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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 06-0013
	)	
Dr. Richard L. Miller,	)	
D.V.M., P.A.,	)	
	)	
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 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 1 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

1. Dr. Richard L. Miller, D.V.M., P.A., hereinafter referred to as respondent, is an individual whose mailing address is 5700 SW 130<sup>th</sup> Avenue, Ft. Lauderdale, FL.
2. The respondent, at all times material hereto, was licensed and operating as a

dealer as defined in the Act and the regulations.

### Conclusions

The respondent has 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, shall cease and desist from:
  - (a) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;
  - (b) Failing to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, in a manner that minimizes contamination and disease risks;
  - (c) Failing to provide sufficient space for animals in primary enclosures;
  - (d) Failing to maintain primary enclosures for animals in a clean and sanitary condition;
  - (e) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required;
  - (f) 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; and
  - (g) Failing to allow APHIS officials access to his premises for purposes of inspections.

- 2. The respondent is assessed the sum of \$15,000.00, which shall be paid by a certified check or money order made payable to the Treasurer of the United States.
- 3. The respondents' license is suspended for a period of thirty (30) days, after which time his license is automatically restored, so long as the respondent has satisfied paragraph 2 of this Order.

The provisions of this order shall become effective on ~~the first day after service of this~~ November 20, 2007  
~~decision on the respondent.~~

Copies of this decision shall be served upon the parties.

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Richard L, Miller, DVM, PA  
 Respondent

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Brian Hill  
 Attorney for Complainant

Done at Washington, D.C.  
 this 20 day of NOV, 2007

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~~\_\_\_\_\_~~  
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Administrative Law Judge  
 Jill S. Clifton