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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 08-0072
)
Clayton and Laura Yoder,)
)
Respondents) Consent Decision
) and Order

This proceeding was instituted under the Animal Welfare 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 respondents willfully violated the Act and the regulations and standards 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 respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondents are individuals with a current business mailing address of 5383 Hwy#1 SW, Kalona, Iowa 52247. At all times material herein, respondents' business mailing address was 1825 Angle Road South West, Kalona, Iowa 52247

2. At all times material herein, the respondents were licensed and operating as a dealer as defined in the Act and the regulations.

Conclusions

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

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 issued thereunder, and in particular, shall cease and desist from:

(a) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

(b) Failing to store supplies of food and bedding so as to adequately protect them against contamination;

(c) Failing to provide for the 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;

(d) Failing to construct and maintain indoor and sheltered housing facilities for animals so that they are adequately ventilated;

(e) Failing to construct and maintain housing facilities for animals so that sufficient lighting is provided;

(f) Failing to provide sufficient space for animals in primary enclosures;

(g) Failing to keep food and water receptacles clean and sanitized;

(h) Failing to maintain primary enclosures for animals in a clean and sanitary condition;

(i) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;

(j) Failing to establish and maintain an effective program for the control of pests;

(k) Failing to individually identify animals, as required; and

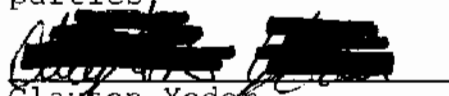
(1) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required.

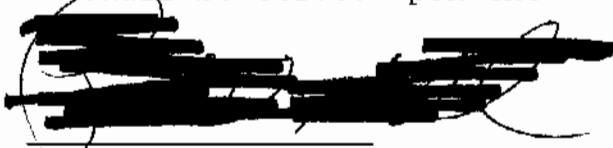
2. Respondents are jointly and severally assessed a civil penalty of \$10,000 of which \$5,000 is suspended provided that the Respondents comply with the Act, the regulations issued pursuant to the Act and this consent decision. The civil penalty shall be paid by a money order made payable to the Treasurer of the United States and the notation "AWA Dkt. No. 08-0072."

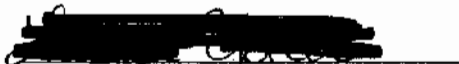
The provisions of this order shall become effective on the 30th day after service of this decision on the respondents.


Copies of this decision shall be served upon the

parties,



Clayton Yoder
Respondent


Paul D. Miller
Attorney for Respondent


Laura Yoder
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 19th day of March 2008


Administrative Law Judge