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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 08-0027
)
Jean Hartley,)
) Consent Decision
) and Order
Respondent)

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 ("APHIS"), United States Department of Agriculture, alleging that the respondent 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 respondent admits the jurisdictional allegations in paragraph I of 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 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Jean Hartley, hereinafter referred to as the respondent, is an individual with a mailing address of 6207 South Farm Road 175, Ozark, Missouri 65721. Mrs. Hartley's full name is Wilma Jean Hartley.

2. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

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. The 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 construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

(b) Failing to provide for the regular and

frequent collection, removal, and disposal of animal and food wastes, in a manner that minimizes contamination and disease risks;

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

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

(e) Failing to provide animals kept outdoors with adequate shelter from the sun;

(f) Failing to provide animals with adequate shelter from the elements;

(g) Failing to provide animals kept outdoors with shelter from inclement weather;

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

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

(j) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter;

(k) Failing to maintain animals in primary enclosures in compatible groups;

(l) Failing to establish and maintain programs of disease control and prevention, euthanasia, and to provide

adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine and to provide veterinary care in a timely manner to sick or injured animals;

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

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

2. The respondent is assessed a civil penalty of \$20,000 of which all except for \$500 is suspended provided that the respondent does not violate the Act, the regulations or the standards issued pursuant to the Act within five years of the effective date of this order. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States and the caption "AWA Dkt. No. 08-0027" shall appear on the check or money order. The check shall be sent to OGC Marketing Division, Mail Stop 1417, 1400 Independence Ave., S.W., Washington, D.C. 20250-1417.

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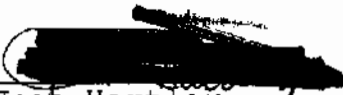
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3. The respondent agrees not to apply for a license under the AWA for five years from the effective date of this order. The respondent further agrees not to apply for a license until the civil penalty of \$500 is paid in full. The respondent agrees not to engage in any activity requiring a license under the AWA until the civil penalty is paid and the respondent is licensed.

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.


Jean Hartley
also known as
Wilma Jean Hartley
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 21 day of May,


PETER M. DAVENPORT
Administrative Law Judge