

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 03-0035
)
ZOOCATS, INC., a Texas corporation;)
MARCUS COOK, aka MARCUS)
CLINE-HINES COOK, an individual, and)
MELISSA COODY, aka MISTY COODY,)
an individual, jointly doing business as)
ZOO DYNAMICS and ZOOCATS)
ZOOLOGICAL SYSTEMS; SIX FLAGS)
OVER TEXAS, INC., a Delaware corporation;)
and MARIAN BUEHLER, an individual,) MARIAN BUEHLER
) AND SIX FLAGS
Respondents.) OVER TEXAS, INC.

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OFFICE OF THE SECRETARY

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated 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).

Respondents Marian Buehler and Six Flags Over Texas, Inc., admit the jurisdictional allegations in the complaint, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree to the entry of this decision. The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Six Flags Over Texas, Inc. ("Six Flags"), is a Delaware

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corporation registered as a foreign business in Texas, and whose registered agent for service of process is Corporation Service Company, 800 Brazos, Austin, Texas 78701. At all times that respondent Six Flags is mentioned in the complaint, said respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations, and held Animal Welfare Act license number 74-C-0518, in Arlington, Texas.

2. Respondent Marian Buehler is an individual whose mailing address is 3611 Curt Drive, Arlington, Texas. At all times that respondent Marian Buehler is mentioned in the complaint, said respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations, was a corporate officer of respondent Six Flags, and was employed by respondent Six Flags as its Director of Human Resources and Administration, and the acts, omissions, and failures to act by respondent Buehler alleged herein were within the scope of her employment and office, and are deemed to be the acts, omissions and failures of respondent Six Flags, and of herself, for the purpose of construing or enforcing the provisions of the Act.

CONCLUSIONS OF LAW

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

ORDER

1. Respondents Marian Buehler and Six Flags Over Texas, Inc., their 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.

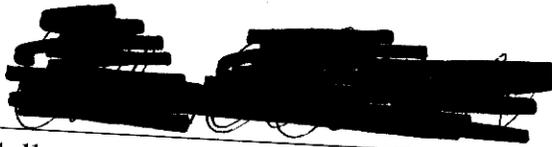
2. Respondents Marian Buehler and Six Flags Over Texas, Inc., are jointly and severally assessed a civil penalty of \$5,500, to be paid by certified check or money order to the Treasurer of the United States.

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

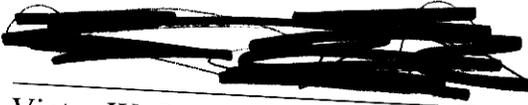
SIX FLAGS OVER TEXAS, INC.
Delaware corporation

By 
its *President*


Marian Buehler
Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 17 day of February, 2007


Victor W. Palmer
Administrative Law Judge