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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) AWA Docket No. 04-0028  
 )  
D&H Pet Farms, Inc., )  
 ) Consent Decision  
Respondent ) 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 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

(a) D&H Pet Farms, Inc., hereinafter referred to as the respondent, is a Florida corporation, whose mailing address is 3103 S. Sapp Road, Plant City, Florida 33567.

(b) The respondent, at all times material hereto, was 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, its agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the Act and the regulations and standards issued thereunder, and in particular, shall not:

(a) Fail 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;

(b) Fail to provide adequate cooling and ventilation for animals in indoor and sheltered housing facilities when necessary to protect the animals from temperature extremes and to provide for their health and well-being;

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

(d) Fail to provide sufficient space for animals in primary enclosures;

(e) Fail to maintain primary enclosures for animals in a clean and sanitary condition;

(f) Fail to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter; and

(g) Fail 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.

2. Respondent is assessed a civil penalty of \$5,000.00.

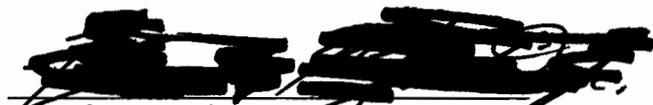
The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

D&H Pet Farms, Inc.  
Respondent

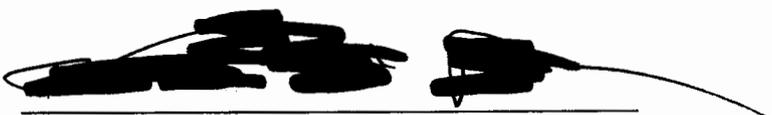


Susan A. Tippie  
President of Respondent  
D&H Pet Farms, Inc.



Frank Martin, Jr.  
Attorney for Complainant

Done at Washington, D.C.  
this 23<sup>rd</sup> day of August, 2005



Victor W. Palmer  
Administrative Law Judge