

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 08-0103
)
Lacey R. Earp,¹)
)
Respondent) Consent Decision and Order

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 respondent willfully violated the Act and the Regulations issued thereunder (the “Regulations”) (9 C.F.R. § 1.1 et seq.). This decision is entered into 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, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

Respondent Lacey R. Earp is an individual whose address is 4285 N. 438 Road, Pryor, Oklahoma 74361. At all times mentioned herein, said respondent was a dealer, as that term is defined in the Act and the Regulations.

¹ On August 28, 2008, complainant moved, during the conference call, to amend the caption of the case to *In re Lacey R. Earp*, as the result of respondent getting married, and also to replace the former name of the respondent from Lacey R. Nicholas to Lacey R. Earp in all of the pleadings in this case, wherever it shall appear. The Administrative Law Judge granted complainant’s motion.

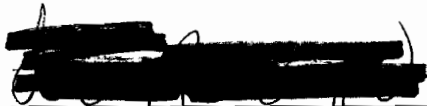
Conclusions of Law

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

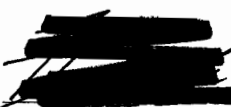

Order

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.
2. Respondent is assessed a civil penalty of \$1,000.
3. Respondent shall not engage in any activity for which a license is required under the Animal Welfare Act and the Regulations without being licensed. 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.




Lacey R. Farp
Respondent

Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 12th day of Sept, 2008



Administrative Law Judge