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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	Docket No.
	)	14-0024
Plumpton Park	)	
Zoological Gardens, Inc.,	)	
	)	Consent Decision
Respondent	)	

This proceeding was instituted under the Animal Welfare Act ("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 purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Plumpton Park Zoological Gardens, Inc., is a Maryland corporation hereinafter referred to as the respondent whose address is 1416 Telegraph Road, Rising Sun, Maryland 21911.

2. The respondent, at all times material hereto, was operating as an exhibitor 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 and will cover violations through July 1, 2015.

Order

3. 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 have a barrier between the primary enclosure and the public that restricted physical contact between the public and nonhuman primates;

(b) Failing to have the facility constructed of such material and of such strength as appropriate for the animals

involved and maintained in good repair to protect the animals from injury and contain the animals;

(c) 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;

(d) Failing to provide animals with wholesome, palatable food that was free of contamination and of sufficient quantity and nutritive value to maintain the animal in good health;

(e) Failing to utilize a sufficient number of adequately trained employees under a supervisor who has a background in animal care to maintain the professionally acceptable level of husbandry practices;

(f) Failing to provide sufficient potable water on a daily basis;

(g) Failing to maintain animals in primary enclosures in compatible groups;

(h) Failing to store supplies of food and bedding adequately in order to protect such supplies against deterioration, molding, or contamination by vermin;

(i) Failing to provide natural or artificial shelter appropriate to the local climatic conditions for animals kept outdoors to afford them protection and to prevent discomfort to such animals;

(j) Failing to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained in them and minimize disease hazards since the enclosures were excessively soiled and stained;

(k) Failing to have a perimeter fence of sufficient height to keep animals and unauthorized persons out since the perimeter fence in sections was less than 8 feet;

(l) Failing to keep food receptacles clean and sanitary at all times;

(m) Failing to keep the premises (buildings and grounds) clean and in good repair and free of accumulations of trash;

(n) Failing to establish and maintain an effective program for the control of insects, external parasites affecting nonhuman primates, and birds and mammals that are pests;

(o) Failing to construct and maintain enclosures so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement;

(p) Failing to provide sufficient shade by natural or artificial means when sunlight was likely to cause overheating or discomfort to the animals kept outdoors; and

(q) Failing to provide a suitable method to rapidly eliminate excess water from outdoor housing facilities for animals.

4. Respondent is assessed a civil penalty of $16,000. 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.14-0024" shall appear on the check or money order. The Respondent shall pay the civil penalty within 90 days of signing this consent decision.

The provisions of this order shall become effective on the 30th day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.

[redacted]

Cheryl Lacovara
President
Plumpton Park Zoological
Gardens, Inc.
Respondent

[redacted]

John Dillard
Attorney for Respondent

[redacted]

Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 5th day of August, 2015

[redacted]

Clay G. Guthridge
Administrative Law Judge