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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) Docket No. 12-0392  
 )  
Brenda Walter, )  
 )  
Respondent ) Consent Decision  
 ) and Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). 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).

The respondent admits the jurisdictional allegations in paragraph I of the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Brenda Walter, hereinafter referred to as the respondent, is an individual with a business mailing address at 28062 Love Trail, Greencastle, Missouri 63544.

2. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

#### Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

1. Respondent, her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

(a) Failing to construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

(b) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

(c) Failing to provide animals kept outdoors with adequate shelter from the sun;

(d) Failing to provide animals with adequate shelter from the elements;

(e) Failing to provide animals kept outdoors with shelter from inclement weather;

(f) Failing to store supplies of food and bedding so as to adequately protect them against contamination; and


(g) Failing to establish and maintain programs of disease control and prevention, euthanasia, and adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine.


2. The respondent is assessed a civil penalty of \$17,000.00, \$12,000.00 of which shall be held in abeyance provided she, after notice and opportunity for a hearing, is not found to have violated the Act or the regulations issued thereunder, or this consent agreement for a period of 3 years. The remaining \$5,000.00 shall be paid by a certified check or money order made payable to the Treasurer of United States.

3. Respondent's license under the Act is suspended for a period of 21 days, beginning on December 24, 2012. However, the suspension shall continue after that point until two criteria are met. First, payment of the civil penalty contained in paragraph 2 must be completed before the respondent can regain her license. Second, the suspension shall continue until the respondent has successfully passed an APHIS inspection commensurate with what is required to initially obtain a license under the Act. When both


requirements are fulfilled, a motion will be filed to grant the respondent her license at the end of the 21 day license suspension period.

Copies of this decision shall be served upon the parties.

  
Brenda Walter  
Respondent

  
Brian Hill  
Attorney for Complainant

Done at Washington, D.C.  
this 21 day of DEC, 2012

  
Administrative Law Judge

Jill S. Clifton