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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 05-0012
)
)
Larry Paris d/b/a)
Circle P Kennels,)
) 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

(a) Larry Paris, hereinafter referred to as the respondent, is an individual doing business as Circle P Kennels whose mailing address is P. O. Box 165, Kenfic, OK 74748.

(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, 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 issued thereunder, and in particular, shall cease and desist from:

(a) Failing 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) Failing 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;

(c) Failing to provide adequate heating for animals in indoor and sheltered housing facilities when necessary to protect the animals from cold and to provide for their health and comfort;

(d) Failing to provide for the rapid elimination of excess water from housing facilities for animals;

(e) Failing to establish and maintain an effective program for the control of pests;

(f) Failing to individually identify animals, as required;

(g) Failing to have someone available during normal business hours for inspection purposes; and


(h) Obtaining animals through misrepresentation.


2. Respondent is assessed a civil penalty of \$11,825.00, \$6,825 of which is to be held in abeyance 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 \$5,000 shall be paid by a certified check or money order made payable to the Treasurer of the United States.

3. The respondent agrees to forfeit any license currently held under the Act and its regulations, and is permanently disqualified from becoming licensed under the Act and regulations.

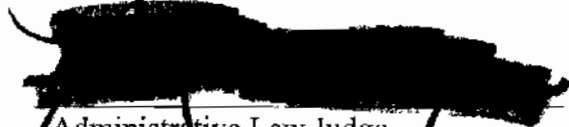
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


Larry Paris
Respondent


Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 30th day of June, 2006


Administrative Law Judge