

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
C. H. C. H. C.
NOV 11 2009

In re:)
Francis E. Willis d/b/a WW Boer Goats, Inc.,)
Respondent.) A.Q. Docket No.: 09-0194
Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301-8317) (AHPA) by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that respondent Francis E. Willis d/b/a WW Boer Goats, Inc. (hereinafter, respondent), violated the AHPA and regulations promulgated thereunder (9 C.F.R. §§ 79 et seq.). The complainant and respondent have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes 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, and admits to the Findings of Fact set forth below.

Respondent 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;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) 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 respondents in connection with this proceeding.

Findings of Fact

1. Respondent is the President and registered agent of WW Boer Goats, Inc., a corporation that is incorporated in the State of Oklahoma and buys and sell goats in interstate commerce. Respondent has a mailing address of 5401 North 435 Road, Adair, Oklahoma 74330.

2.(a) On or about February 11, 2006, 25 adult doe goats were sold in interstate commerce.

(b) On or about February 12, 2006, 49 adult doe goats were sold and transported in interstate commerce.

(c) On or about February 28, 2006, 100 adult doe goats were sold and transported in interstate commerce.

Conclusions

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

Respondent Francis E. Willis d/b/a WW Boer Goats, Inc., is assessed a civil penalty of thirty thousand dollars (\$30,000.00) in settlement of all violations of the AHPA and 9 C.F.R. §§ 79 et seq. that the Administrator, APHIS, alleges that respondent has committed up to and including the effective date of this order. Payment of the thirty thousand dollar (\$30,000.00) civil penalty shall be suspended for so long as the conditions set forth below are met:

(1) Respondent, his partners, associates, representatives, agents, employees, successors, and assigns, and any business owned or operated by respondent, shall not commit any violations of the AHPA, 9 C.F.R. §§ 79 et seq., or any other federal regulation promulgated under the authority of the AHPA. Respondent, his partners, associates, representatives, agents, employees, successors, and assigns, and any business owned or operated by respondent, also shall not commit any violations of any State or local laws governing the sale and transportation of goats in intrastate commerce or any term of this consent decision and order.

(2) Respondent and any business owned or operated by respondent shall allow USDA inspectors and investigators to have full and unfettered access to their business facilities at all times. Respondent and any business owned or operated by respondent shall cooperate fully with USDA inspectors and investigators and shall produce on demand complete and accurate copies of any and all records associated with respondent's business activities.

(3) If respondent, his partners, associates, representatives, agents, employees, successors, and assigns, or any business owned or operated by respondent, commits a violation of any provision of the AHPA, any of its accompanying regulations, or any provision of this consent decision and order, as demonstrated by a reasonably documented showing by USDA personnel, respondent shall become immediately liable for payment of the full thirty thousand dollar (\$30,000.00) civil penalty, without the need for further judicial or administrative proceedings.

(4) If respondent, his partners, associates, representatives, agents, employees, successors, and assigns, and any business owned or operated by respondent comply with the terms and provisions of paragraphs 1 through 3 of this consent decision and order for a period of five (5) years from the effective date of this order, the thirty thousand dollar (\$30,000.00) civil penalty held in suspension since the effective date of the order shall be canceled. However, the terms and provisions of paragraphs 1 and 2 of this order shall remain in effect indefinitely beginning on the effective date of the order.

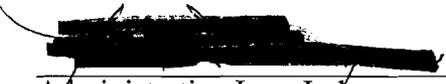
(5) If any provision of this consent decision and order is declared to be invalid, such declaration shall not affect the validity of any other provision herein.

(6) This consent decision and order shall become effective when served on the respondent.


FRANCIS E. WILLIS
d/b/a WW BOER GOAT, INC.,
Respondent


THOMAS NEIL BOLICK
Attorney for Complainant

Issued this 10th day of March, 2010
at Washington, D.C.



Administrative Law Judge