

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 03-0022
)
Rachel Snider,)
)
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. § 1.135).

The respondent admits the allegations of the Complaint as set forth in the findings of fact herein and specifically admits that the Secretary has jurisdiction in this matter, waives oral hearing and further procedure, and consents and agrees, 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. It is the intent of the parties that this decision will resolve any other potential allegations under the Act through the date of this decision.

Findings of Fact

(1) Rachel Snider, hereinafter referred to as respondent, is an individual whose mailing address is P.O. Box 760545, San Antonio, Texas 78245.

(2) The respondent, at all times material hereto, was doing business as Rachel's Country Corner and was licensed and operating as an exhibitor as defined in the Act and the regulations. The respondent is not currently licensed under the Act.

(3) Upon inspections during 2000 and 2001, it was found that the respondent had failed to maintain an adequate program of veterinary care under the supervision of a licensed veterinarian, in violation of section 2.40 of the regulations (9 C.F.R. § 2.40).

(4) Upon inspections during 2000 and 2001, it was found that the respondent had failed to maintain the facilities in compliance with the regulations and standards for cleanliness and repair, in violation of section 2.100(a) of the regulations (9 C.F.R. 2.100(a)).

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, her 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 thereunder.

2. Respondent is assessed a civil penalty of \$10,000, which is suspended provided that, after notice and opportunity

for hearing, respondent is not found to have violated the Act, the regulations, and this order by operating as an exhibitor or dealer without being licensed under the Act.

3. Respondent is permanently disqualified from being licensed under the Act.


The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.


Rachel Snider
Respondent


Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 7th day of January, 2005


Administrative Law Judge