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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 08-0089
	)	
Wendy Laymon d/b/a	)	
Shadow Mountain Kennel,	)	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, 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.

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### Findings of Fact

1. Wendy Laymon, hereinafter referred to as the respondent, is an individual doing business as Shadow Mountain Kennel with a business mailing address at 1205 Delzell Woods, Rogersville, Missouri 65742.

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. 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 establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to individually identify animals, as required;

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

(d) Failing to have a responsible person available during normal business hours for inspections or refusing access to parts of the facility;

(e) 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;

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

(g) 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;

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

(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; and

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

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2. The respondent is assessed a civil penalty of \$7,125.00, \$6,125.00 of which is to be held in abeyance provided that the respondent, after notice and opportunity for a hearing, is not found to have violated the Animal Welfare Act or the regulations and standards issued thereunder for 3 years. The remaining \$1,000.00 shall be paid by a certified check or money order made payable to the Treasurer of the United States.

3. The respondent agrees to a disqualification from holding and/or obtaining a license for a period of 3 years.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

