

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	
)	
Victor Hollender)	
And Lori Hollender)	Docket Nos. 16-0109, 16-0110
d.b.a. Vic's Exotics)	
)	Decision Without Hearing
Respondents)	by Reason of Consent

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS), alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § I. 1 et seq.)(Regulations and Standards). 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 admit the jurisdictional allegations in the complaint, 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 and for such purpose only, to the entry of this decision. Complainant agrees to the entry of this decision.

Findings of Fact

1. Victor Hollender is an individual who lives in [REDACTED] His address has been provided separately to the Hearing Clerk to protect his privacy.

2. Lori Hollender is an individual who lives in [REDACTED] Her address has been provided separately to Hearing Clerk to protect her privacy.

3. Victor Hollender and Lori Hollender jointly own, operate, or control the business called Vic's Exotics. Hereinafter, Victor Hollender and Lori Hollender, doing business as Vic's Exotics will be referred to as "Respondents."

4. On July 12, 2013 and July 30, 2013, Respondents were acting as dealers as defined in the Act and Regulations.

Conclusions of Law

Respondents having admitted the jurisdictional findings, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the AWA and the Regulations and Standards, and particularly shall cease and desist from acting as a dealer as defined under the AWA and Regulations and Standards, unless licensed as such.

Respondents are jointly and severally assessed a civil penalty of \$16,000, to be paid by certified check, money order, or a valid personal check made payable to


USDA APHIS, in twelve monthly payments, with the first payment being \$1370 paid on or before December 1, 2017, and Respondents will make each of the remaining monthly payments of \$1330 on the first of the month, starting on January 1, 2018 and ending on December 1, 2018. Respondents will send payments to USDA, APHIS, Miscellaneous, P.O. Box 979043, St. Louis, MO 63197-9000.

Respondents explicitly waive all further proceedings or hearings in connection with this matter and explicitly agree that, in the event that Respondents do not pay the civil penalty by the required dates, a consent judgment may be entered in the United States District Court without further proceedings for the full amount due and owing and such interest and penalty thereon, and court costs as may be provided for by law. Interest at the annual rate prescribed by the Secretary of the Treasury, and a penalty at the annual rate of 6 per cent, shall be added from the date the civil penalty becomes due and payable pursuant to 31 U.S.C. § 3717(a)(1) and (e)(2).


The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

VICTOR HOLLENDER AND
LORI HOLLENDER, D.B.A. VIC'S EXOTICS
Respondents.

By




David P. Smith, Esq.
Attorney for Respondents



Jonathan Gordy
Attorney for Complainant

Done at Washington, D.C.
this 1st day of November, 2017


Channing D. Strother
Administrative Law Judge