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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 07-0112
)
Herb and Betty Rawlins,)
d/b/a Rawlins Kennel,) Consent Decision
) and Order
Respondents)

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 respondents 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 respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Herb and Betty Rawlins, hereinafter referred to as the respondents, are individuals doing business as Rawlins Kennels, with a business mailing address of Rural Route 2, Box 2038, Pineville, MO 64856.

2. The respondents, at all times material herein, were licensed and operating as dealers as defined in the Act and the regulations.

Conclusions

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, 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, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to construct and maintain indoor and sheltered housing facilities for animals so that they are adequately ventilated;

(c) Failing to construct and maintain housing facilities for animals so that sufficient lighting is provided;

(d) Failing to construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

(e) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

(f) Failing to provide a suitable method for the rapid elimination of excess water and wastes from housing facilities for animals;

(g) Failing to maintain primary enclosures for animals in a clean and sanitary condition;

(h) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;

(i) Failing to establish and maintain an effective program for the control of pests;

(j) 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;

(k) Failing to individually identify animals, as required; and

(l) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required.

2. The respondents are jointly and severally assessed a civil penalty of \$7,700.00, all of which is hereby suspended provided that the respondent, after notice and opportunity for a hearing, are not found to have violated the Animal Welfare Act or the regulations and standards issued thereunder, or this consent agreement for a period of 2 years.

3. The respondents are permanently disqualified from both holding and obtaining a license under the Act and regulations.

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

Copies of this decision shall be served upon the parties.

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Herb Rawlins
d/b/a Rawlins Kennel
Respondent

~~_____~~

Betty Rawlins
d/b/a Rawlins Kennel
Respondent

~~_____~~

Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 20 day of October 2008

~~_____~~

Administrative Law Judge
Jill S. Clifton