

ORIGINAL

USDA
OALJ/OHC

2017 JUL 25 AM 11: 02

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 16-0036
)	
SUMMER WIND FARM SANCTUARY,)	
a Michigan corporation,)	
)	CONSENT DECISION AND
Respondent.)	ORDER

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, alleging that respondent violated the Regulations and Standards issued pursuant to the Act (9 C.F.R. § 1.1 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).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. Complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Summer Wind Farm Sanctuary is a Michigan corporation (ID No.: 759989) whose president and registered agent for service of process is Charles A. Vanneste, 6490 Mowerson Road, Brown City, Michigan 48416. At all times mentioned in the complaint, respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations,

and held AWA license number 34-C-0227.

CONCLUSIONS OF LAW

Respondent having admitted the findings of fact set forth above, 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.

2. Animal Welfare Act license number 34-C-0227 is revoked, effective September 30, 2017.

3. Respondent shall sell or donate all animals as defined under the Act (7 U.S.C. § 2132(g)) in its possession on or before September 30, 2017, with the exception of the animals listed in the last sentence of this paragraph. If respondent is unable to sell or donate its animals before September 30, 2017, respondent shall contact APHIS for assistance in facilitating the transfer of the animals. Respondent agrees to allow APHIS to inventory his animals twice, once prior to and once after dispersal, as well as inspection of any and all sale or disposition records, to ensure that the animals have been dispersed in accordance with this paragraph in a humane manner. The Respondent shall not acquire any additional animals regulated by the Act, and may retain the following animals for their natural lives as long as the animals are not used for purposes regulated by the Act (7 U.S.C. § 2131 et seq.):

- a. One long-tailed Java macaque named Huey (male, approximately 15 years old, olive green with no distinctive markings),

- b. One coyote named Buddy (male, approximately 9 years old, grayish brown with no distinctive markings),
- c. Two bears named Tiny Princess and Buffy (female, approximately 28 years old, black with no distinctive markings), and
- d. One Japanese snow macaque name Dooders (male, approximately 20 years old, brown with no distinctive markings).

4. Respondent is assessed a civil penalty of \$25,000, of which all shall be held in abeyance, provided respondent complies with the terms contained in this consent decision. If respondent fails to comply with the provisions in paragraph 3 of this Order, the civil penalty held in abeyance shall become immediately due and payable. Respondent agrees to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 2149 of the Act (7 U.S.C. §2149) as to any such failure to comply with paragraph 3.

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

By


 Charles Vanneste for
 SUMMER WIND FARM SANCTUARY,
 a Michigan corporation

Its President
 Respondent



Sharlene Deskins
 Attorney for Complainant

Done at Washington, D.C.
 this 25 day of July 2017



Jill S. Clifton
 Administrative Law Judge