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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 06-0011
	)	
HANS JAKOB LUECK, GINGER GAIL	)	
LUKE, and RODNEY A. NELSON,	)	
individuals doing business as WILD EYES,	)	
LLC, a former Montana Limited Liability	)	
Corporation, WILD EYES PHOTO	)	
ADVENTURES, WILD EYES ANIMAL	)	
ADVENTURES, and WILD EYES	)	CONSENT DECISION AND
FOUNDATION, a Washington corporation,	)	ORDER AS TO HANS JAKOB
	)	LUECK, GINGER GAIL LUKE
Respondent.	)	AND WILD EYES FOUNDATION

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. Hans Jakob Lueck is an individual doing business as Wild Eyes, LLC, a former

Montana Limited Liability Company, Wild Eyes Photo Adventures, Wild Eyes Animal Adventures, and Wild Eyes Foundation, a Washington corporation, and whose mailing address is 1138 North 166th Street, Seattle, Washington 98133. At all material times, said respondent was operating as an exhibitor as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 81-C-0037 issued to "Ginger Luke & Jakob Lueck DBA: Wild Eyes." Respondent's license expired on November 15, 2005, because it was not renewed.

2. Ginger Gail Luke, is an individual doing business as Wild Eyes, LLC, a former Montana Limited Liability Company, Wild Eyes Photo Adventures, Wild Eyes Animal Adventures, and Wild Eyes Foundation, a Washington corporation, and whose mailing address is 1138 North 166th Street, Seattle, Washington 98133. At all material times, said respondent was operating as an exhibitor as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 81-C-0037 issued to "Ginger Luke & Jakob Lueck DBA: Wild Eyes." Respondent's license expired on November 15, 2005, because it was not renewed.

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 Hans Jakob Lueck, Ginger Gail Luke and Wild Eyes Foundation are

jointly and severally assessed a civil penalty of \$10,000, which shall be held in abeyance in accordance with the provisions set forth in paragraphs 3 and 4 of this Order.

3. For the purposes of this consent decision and order, the two-year period of time between the date in which the order for the consent decision is entered, and two years therefrom, shall be referred to as the "probation period." The respondents agree that during the probation period they will not engage in any activity which is not in compliance with the provisions of the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.).

4. The respondents further agree that, if during the probation period, APHIS documents evidence of respondents' failure to comply with the provisions of the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.), which, after notice and opportunity for a hearing results in the finding of a violation of the Act or the regulations and standard issued thereunder, respondents shall pay the \$10,000 civil penalty held in abeyance, in paragraph 2 of this Order. Respondents' payment of the aforementioned civil penalty shall be in addition to any penalty found to be warranted for such future violations.

5. Animal Welfare Act license number 81-C-0037 is hereby revoked.

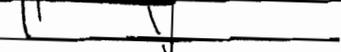
The provisions of this order shall become effective on the first day after service of this decision on the respondents.

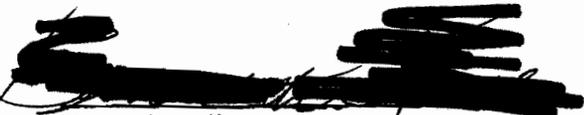
Copies of this decision shall be served upon the parties.

  
Hans Jakob Dueck  
Respondent

  
Ginger Gail Luke  
Respondent

WILD EYES FOUNDATION  
Respondent

by   
its 

  
Bernadette Juarez  
Attorney for Complainant

Done at Washington, D.C.  
this 7<sup>th</sup> day of Sept, 2006

  
Administrative Law Judge  
PETER M. DAVENPORT