nearly matted shut, dogs with extreme body matts such that restricted normal movement, and one dog housed in the trailer (top run, west side) that appeared lethargic. (9 C.F.R. ' 2.40(a),(b)(2)).
- e. July 21, 2003. Respondents failed to obtain veterinary treatment for one dog

(outdoor facility) that had a sore on its head and very cloudy eyes and one dog (trailer) that appeared to have a fractured leg. (9 C.F.R. ' 2.40(a),(b)(2)).

f. On or about July 3, 2003, through on or about September 2, 2003. Respondents failed to obtain veterinary treatment for a Miniature Pinscher with a repeat, vaginal prolapse. (9 C.F.R. ' 2.40(a),(b)(2)).

g. August 26, 2003. Respondents failed to obtain veterinary treatment for one small dog (#064053843) that had open wounds on its head and matted eyes, a Bichon Frise (#063631577) that had open wounds on both ears and shoulder area, and a very thin hair coat, and four Bichon Frise (pen #1, trailer) that had sores on their ears. (9 C.F.R. ' 2.40(a),(b)(2)).

h. On or about July 3, 2003, through on or about September 4, 2003. Respondents failed to obtain veterinary treatment for Cocker Spaniel that had wounds on her ears, matted eyes, and an open, draining tumor on her belly that dragged on the ground. (9 C.F.R. ' 2.40(a), (b)(2)).

i. On or about August 26, 2003, through on or about September 6, 2003. Respondents failed to obtain veterinary treatment for Cocker Spaniel (#063638559) that had open wounds on both ears and matted eyes. (9 C.F.R. ' 2.40(a),(b)(2)).

j. September 9, 2003. Respondents failed to obtain veterinary treatment for a Shiba Inu (#051272082) that exhibited difficulty bearing weight on its right foreleg and an adult Bichon Frise (upper pen #15, indoor) that had exposed wounds on the right shoulder. (9 C.F.R. ' 2.40(a),(b)(2)).

k. On or about September 9, 2003, through on or about October 2, 2003.

Respondents failed to obtain veterinary treatment for: four adult Labrador Retrievers (second outdoor enclosure, westside) that had loose, tan-color stools; five adult Siberian Huskies (first outdoor enclosure, west side) that had loose, tan-color stools; a Bichon Frise (#063631577) that had open wounds and tissue damage on both ears and hair loss on the right flank; an adult Bichon Frise (#063677262) that had hair loss on the left rear leg and caudal torso area; and a blond-color Cocker Spaniel (lower pen #15, indoor) that had a heavily matted left eye that were nearly swollen shut with cloudy exudate around and in the eye. (9 C.F.R. ' 2.40(a),(b)(2)).

l. October 2, 2003. Respondents failed to obtain veterinary treatment for a female Pug (garage) that appeared thin, weak, and was unstable on her right side and a Westie (trailer) with an open wound on its right front leg. (9 C.F.R. ' 2.40(a),(b)(2)).

5. Respondents violated the attending veterinarian and veterinary care regulations (9 C.F.R. ' 2.40) by failing to establish and maintain programs of adequate veterinary care that included daily observation of all animals to assess their health and well-being, and specifically:

a. June 4, 2003. Respondents failed to observe and record accurate information related to thirty-four dogs, including four dogs (Cocker Spaniels and Jack Russell Terriers) that had heavily matted eyes, twenty dogs that had extreme body matts, two dogs that exhibited severe hair loss, two dogs that had very loose, discolored stools, one dog whose right rear foot became severed after being wrapped in wire, and, five dogs found dead during the inspection, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their

attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

b. June 6, 2003. Respondents failed to observe and record accurate information related to no fewer than sixteen dogs, including seven dogs that had greenish, eye discharge, six dogs that had extreme body matts that restricted the animals= normal movement, two dogs that exhibited severe hair loss over a third of their bodies, several dogs that had very loose, discolored stools, one dog with a severed leg, and, one Cocker Spaniel that exhibited difficulty defecating or urinating, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

c. June 9, 2003. Respondents failed to observe and record accurate information related to three dogs that had heavily matted eyes, dogs with extreme body matts, and one dog that appeared lethargic, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

d. July 21, 2003. Respondents failed to observe and record accurate information related to one dog that had a sore on its head and very cloudy eyes, and one dog with a fractured leg and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

e. On or about July 21, 2003, through on or about September 2, 2003. Respondents failed to observe and record accurate information related to Miniature Pinscher that had a vaginal prolapse and were, therefore, unable to convey timely and accurate information

concerning the dog=s health, behavior, and well-being to their attending veterinarian.

(9 C.F.R. ' 2.40(b)(3)).

f. August 26, 2003. Respondents failed to observe and record accurate information related to one small dog (#064053843) that had open wounds on its head and matted eyes, a Bichon Frise (#063631577) that had open wounds on both ears and shoulder and a very thin hair coat, and four Bichon Frise (pen #1, trailer) that had sores on their ears, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

g. On or about August 26, 2003, through on or about September 4, 2003. Respondents failed to observe and record accurate information related to a Cocker Spaniel that had wounds on her ears, matted eyes, and an open, draining tumor on her belly that dragged on the ground, and were, therefore, unable to convey timely and accurate information concerning the dog=s health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

h. On or about August 26, 2003, through on or about September 6, 2003. Respondents failed to observe and record accurate information related to a Cocker Spaniel (#063638559) that had open wounds on both ears and matted eyes, and were, therefore, unable to convey timely and accurate information concerning the dog=s health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

i. September 9, 2003. Respondents failed to observe and record accurate information related to a Shiba Inu (#051272082) that exhibited difficulty bearing weight

on its right foreleg and an adult Bichon Frise (upper pen #15, indoor) that had exposed wounds on the right shoulder, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

j. On September 9, 2003, through on or about October 2, 2003. Respondents failed to observe and record accurate information related to four adult Labrador Retrievers (outdoor, westside) that had loose, tan-color stools, five adult Siberian Huskies (outdoor) that had loose, tan-color stools, a Bichon Frise (#063631577) that had open wounds and tissue damage on both ears and hair loss on the right flank, an adult Bichon Frise (#063677262) that had hair loss on the left rear leg an caudal torso area, a blond-color Cocker Spaniel (lower pen #15, indoor) that had a heavily matted left eye that was nearly swollen shut, with cloudy exudate around and in the eye, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

k. October 2, 2003. Respondents failed to observe and record accurate information related to a female Pug (garage) that appeared thin, weak, and was unstable on her right side and a Westie (trailer) that had an open wound on its right front leg, and were, therefore, unable to convey timely and accurate information concerning the dogs= health, behavior, and well-being to their attending veterinarian. (9 C.F.R. ' 2.40(b)(3)).

6. On or about June 4, 2003, through on or about August 26, 2003, respondents violated section 2.50(a) of the Regulations by failing to identify all live dogs and cats on the premises, and specifically, failed to identify adult dogs and weaned puppies. (9 C.F.R.

' 2.50(a)).

7. On September 9, 2003, respondents failed to make, keep, and maintain records that fully and correctly disclose required information concerning animals in the possession of respondent, and specifically, failed to maintain any records in connection with the disposition of a red Cocker Spaniel (#063638559), a blond Cocker Spaniel (with a ruptured tumor on her stomach), and a Miniature Pinscher (#225963560D). 9 C.F.R. ' 2.75(a)(1).

8. On September 9, 2003, respondents failed to use Record of Acquisition of Dogs (APHIS Form 7005) and Record of Disposition of Dogs (APHIS Form 7006) to make keep, and maintain information required by the Regulations, and specifically, failed to maintain records in connection with the disposition of a red Cocker Spaniel (#063638559), a blond Cocker Spaniel (with a ruptured tumor on her stomach), and a Miniature Pinscher (#225963560D). 9 C.F.R. ' 2.75(a)(2).

9. Respondents violated section 2.100(a) of the Regulations and Standards by failing to meet the minimum facilities and operating standards for dogs and cats (9 C.F.R. " 3.1-3.19), as follows:

- a. On or about June 4, 2003, through on or about June 9, 2003, respondents failed to design and construction housing facilities for dogs so that they are structurally sound and kept in good repair to protect the animals from injury, and specifically, housed dogs in structurally unsound enclosures that previously collapsed injuring or killing several dogs. (9 C.F.R. " 2.100(a), 3.1(a)).
- b. Respondents failed to provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water other fluids and

wastes, and dead animals in a manner that minimizes contamination and disease risks and failed to equip housing facilities with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry, and specifically:

- i. June 4, 2003. Respondents failed to remove decomposing dog carcasses including four carcasses in an open trash can and pet taxi and another carcass on the ground. (9 C.F.R. " 2.100(a), 3.1(f)).
 - ii. June 4, 2003. Respondents housed dogs in primary enclosures with excessive standing water, mud, or both, preventing the dogs from being clean and dry. (9 C.F.R. " 2.100(a), 3.1(f)).
 - iii. June 6, 2003. Respondents failed to remove three decaying dog carcasses located approximately 10 yards from the animal area. (9 C.F.R. " 2.100(a), 3.1(f)).
 - iv. June 6, 2003. Respondents housed all outdoor dogs in primary enclosures with excessive standing water, mud, or both, preventing the dogs from being clean and dry. (9 C.F.R. " 2.100(a), 3.1(f)).
- c. On October 2, 2003, respondents failed to sufficiently heat indoor housing facilities to protect dogs from temperature or humidity extremes and to provide for their health and well-being, and specifically, failed to provide heat or bedding to all dogs housed in the trailer and seven adult dogs and nine puppies housed in the garage when the overnight and early morning temperatures were in the thirties. (9 C.F.R. " 2.100(a), 3.2(a)).

d. Respondents failed to provide dogs housed outdoors with adequate protection from the elements, and specifically:

i. June 4, 2003. Respondents housed approximately forty dogs in outdoor enclosures with shelters that lacked wind and rain breaks and forty other dogs completely lacked shelter from the elements. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

ii. June 6, 2003. Respondents housed breeds of dogs, without express approval from the attending veterinarian, in outdoor facilities that could not tolerate the prevalent temperatures with out stress or discomfort (such as short-haired breeds in cold climates), and specifically, housed recently sheared dogs in outdoor enclosures with forecasted nighttime temperatures in the forties; the dogs appeared wet, cold, and shivered. (9 C.F.R. " 2.100(a), 3.4(a)(ii)).

iii. June 6, 2003. Respondents housed approximately thirty dogs in outdoor enclosures that lacked adequate shelter, and in some instances completely lacked shelter from the rain; the rain-soaked dogs shivered and appeared cold. (9 C.F.R. " 2.100(a), 3.4(b)).

iv. June 6, 2003. Respondents housed approximately forty dogs in outdoor enclosures with shelters that lacked wind and rain breaks. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

v. June 9, 2003. Respondents failed to provide eleven dogs, housed in outdoor enclosures, with shelter that allowed each animal in the structure to sit, stand, lie in a normal manner, and turn about freely. (9 C.F.R. " 2.100(a), 3.4(b)).

vi. July 21, 2003. Respondents housed seven dogs in outdoor enclosures with

shelters that lacked wind and rain breaks. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

vii. July 21, 2003. Respondents failed to provide ten dogs, housed in outdoor enclosures, with shelter that allowed each animal in the structure to sit, stand, lie in a normal manner, and turn about freely. (9 C.F.R. " 2.100(a), 3.4(b)).

viii. August 26, 2003. Respondents housed seven dogs in outdoor enclosures with shelters that lacked wind and rain breaks. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

ix. On or about September 9, 2003, through on or about October 2, 2003. Respondents housed twelve dogs in outdoor enclosures with shelters that lacked wind and rain breaks. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

x. On or about September 9, 2003, through on or about October 2, 2003. Respondents failed to provide five Siberian Huskies (outdoor) and eight adult Cocker Spaniels (third outdoor enclosure, westside), with shelter that allowed each animal in the structure to sit, stand, lie in a normal manner, and turn about freely. (9 C.F.R. " 2.100(a), 3.4(b)).

xi. September 9, 2003. Respondents failed to provide four adult dogs and eleven puppies (garage), housed in outdoor enclosures, with shelter that allowed each animal in the structure to sit, stand, lie in a normal manner, and turn about freely. (9 C.F.R. " 2.100(a), 3.4(b)).

xii. October 2, 2003. Respondents failed to provide seven adult dogs and nine puppies (garage), housed in outdoor enclosures, with shelter that allowed each animal in the structure to sit, stand, lie in a normal manner, and turn about freely. (9 C.F.R. " 2.100(a), 3.4(b)).

- xiii. October 2, 2003. Respondents failed to provide any bedding to the dogs housed outdoors when the overnight and morning temperatures were in the thirties. (9 C.F.R. " 2.100(a), 3.4(b)(1),(4)).
- e. On August 26, 2003, respondents failed to provide each dog housed in a primary enclosures with the minimal amount of floor space, and specifically, provided 12 square feet of floor space to four Bichon Frise (pen #1, indoors) that measured 26 inches from the tip of nose to the base of the tail and, therefore, required no fewer than 28.48 square feet of floor space. (9 C.F.R. " 2.100(a), 3.6(c)(1)(i)).
- f. Respondent failed to construct and maintain primary enclosures with floors that are constructed in a manner that protects the dogs= feet and legs from injury, and that if of mesh or slatted, construction, do not allow the dogs= feet to pass through any openings in the floor, and specifically:
- i. September 9, 2003. Respondents housed eleven puppies in an outdoor enclosure with flooring constructed of 1" by 1" coated wire mesh; APHIS officials observed the feet of no fewer than seven puppies pass through the mesh floor.
(9 C.F.R. " 2.100(a), 3.6(a)(2)(x)).
- ii. October 2, 2003. Respondents housed nine puppies in an outdoor enclosure with flooring constructed of 1" by 1" coated wire mesh; APHIS officials observed the feet of no fewer than three puppies pass through the mesh floor.
(9 C.F.R. " 2.100(a), 3.6(a)(2)(x)).

g. On June 6, 2003, respondents failed to use food receptacles for dogs that minimized contamination by excreta and pests and that protected the food from rain and snow, and specifically, forty dogs housed outdoors had food receptacles that were muddy, had rain-soaked food and, in some instances, contained soggy food floating in dirty water.

(9 C.F.R. " 2.100(a), 3.9(b)).

h. Respondents failed to offer potable water to dogs as often as necessary to ensure their health and well-being, if potable water is not continually available, in water receptacles that are kept clean and sanitized, and specifically:

i. June 4, 2003. All of the dogs had water contaminated with dirt, green algae, or both. (9 C.F.R. " 2.100(a), 3.10).

ii. June 6, 2003. All of the dogs had muddy water and water receptacles. (9 C.F.R. " 2.100(a), 3.10).

iii. July 21, 2003. Water receptacles provided to four dogs housed outdoors, were rusty, which prevented sanitization. (9 C.F.R. " 2.100(a), 3.10).

i. Respondents failed to remove excreta and food waste from primary enclosures daily, and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs contained in the primary enclosures, and to reduce disease hazards, insects, pests and orders, and failed, when using stream or water to clean the primary enclosure, whether by hosing, flushing, or other methods, to remove dogs unless the enclosure is large enough to ensure the animal will not be harmed, wetted, or distressed in the process, and specifically:

- i. June 4, 2003. Excessive feces and waste covered the ground in outdoor enclosures housing dogs and accumulated on grill-type floors and under the enclosures in the trailer housing dogs. (9 C.F.R. " 2.100(a), 3.11(a)).
- ii. June 6, 2003. A soupy mixture of excessive feces and waste covered the ground in the outdoor enclosures housing dogs, and excessive feces, hair, and waste accumulated on grill-type floors and under the enclosures in the trailer housing dogs, which also smelled of ammonia and fecal matter. (9 C.F.R. " 2.100(a), 3.11(a)).
- iii. September 9, 2003. Respondents housed four Beagles, eight Cocker Spaniels, four Labrador Retrievers, and five Siberian Huskies in enclosures with excessive accumulations of both formed and loose excreta. (9 C.F.R. " 2.100(a), 3.11(a)).
- iv. September 9, 2003. Three adult Yorkies and one adult Poodle and her five puppies (indoor enclosures) had wet hair coats as a result of respondents= failure to remove the animals from their enclosures prior to cleaning by hosing, flushing or otherwise. (9 C.F.R. " 2.100(a), 3.11(a)).
- v. October 2, 2003. Seven adult dogs and nine puppies (garage) had wet hair coats as a result of respondents= failure to remove the animals from their enclosures prior to cleaning by hosing, flushing or otherwise. (9 C.F.R. " 2.100(a), 3.11(a)).
- vi. October 2, 2003. Respondents failed to remove excessive fecal build-up from the wire stack enclosures in the garage. (9 C.F.R. " 2.100(a), 3.11(a)).

j. On June 4, 2004, June 6, 2003, August 26, 2003, September 9, 2003, and October 2, 2003, respondents failed to have enough employees to carry out the level of husbandry practices and care required in the Regulations and Standards. (9 C.F.R. " 2.100(a), 3.12.)

CONCLUSIONS OF LAW

1. The Secretary has jurisdiction over this matter.
2. On or about June 4, 2003, through on or about October 2, 2003, June 4, 2003, June 6, 2003, June 9, 2003, July 21, 2003, on or about July 3, 2003, through on or about September 2, 2003, on or about July 3, 2003, through on or about September 4, 2003, August 26, 2003, on or about August 26, 2003, through on or about September 6, 2003, September 9, 2003, on or about September 9, 2003, through on or about October 2, 2003, and October 2, 2003, respondents willfully violation section 2.40(a) and (b)(2) of the Regulations. (9 C.F.R. ' 2.40(a),(b)(2)).
3. On June 4, 2003, June 6, 2003, June 9, 2003, July 21, 2003, on or about July 21, 2003, through on or about September 2, 2003, August 26, 2003, on or about August 26, 2003, through on or about September 4, 2003, on or about August 26, 2003, through on or about September 6, 2003, September 9, 2003, and on September 9, 2003, through on or about October 2, 2003, and October 2, 2003, respondents willfully violated section 2.40(b)(3) of the Regulations. (9 C.F.R. ' 2.40(b)(3)).
4. On or about June 4, 2003, through on or about August 26, 2003, respondents willfully violated section 2.50(a) of the Regulations. (9 C.F.R. ' 2.50(a)).
5. On September 9, 2003, respondents failed comply with section 2.75(a)(1) of the Regulations. (9 C.F.R. ' 2.75(a)(1)).

6. On September 9, 2003, respondents failed to comply with section 2.275(a)(2) of the Regulations. (9 C.F.R. ' 2.75(a)(2)).

7. Respondents willfully violated section 2.100(a) of the Regulations and Standards by failing to meet the minimum facilities and operating standards for dogs and cats (9 C.F.R. " 3.1-3.19), as follows:

a. On or about June 4, 2003, through on or about June 9, 2003, respondents failed comply with section 3.1(a) of the Standards. (9 C.F.R. " 2.100(a), 3.1(a)).

b. On June 4, 2003, and June 6, 2003, respondents failed to comply with section 3.1(f) of the Standards. (9 C.F.R. " 2.100(a), 3.1(f)).

c. On October 2, 2003, respondents failed to comply with section 3.2(a) of the Standards. (9 C.F.R. " 2.100(a), 3.2(a)).

d. On June 4, 2003, June 6, 2003, July 21, 2003, August 26, 2003, and on or about September 9, 2003, through on or about October 2, 2003, respondents failed to comply with section 3.4(b)(3) of the Standards. (9 C.F.R. " 2.100(a), 3.4(b)(3)).

e. On June 6, 2003, respondents failed to comply with section 3.4(a)(ii) of the Standards. (9 C.F.R. " 2.100(a), 3.4(a)(ii)).

f. On June 6, 2003, June 9, 2003, July 21, 2003, on or about September 9, 2003, through on or about October 2, 2003, September 9, 2003, and October 2, 2003, respondents failed to comply with section 3.4(b) of the Standards. 9 C.F.R. " 2.100(a), 3.4(b).

g. On October 2, 2003, respondents failed to comply with section 3.4(b)(1) and (b)(4) of the Standards. (9 C.F.R. " 2.100(a), 3.4(b)(1),(4)).

- h. On August 26, 2003, respondents failed to comply with section 3.6(c)(1)(i) of the Standards. (9 C.F.R. " 2.100(a), 3.6(c)(1)(i)).
- i. On September 9, 2003 and October 2, 2003, respondents failed to comply with section 3.6(a)(2)(x) of the Standards. 9 C.F.R. " 2.100(a), 3.6(a)(2)(x).
- j. On June 6, 2003, respondents failed to comply with section 3.9(b) of the Standards. 9 C.F.R. " 2.100(a), 3.9(b).
- k. On June 4, 2003, June 6, 2003, and July 21, 2003, respondents failed to comply with section 3.10 of the Standards. (9 C.F.R. " 2.100(a), 3.10).
- l. On June 4, 2003, June 6, 2003, September 9, 2003, and October 2, 2003, respondents failed to comply with section 3.11(a) of the Standards. (9 C.F.R. " 2.100(a), 3.11(a)).
- m. On June 4, 2004, June 6, 2003, August 26, 2003, September 9, 2003, and October 2, 2003, respondents failed to comply with section 3.12 of the Standards. 9 C.F.R. " 2.100(a), 3.12.

ORDER

1. 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.
2. Respondents Debra D. Teter and Melissa D. Adams are jointly and severally assessed a civil penalty in the amount of \$54,065. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

Bernadette R. Juarez
United States Department of Agriculture
Office of the General Counsel

Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Respondents shall state on the certified check or money order that the payment is in reference to AWA Docket No. 05-0008.

3. Respondents= Animal Welfare Act license (Animal Welfare Act license number 43-A-3780) is revoked.

The provisions of this order shall become effective on the first day after this decision becomes final. This decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice. Copies of this decision shall be served upon the parties.

Done at Washington, D.C.
this 18th day of May, 2005

Peter M. Davenport
Administrative Law Judge