

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 13-0333
Dianne Dick,)
Respondent,) Consent Decision and
Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), 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 issued pursuant to the Act (9 C.F.R. §§ 1.1-4.11). 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).

Respondent admits the jurisdictional allegations in paragraph I of the complaint, and specifically admits that the Secretary has jurisdiction in this matter. She denies the remaining allegations of the complaint, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of fact

(a) Respondent Dianne Dick is an individual whose mailing address is 6520 NW Hall Road, Rossville, Kansas 66533.

(b) Respondent, at all times material hereto, was licensed and operating as a breeder as defined in the Act and the regulations.

(c) Respondent acknowledges by her acceptance of this agreement that she has received the attached letter from Chester A. Gipson dated March 27, 2014, while reserving all objections to the content or the conclusions expressed therein.

Conclusions

Respondent has admitted the jurisdictional allegations but does not admit any of the substantive allegations in the complaint nor, in executing this decision, does Respondent admit that any of her actions were in willful violation of the Act. 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 not violate the Act and the regulations and standards lawfully issued thereunder.

2. Respondent is assessed a civil penalty of \$500.00 which shall be paid by certified check or money order made payable to the Treasurer of the United States immediately following the effective date of this order.

3. 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.


Dianne Dick
Respondent


Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.

this 12th day of May, 2014

[REDACTED]

Administrative Law Judge

[REDACTED]