

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Mary Leavey, dba  
Silver Diamond Pot Belly Pigs, dba  
Silver Diamond Miniature  
Pot Belly Pigs, dba  
Silver Diamond Piggies

Respondent

A.Q. Docket No. 09-0056

CONSENT DECISION

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) ("Act") by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondent violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 85.7 et seq.). The Complainant and the Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, Respondent specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, admits to the Findings of Fact set forth below, and waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof; and

(c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. The Respondent also stipulates and agrees that the United States Department of Agriculture is the "prevailing party" in this proceeding and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. §§ 504 *et seq.*) for fees and other expenses incurred by the Respondent in connection with this proceeding.

#### Findings of Fact

1. Mary Leavey, dba Silver Diamond Pot Belly Pigs, dba Silver Diamond Miniature Pot Belly Pigs, dba Silver Diamond Piggies, hereinafter referred to as Respondent, has a mailing address of 2039 Vera Private Road, Maurice, LA 70555-3040.

2. On or about October 15, 2004, the Respondent moved a pot belly pig interstate from Louisiana to Melba, Idaho.

3. On or about October 16, 2004, the Respondent moved a pot belly pig interstate from Louisiana to Corpus Christi, Texas.

4. On or about October 19, 2004, the Respondent moved a pot belly pig interstate from Louisiana to Valparaiso, Indiana.

5. On or about October 19, 2004, the Respondent moved a pot belly pig interstate from Louisiana to Jeannette, Pennsylvania.

6. On or about October 21, 2004, the Respondent moved a pot belly pig interstate from Louisiana to Oakley, Utah.

7. On or about November 12, 2004, the Respondent moved a pot belly pig interstate from Louisiana to La Jolla, California.

### Conclusions


The Respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

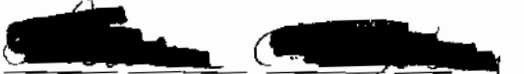
### Order

The Respondent is assessed a civil penalty of six hundred dollars (\$600.00). The Respondent shall send a certified check or money order for twenty-five dollars (\$25.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Field Servicing Office, Accounting Section, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. The respondent shall pay the remaining five hundred and seventy-five dollars (\$575.00) in 23 installments of twenty-five dollars (\$25.00) each. The first installment shall be due not later than October 1, 2009; the second installment and subsequent installments shall be due each subsequent month on the first of the month until the civil penalty is paid in full. Each installment shall be paid by a certified check or money order made payable to the


Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on the Respondent.

  
MARY LEAVEY, dba  
Silver Diamond Pot Belly Pigs, dba  
Silver Diamond Miniature Pot Belly Pigs, dba  
Silver Diamond Piggies  
Respondent

  
LAUREN C. AXLEY  
Attorney for Complainant

Issued this 5<sup>th</sup> day of August, 2009  
at Washington, D.C.

  
Administrative Law Judge