

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

AWA Docket No. 10-0020

In re: Diana Moyer L. Ricky Zenger,
a Wisconsin general partnership;
Diana Moyer, an individual; and
Ricky Zenger, an individual,

Respondents

**Default Decision and Order
as to Ricky Zenger**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(the "Act"), by an order to show cause filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the Animal Welfare Act license held by Respondents should be terminated.

On October 28, 2009, the Hearing Clerk sent copies of the Order to Show Cause Why Animal Welfare Act License 35-C-0282 Should Not Be Terminated and the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151), to Respondent Ricky Zenger by certified mail, return receipt requested. The Respondent Zenger received these materials on November 7, 2009 (No. 7007 0710 0001 3860 8583). The letter accompanying the Order to Show Cause informed the Respondent that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the order to show cause would constitute an admission of that allegation. The Respondent failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the Order to Show Cause are deemed

admitted and the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. Respondent Ricky Zenger is an individual whose mailing address is in Columbus, Wisconsin.
2. Animal Welfare Act license number 35-C-0282 was issued in the joint names of Diana Moyer L. Ricky Zenger.
3. Respondent Zenger is described as the ex-husband of Respondent Diana Moyer and is further described as the owner of the property upon which exotic animals including a kangaroo was kept.
4. The record is unclear whether Moyer and Zenger is a general partnership, an unincorporated association, or some other type of entity.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Based upon his admissions by failing to answer the Order to Show Cause, Respondent Ricky Zenger is deemed unfit to be licensed, and the retention of an Animal Welfare Act license by Respondent Ricky Zenger would be contrary to the purposes of the Act.

Order

1. The issue of revocation or termination of Animal Welfare Act license number 35-C-0282 held in the joint names of Diana Moyer L. Ricky Zenger is reserved, pending outcome of the oral hearing currently scheduled for February 2, 2011.
2. Ricky Zenger is henceforth disqualified from holding an Animal Welfare Act license in his individual name or in any other manner, nor will any partnership, firm, corporation, or other legal entity in which he has a substantial interest be eligible for licensure.

3. The provisions of this order shall become final and effective on the first day after service on Respondent Ricky Zenger.

Copies of this Decision and Order shall be served upon the parties.

November 8, 2010

Peter M. Davenport
Chief Administrative Law Judge