



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 13-0248
)
Jambbas Ranch Tours, Inc.,)
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)
)
Respondent) Consent Decision

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. Jambbas Ranch Tours, Incorporated, hereafter referred to as the respondent, is a corporation with a business address of 5386 Tabor Church Road, Fayetteville, North Carolina 28312.

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, its 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 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;

(b) Failing to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce

odors;

(c) Failing to provide natural or artificial shelter appropriate to the local climatic conditions for animals kept outdoors;

(d) Failing to keep clean and sanitized food receptacles;

(e) Failing to sanitize primary enclosures for rabbits at least once every 30 days as provided for in the regulations;

(f) Failing to construct the facility with material and strength appropriate for the animals and to maintain the facility in good repair to protect the animals; and

(g) Failing to keep the water receptacle for an animal clean and sanitary.

2. The Respondent agrees that as of January 15, 2014 it will no longer own or acquire animals that are inherently dangerous such as bears and large exotic cats. The Respondent agrees that as of January 15, 201~~8~~^{4 JD} it will no longer own or acquire primates.

3. The Respondent agrees to limit the number of animals it exhibits to no more than 30 animals as of January 15, 201~~8~~^{4 JD}. This paragraph does not cover goats and cows owned by the Respondent which the Respondent does not intend to exhibit.

4. The respondent is assessed a civil penalty of \$10,000 of which all except for \$3,000 is suspended provided that the Respondent complies with all of the requirements in the Act, the

regulations and this consent decision for two years. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States. The notation "AWA Dkt. No.13-0248" shall appear on the check or money order.

5. The respondent's license is suspended for four months and continuing thereafter until the respondent can demonstrate to APHIS that it is in compliance with the Act, regulations and standards. The suspension will begin on January 15, 2014. Once the respondent establishes that it is in compliance with the Act, regulations and standards, then APHIS will file a motion for a supplemental order lifting the license suspension.

The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

[Redacted]

(Name)
(Title)
Respondent

[Redacted]

J. Stewart Butler, III
Attorney for Respondent

[Redacted]

Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 7 day of JAN, 2014

[Redacted]

Administrative Law Judge

Jill S. Clifton