

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

AWA No. 08-0129

ERVIN HALL, an individual doing business as
ERVIN'S JUNGLE WONDERS,

Respondent.

CONSENT DECISION AND ORDER

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 respondent willfully violated the Act and the regulations 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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Ervin Hall is an individual doing business as Ervin's Jungle Wonders, believed to be an unincorporated association, and whose mailing address is 4015 E. 56th Street, Indianapolis, Indiana 46220.

2. At all material times alleged herein 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 32-C-0070.

CONCLUSIONS

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

ORDER

1. Respondent, his 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 employ an attending veterinarian under formal arrangements that include a written program of veterinary care;
- b. failing to furnish APHIS officials with information concerning his business activities; and
- e. failing to make his animals, facilities, and records available to APHIS officials for inspection.

2. Animal Welfare Act license number 32-C-0070 is hereby suspended for a three-year period, from the effective date of this Order.

The provisions of 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.

[Redacted signature]

Ervin Hall
Respondent

[Redacted signature]

Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 11th day of July, 2008

[Redacted signature]
Administrative Law Judge
PETER M. DAVENPORT