

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

08-0169
01/22

In re:

BEVERLY HOWSER,
JONATHAN HOWSER and
HEATHER MONTAVY, individuals,

Respondents.

AWA No. 08-0169

**CONSENT DECISION AS TO
RESPONDENTS BEVERLY
HOWSER AND JONATHAN
HOWSER, INDIVIDUALS.**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (the "Act"), 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. §§ 1.1-3.142) (the "Regulations"). 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).

Respondents Beverly Howser and Jonathan Howser, individuals, admit the jurisdictional allegations in 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Beverly Howser, is an individual whose mailing address is 15355 Highway P, Gravois Mills, Missouri 65037.
2. Respondent Jonathan Howser, is an individual whose mailing address is 15355 Highway P, Gravois Mills, Missouri 65037.
3. Respondents Beverly Howser and Jonathan Howser (collectively, "Respondents"), at all material times mentioned in the complaint, were operating as a dealer, as defined in the Act and Regulations.

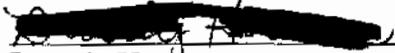
CONCLUSION

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 issued thereunder, and in particular, shall cease and desist from engaging in any activity regulated under the Act and/or Regulations.
2. Respondents are hereby disqualified from obtaining an AWA license.
3. Respondents Beverly Howser and Jonathan Howser, individuals, are jointly and severally assessed a civil penalty in the amount of \$10,000.00, which shall be held in abeyance, provided Respondents do not engage in any activity regulated under the Act and/or Regulations.
4. The provisions of this order shall become effective on the first day after service of this decision on the Respondents.

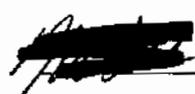
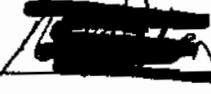
5. Copies of this decision shall be served upon the parties.


Beverly Howser
RESPONDENT


Jonathan Howser
RESPONDENT


Babak A. Rastgoufard
Office of the General Counsel
United States Department of Agriculture
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.

23rd
this ~~23rd~~ day of ~~June~~ ^{JUNE}, 2009
 
Administrative Law Judge