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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 06-0001
)	
VOYD OTIS CANNON, SR., an individual doing)	
business as Dgara Kennels; DAË A. CANNON,)	
an individual doing business as Dgara Kennels;)	
VOYD OTIS CANNON, JR., an individual also)	
known as "BODIE" doing business as Dgara)	
Kennels; THOMAS CANNON, an individual; and,)	CONSENT DECISION
PINE SPRINGS PETS, INC., an Oklahoma)	AND ORDER AS TO
domestic for profit corporation,)	THOMAS CANNON
)	AND PINE SPRINGS
Respondents.)	PETS, INC.

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 respondents 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 respondents admit the jurisdictional allegations in the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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 Thomas Cannon is an individual whose address is Box 97,

Centrahoma, Oklahoma 74534, and at all material times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations. Between September 16, 1999 and September 16, 2004, said respondent held Animal Welfare Act license number 73-B-0206 issued to "LEON ROBERSON & THOMAS CANNON DBA: PINE SPRING PETS."

2. Respondent Pine Springs Pets, Inc., is an Oklahoma domestic for profit corporation whose agent for service is Thomas Cannon 855 South Pushmataha Road, Atoka, Oklahoma 74525, and at material times herein was operating as a dealer as that term is defined in the Act and the Regulations. On October 14, 2004, complainant issued Animal Welfare Act license number 73-B-1804 to "PINE SPRINGS PETS, INC."

Conclusions

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

Order

1. Respondents, their 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. Respondents Thomas Cannon and Pine Springs Pets, Inc., are jointly and severally assessed a civil penalty in the amount of \$5,000, of which \$2,500 shall be held in abeyance in accordance with the provisions set forth paragraph 3 of this order. The remaining \$2,500 shall be paid in full, and received by counsel for complainant at the address below, on or before Wednesday, January 2, 2007. Respondents' civil penalty payment shall be made by certified

check or money order made payable to the Treasurer of United States that include the notation

“AWA Docket No. 06-0001,” and shall be sent to:

Bernadette Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, S.W., Stop 1417
Room 2343-South Building
Washington, DC 20250-1417

3. If respondents fail comply with the payment terms in paragraph 2 of this order, respondents shall be assessed the entire outstanding balance of the civil penalty, including the portion of the civil penalty held in abeyance as described above in paragraph 2, without further procedure. Respondents agree to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with paragraph 2.

4. This Court specifically retains jurisdiction of this matter to enforce the terms of the agreed consent order. If respondents fail to comply with the provisions in paragraph 2 of this order, this Court, upon a motion by complainant, shall issue a default order against Thomas Cannon and Pine Springs Pets, Inc., and grant to complainant the relief specified in paragraph 3 of this order.

5. As of January 2, 2007, Animal Welfare Act license numbers 73-B-0206 and 73-B-1804, are revoked.

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

Copies of this decision shall be served upon the parties.

PINE SPRINGS PETS, INC.

[Redacted signature]

By its President
Respondent

[Redacted signature]

Thomas Cannon
Respondent

[Redacted signature]

Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 3rd day of Nov, 2006

[Redacted signature]

Administrative Law Judge

PETER M. DAVENPORT