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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 04-0035
)	
LARRY DARRELL WINSLOW, an individual)	
doing business as Bear Breeders, Inc., and; BETH)	
THOMPSON-WINSLOW, an individual doing)	
business as Bear Breeders, Inc.)	CONSENT DECISION AND
)	ORDER AS TO LARRY
Respondents.)	DARRELL WINSLOW

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).

Respondent admits the allegations in the complaint, as set forth below as findings of fact and conclusions of law, and admits that the Secretary has jurisdiction in this matter, 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

1. Respondent Larry Darrell Winslow is an individual, doing business as Bear Breeders, Inc., a partnership or unincorporated association, and whose mailing address 24 Lawrence 236, Black Rock, Arkansas 72415. At all times herein said respondent was operating

as a dealer as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 71-A-0778, issued to "Larry Winslow & Beth Thomspson-Winslow DBA: Bear Breeders Inc." On October 3, 2004, Animal Welfare Act license number 71-A-0778 expired because it was not renewed.

2. APHIS personnel conducted inspections of respondent's facilities, records and animals for the purpose of determining respondent's compliance with the Act and the Regulations and Standards on January 24, 2003, July 25, 2003 (attempted inspection), and January 26, 2004 (attempted inspection).

3. On November 20, 2002, respondents Larry Winslow and Beth Thompson Winslow received an official warning notice from complainant for alleged violations of the Regulations, documented in Animal Welfare investigation No. AR03002-AC.

4. On January 24, 2003, respondent failed to identify all live dogs and cats on the premises, and specifically, failed to identify, by any means, at least six cats. (9 C.F.R. § 2.50(a)).

5. On January 24, 2003, respondent failed to maintain records that fully and accurately disclose information concerning cats and dogs, and specifically, failed to maintain, and make available for inspection, records concerning respondent's nine adult dogs and nine adult cats. (9 C.F.R. § 2.75(a)(1)).

6. On January 24, 2003, respondent failed to maintain records that fully and accurately disclose information concerning the disposition of cats and dogs, and specifically, the disposition records for seven puppies and five kittens were incomplete; all of the records lacked the animals' official USDA number and five records lacked the buyers' or receivers' complete

address or USDA Animal Welfare Act license or registration number. (9 C.F.R. § 2.75(a)(1)(iv)).

7. On July 25, 2003, respondent failed to have a responsible party available during business hours to permit APHIS officials to conduct an inspection of respondent's animal facilities. (9 C.F.R. § 2.126(a)).

8. On January 26, 2004, respondent failed to have a responsible party available during business hours to permit APHIS officials to conduct an inspection of respondent's animal facilities. (9 C.F.R. § 2.126(a)).

9. On January 24, 2003, respondent failed to meet the minimum facilities and operating standards for dogs and cats (9 C.F.R. §§ 3.1-3.19), as follows:

a. Respondent failed to store food supplies in a manner that protects the food from spoilage, contamination, and vermin infestation by failing to keep food supplies in containers with tightly fitting lids, and specifically, the plastic food container used to store food for the animals lacked a lid. (9 C.F.R. §§ 2.100(a), 3.1(d)).

b. Respondent failed to maintain indoor housing facilities and any other surfaces in contact with the animals that are impervious to moisture, and specifically, housed an adult Miniature Pinscher in two rooms of respondent's home that had floors, walls and furniture that were not impervious to moisture. (9 C.F.R. §§ 2.100(a), 3.2(d)).

c. Respondent failed to house breeds of dogs that are not acclimated to the temperatures prevalent in the area or that cannot tolerate the prevalent temperature without stress or discomfort (such as short-haired breeds in cold climates) in outdoor

facilities as specifically approved by the attending veterinarian, and specifically, housed seven adult, short-haired Miniature Pinschers in outdoor facilities without an auxiliary heat source when the ambient temperature was approximately 15 degrees Fahrenheit, contrary to respondent's attending veterinarian's approved outdoor housing for these animals. (9 C.F.R. §§ 2.100(a), 3.4(a)).

d. Respondent failed to provide dogs and cats housed outdoors with adequate shelter from the elements, and specifically, housed nine adult dogs and nine adult cats in outdoor enclosures that contained shelters with little or no bedding when the ambient temperature was approximately 15 degrees Fahrenheit; the shelters provided to nine adult dogs also lacked wind and rain breaks. (9 C.F.R. §§ 2.100(a), 3.4(b)(1), (3), (4)).

e. Respondent failed to construct surfaces in contact with animals housed outdoors that are impervious to moisture, and specifically, housed nine adult cats in an outdoor enclosure that allowed access to respondent's home, thereby placing the animals in contact with surfaces, such as a floor, walls, and other items, that were not impervious to moisture. (9 C.F.R. §§ 2.100(a), 3.4(c)).

f. Respondent failed to construct and maintain primary enclosures that protect dogs and cats from injury, and specifically, housed nine adult dogs and nine adult cats in primary enclosures that contained, at least one of the following: unprotected electrical cords, light receptacles, and/or an extraneous glass light bulb. (9 C.F.R. §§ 2.100(a), 3.1(a), 3.6(a)(2)(ii)).

g. Respondent failed to use food receptacles for dogs and cats, and specifically, fed

adult Miniature Pinschers by scattering dog food on the concrete in front of the shelters. (9 C.F.R. §§ 2.100(a), 3.9(b)).

h. Respondent failed to remove excreta and food waste from primary enclosures daily to prevent an excessive accumulation of feces and food waste, to prevent soiling of the dogs or cats contained in the primary enclosure and to reduce disease hazards, insects, pests, and odors, and specifically, the litter pans used by nine adult cats had excessive excreta that had accumulated over, at least, two days and the exercise pen used by nine adult Miniature Pinschers had several months worth of accumulated excreta. (9 C.F.R. §§ 2.100(a), 3.11(a)).

CONCLUSIONS OF LAW

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

2. On January 24, 2003, respondent willfully violated section 2.50(a) of the Regulations. (9 C.F.R. § 2.50(a)).

3. On January 24, 2003, respondent willfully violated section 2.75(a)(1) of the Regulations. (9 C.F.R. § 2.75(a)(1)).

4. On January 24, 2003, respondent willfully violated section 2.75(a)(1) of the Regulations. (9 C.F.R. § 2.75(a)(1)(iv)).

5. On July 25, 2003, respondent willfully violated section 2.126(a) of the Regulations. (9 C.F.R. § 2.126(a)).

6. On January 26, 2004, respondent willfully violated section 2.126(a) of the

Regulations. (9 C.F.R. § 2.126(a)).

7. On January 24, 2003, respondent willfully violated section 2.100(a) of the Regulations and Standards (9 C.F.R. §§ 3.1-3.19), as follows:

a. Respondent failed to comply with section 3.1(d) of the Standards. (9 C.F.R. §§ 2.100(a), 3.1(d)).

b. Respondent failed to comply with section 3.2(d) of the Standards. (9 C.F.R. §§ 2.100(a), 3.2(d)).

c. Respondent failed to comply with section 3.4(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.4(a)).

d. Respondent failed to comply with sections 3.4(b)(1), (3), and (4) of the Standards. (9 C.F.R. §§ 2.100(a), 3.4(b)(1), (3), (4)).

e. Respondent failed to comply with section 3.4(c) of the Standards. (9 C.F.R. §§ 2.100(a), 3.4(c)).

f. Respondent failed to comply with sections 3.1(a), 3.6(a)(2)(ii) of the Standards. (9 C.F.R. §§ 2.100(a), 3.1(a), 3.6(a)(2)(ii)).

g. Respondent failed to comply with section 3.9(b) of the Standards. (9 C.F.R. §§ 2.100(a), 3.9(b)).

h. Respondent failed to comply with section 3.11(a) of the Standards. (9 C.F.R. §§ 2.100(a), 3.11(a)).

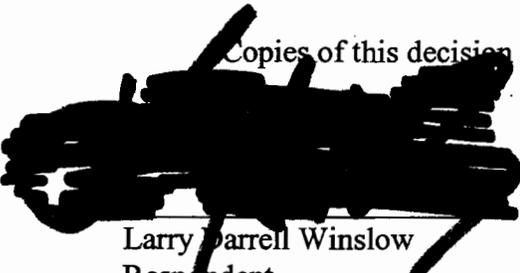
ORDER

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.

2. Respondent's Animal Welfare Act license (71-A-0778) is hereby revoked.

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.


Larry Darrell Winslow
Respondent


Bernadette R. Juarez
Attorney for Complainant

Done at Washington, D.C.
this 19th day of August, 2005


Peter M. Davenport
Administrative Law Judge