

ORIGINAL
UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) Docket No. 11-0029
)
Ann Michaux, a/k/a Anne J.)
Scully,)
) Consent Decision
Petitioner.) and Order
)

And

In re:) Docket No. **11-0150**
)
Ann Michaux, a/k/a Anne J.)
Scully,)
) Consent Decision
Respondent.) and Order
)

These proceedings were instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act), by a letter denying petitioner's/respondent's application for a license and a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture, alleging that the Petitioner/Respondent willfully violated the Act and the Regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This consolidated decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138).

The Petitioner/Respondent waives her right to respond to the Motion to Consolidate the above-styled proceedings filed this day, withdraws her request for a hearing in the license denial matter, and admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in these matters, neither admits nor denies the remaining allegations contained in the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling these proceedings and for such purpose only, to the immediate entry

of this decision.

The Respondent/Complainant agrees to the immediate entry of this decision.

Findings of Fact

(a) Ann Michaux, a/k/a Anne J. Scully, hereinafter referred to as the Petitioner/Respondent, is an individual whose address is 10018 17th Ave., N.E., Bottineau, North Dakota 58318.

(b) The Petitioner/Respondent, at all times material hereto, was operating as a dealer as defined in the Act and the regulations.

Conclusions

The Petitioner/Respondent having withdrawn her request for a hearing in the license denial matter, and having admitted the jurisdictional facts in the complaint, the parties agree to the entry of this decision, and therefore such decision will be entered.

Order

1. Petitioner/Respondent, directly or through any corporate or other device, shall not violate the Act and the Regulations and standards issued thereunder. Petitioner/Respondent shall not direct any agent, employee, successor or assign to violate the Act and the Regulations and standards issued thereunder.

2. Any previous or contemporaneous agreement that Petitioner/Respondent has entered into with the Animal and Plant Health Inspection Service (APHIS) has no effect on these proceedings, and no future action resulting from the terms of such agreement or these proceedings will be initiated by APHIS. Proceedings for any violation of the terms of this consolidated consent decision by Petitioner/Respondent, however, may be initiated by APHIS.

3. Petitioner/Respondent has voluntarily given up 93 dogs to the custody of APHIS for

placement and relinquishes any and all rights she may have in the 93 dogs.

4. Petitioner/Respondent is assessed a civil penalty of \$10,000, which is hereby suspended provided that the Petitioner/Respondent is not found, after notice and opportunity for a hearing, to have violated the Act and the Regulations and standards for a period of one year from the effective date of this order.

5. Petitioner/Respondent is permanently disqualified from obtaining a license under the Animal Welfare Act and the Regulations issued under the Animal Welfare Act.

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

[Redacted]

2-12-2011

Ann Michaux, a/k/a Anne J.
Scully
Petitioner/Respondent

[Redacted]

Katy M. Schaefer
Attorney for Petitioner/Respondent

[Redacted]

Frank Martin, Jr.
Attorney for Respondent/Complainant

Done at Washington, D.C.
this 1 day of MARCH, 2011

[Redacted]

Administrative Law Judge

Jill S. Clifton