

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

<p>In re:</p> <p>PAMELA SIMS, an individual doing business as PAM'S COCKERS AND SCHNAUZERS,</p> <p>Respondent.</p>	<p>AWA No. 09- <u>19070</u></p> <p>CONSENT DECISION AND ORDER</p>
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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 respondent willfully violated the Act and the regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Pamela Sims is an individual doing business as Pam's Cockers and Schnauzers, and whose mailing address is 2375 W. FM 852, Winnsboro, Texas 75494.
2. At all material times alleged 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 74-A-1327.

CONCLUSIONS

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. 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, shall cease and desist from:

- a. failing to have a program of veterinary care that provides for adequate veterinary care for all animals;
- b. failing to provide records concerning animals to APHIS officials at the time of inspection;
- c. failing to allow APHIS officials to inspect, during business hours, facilities, animals, and records;
- d. failing to properly store supplies of food;
- e. failing to provide adequate drainage and waste disposal;
- f. failing to provide adequate ventilation for dogs in sheltered housing facilities;
- g. failing to maintain the surfaces of indoor housing facilities for dogs that are impervious to moisture;
- h. failing to provide adequate shelter for dogs in outdoor facilities;
- i. failing to maintain the surfaces of the outdoor enclosures for dogs so they are impervious to moisture;
- j. failing to provide primary enclosures for dogs that are structurally sound and in good repair;
- k. failing to provide self-feeders which do not allow moisture or pests to contaminate food;
- l. failing to clean excreta and food waste from primary enclosures daily;
- m. failing to keep premises free from accumulations of trash, junk, and weeds;
- n. failing to maintain an effective pest control program; and

- o. failing to have enough employees to provide proper husbandry and care to the animals.
2. Animal Welfare Act license number 74-A-1327 is hereby revoked.

The provisions of this order shall become effective on the first day after service of this decision on the respondent. Copies of this decision shall be served upon the parties.

[REDACTED]

Pamela Sims
Respondent

[REDACTED]

Bernadette Juarez
Attorney for Complainant

[REDACTED]

Done at Washington, D.C.
this 16th day of May, 2009

[REDACTED]

Administrative Law Judge