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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 04-0020
))
Shirley Cargile, d/b/a))
Cargile Kennel,) Consent Decision
) and Order
Respondent)

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 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 respondent admits the jurisdictional allegations in paragraph I of 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 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Shirley Cargile, hereinafter referred to as the respondent, is an individual doing business as Cargile Kennel, with a mailing address of R.R. 1, Box 1555, Washburn, MO 65772.

2. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

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, ~~for~~ ^{BSM} her agents and employees, successors and assigns, which include family members working at her behest, 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 maintain primary enclosures for animals in a clean and sanitary condition;

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

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

(d) Failing to provide sufficient space for animals in

primary enclosures; and



(e) Failing to have a responsible person available during normal business hours for inspections.



2. The respondent is assessed a civil penalty of \$6,000.00, \$5,500 of which is hereby suspended provided that the respondent, after notice and opportunity for a hearing, is not found to have violated the Animal Welfare Act or the regulations and standards issued thereunder for 5 years. The remaining \$500 shall be paid by a certified check or money order made payable to the Treasurer of the United States.

3. Respondent is disqualified from having or obtaining a license for a period of 5 years. Also, the Respondent agrees that any payments that are due and payable in accordance with this consent agreement at the end of the 5 year period, must be paid before a license can be granted.

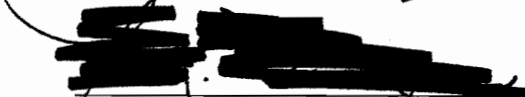
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.



Shirley Cargile
d/b/a Cargile Kennel
Respondent



Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 6th day of July, 2005


Administrative Law Judge
PETER M. DAVENPORT