

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	AWA Docket No. D-07-0050
James B. Garretson)	
)	
Petitioner)	Decision and Order

1. The Petitioner James B. Garretson represents himself (appears pro se) in this appeal, filed in January 2007, of the denial on November 27, 2006, of his application for an Animal Welfare Act license. See 9 C.F.R. § 2.11. The Respondent, the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS”), is represented by Colleen A. Carroll, Esq.

2. APHIS’s Motion for Summary Judgment, filed November 1, 2007, which Petitioner James B. Garretson did not oppose, is GRANTED.

Findings of Fact

3. The Secretary of Agriculture revoked the privilege of the Petitioner James B. Garretson, also known as James Brandon Garretson, to engage in activities that require an Animal Welfare Act license. See Decision and Order issued March 22, 2007 in AWA Docket No. 04-A032, slip opinion at 2, 44-45, decided at the administrative law judge level and not appealed, *In re James B. Garretson, et al.*, 66 Agric. Dec. ____ (2007).

4. The Secretary of Agriculture permanently disqualified the Petitioner James B. Garretson, also known as James Brandon Garretson, from obtaining, holding, or using any Animal Welfare Act license or from otherwise obtaining, holding, or using an Animal Welfare Act license, directly or indirectly, or through any corporate or other device or person. See Decision and Order issued March 22, 2007 in AWA Docket No. 04-A032, slip opinion at 2, 44-45, decided at the administrative law judge level and not appealed, *In re James B. Garretson, et al.*, 66 Agric. Dec. ____ (2007).

5. While an applicant for an initial Animal Welfare Act license, the Petitioner James B. Garretson, also known as James Brandon Garretson, threatened, verbally abused, and harassed Dr. Gaj, an official of the Animal and Plant Health Inspection Service (APHIS official) in the course of carrying out his duties, on June 25, 2004, at Lake City, Florida, in willful¹ violation of section 2.4 of the Regulations (9 C.F.R. § 2.4). The Petitioner James B. Garretson, also known as James Brandon Garretson, had a pattern of threatening, verbally abusing, and harassing APHIS officials in the course of carrying out their duties. See Decision and Order issued March 22, 2007 in AWA Docket No. 04-A032, slip opinion at 2, 44-45, decided at the administrative law judge level and not appealed, *In re James B. Garretson, et al.*, 66 Agric. Dec. ____ (2007).

¹ The term “willful” used here includes such gross neglect of a known duty as to be the equivalent of an intentional misdeed.

Conclusions

6. No genuine issues of material fact exist, and APHIS is entitled to judgment as a matter of law.

7. The Petitioner James B. Garretson, also known as James Brandon Garretson, is barred from obtaining an Animal Welfare Act license. Consequently, he cannot prevail on his Petition herein.

8. APHIS's denial on November 27, 2006, of the application for an Animal Welfare Act license by the Petitioner James B. Garretson, also known as James Brandon Garretson, must be and hereby is upheld.

Order

9. The Petitioner James B. Garretson, also known as James Brandon Garretson, and his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from engaging in any activity for which a license is required under the Animal Welfare Act or the Regulations.

10. The Petitioner James B. Garretson, also known as James Brandon Garretson, and his agents and employees, successors and assigns, directly or indirectly, or through any corporate or other device or person, shall cease and desist from violating the Animal Welfare Act and the Regulations and Standards issued thereunder.

Finality

11. This Decision and Order shall be final without further proceedings 35 days after service unless an appeal to the Judicial Officer is filed with the Hearing Clerk within 30 days after service, pursuant to section 1.145 of the Rules of Practice (7 C.F.R. §

1.145, see enclosed Appendix A).

Copies of this Decision and Order shall be served by the Hearing Clerk upon each of the parties.

Done at Washington, D.C.
this 28th day of December 2007

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue, SW
Room 1031, South Building
Washington, D.C. 20250-9203
Phone: 202-720-4443
Fax: 202-720-9776