

The Animal Welfare Act and the regulations issued thereunder authorize the Secretary of Agriculture, among other things, to terminate an Animal Welfare Act license when a licensee is unfit to hold such license.² The Act and regulations also authorize the disqualification of any person whose license has been terminated, from applying for or obtaining an Animal Welfare Act license.³

One of the Animal Welfare Act's primary purposes is to insure that animals intended . . . for exhibition purposes . . . are provided humane care and treatment⁴

The Complainant has determined, and I find, that Respondent is unfit to be licensed under the Animal Welfare Act and that his exhibitor's license should be terminated. On October 4, 2005, Respondent was found guilty of mistreating animals, in violation of section 47-1-40 of the South Carolina Code of Laws, as a result of his failure to provide adequate housing, nutrition and water to two of his animals. Respondent's mistreatment of animals is contrary to one of the Act's hallmarks: insuring that animals are provided humane care and treatment.

The Complainant also recommends that I disqualify Respondent for a two year period from applying for or obtaining an Animal Welfare Act license. The Complainant believes that this period of disqualification is the necessary and appropriate given the purposes of the Act, the gravity of Respondent's conduct and the number of animals effected by such conduct. I find, based on

²7 U.S.C. §§ 2133, 2151; 9 C.F.R. § 2.12; *see also* 9 C.F.R. § 2.11.

³7 U.S.C. §§ 2151; 9 C.F.R. § 2.11(b); *see In re Mary Bradshaw*, 50 Agric. Dec. 499, 507 (1991) (holding that the Secretary's power to require and issue licenses under the Animal Welfare Act includes the power to deny a license, to suspend or revoke a license, to disqualify a person from becoming licensed, and to withdraw a license.≡).

⁴7 U.S.C. § 2131.

section 2151 of the Act, sections 2.11 and 2.12 of the regulations, and on the record herein, and the recommendations of the Complainant, that a disqualification of two (2) years is warranted.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Respondent Wayne Pies is an individual whose mailing address is 2604 Bay Drive, Bradenton, Florida 34208.

2. Respondent Pies, at all material times mentioned herein, was operating as an exhibitor as defined in the Act and the Regulations.

3. Respondent Pies, at all material times mentioned herein, has held Animal Welfare Act license number 58-C-0022, issued to AWayne Pies.≡

4. The Secretary has jurisdiction in this matter.

5. On October 4, 2005, Respondent was found guilty of Ill Treatment of Animals, in violation of section 47-1-40 of the South Carolina Code of Laws, by the Florence County Magistrates Court. S.C. Code Ann. ∅ 47-1-40. Specifically, respondent was found to have left one miniature male horse and one large male hog in a trailer without sufficient food and water for no fewer than two days.

6. On October 4, 2005, after being found guilty of said offense, respondent paid a fine of \$260.00 to the Florence County Magistrates Court.

7. Respondent Wayne Pie has been found to have violated a State or local law or regulation pertaining to animal cruelty and, for the foregoing reasons, the Administrator of the Animal and Plant Health Inspection Service has determined that Respondent is unfit to be licensed. (9 C.F.R. ∅∅ 2.11, 2.12). Accordingly, Animal Welfare Act license number 58-C-0022, issued to AWayne Pies≡ should be terminated, pursuant section 2.12 of the regulations. (9 C.F.R. ∅ 2.12)

ORDER

1. Animal Welfare Act license number 58-C-0022 is hereby terminated.
2. Respondent may apply for a license two years from the day this Order.

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 ____ day of _____ 2006

Victor W. Palmer
Administrative Law Judge