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UNITED STATES DEPARTMENT OF AGRICULTURE
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BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) AWA Docket No. 05-0028
)
ANTONIO R. ALENTADO, an)
individual)
)
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 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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Antonio R. Alentado is an individual whose mailing address is 17355 S.W. 292 Street, Homestead, Florida 33030. At all times mentioned herein, said respondent was licensed and operating as a dealer, as that term is defined in the Act and the Regulations, under the Animal Welfare Act license number 58-B-0110.

2. APHIS personnel conducted inspections of respondent's facilities, records and

animals for the purpose of determining respondent's compliance with the Act, Regulations, and Standards on April 16, 2002 (180 animals inspected), May 29, 2002 (attempted inspection), June 24, 2002 (213 animals inspected), August 29, 2002 (attempted inspection), October 22, 2002 (213 animals inspected), March 20, 2003 (attempted inspection), April 15, 2003, October 29, 2003 (245 animals inspected), July 12, 2004, and March 15, 2005.

Conclusion

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, 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, and in particular, to cease and desist from:

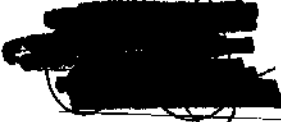
- (a) failing to establish and maintain programs of adequate veterinary care that include a written program of veterinary care and regularly scheduled visits to the premises;
- (b) failing to establish and maintain an adequate program of veterinary care that includes the availability of appropriate facilities, equipment, and services, and the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries;
- (c) failing to have a responsible party available during business hours to permit APHIS officials to conduct an inspection;
- (d) failing to construct and maintain housing facilities that are structurally sound for the species of nonhuman primates housed therein, maintained in good repair, and that protect the animals from injury and contain them;

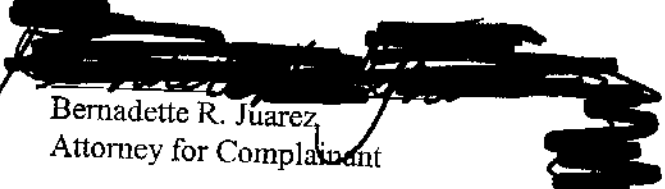
(e) failing to construct and maintain all surfaces of nonhuman primate facilities in a manner and of materials that protect the animals from injury, and that allow them to be readily cleaned and sanitized; and

(f) failing to develop, document, and follow an appropriate plan for environment enhancement to promote the psychological well-being of nonhuman primates that is in accordance with the currently accepted professional journals or reference guides, or as directed by the attending veterinarian, and that is available to APHIS upon request.

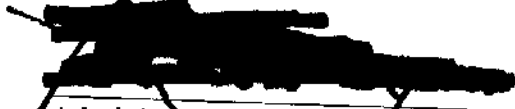
2. Respondent is assessed a civil penalty in the amount of \$12,000 which shall be paid by a certified check or money order made payable to the Treasurer of United States.

Copies of this decision shall be served upon the parties.


Antonio Alentado
Respondent


Bernadette R. Juarez
Attorney for Complainant

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


Administrative Law Judge
PETER M. DAVENPORT