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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 06-0016
	)	
DAVID MARTIN PICCIRILLO, an	)	
individual doing business as ARC ANGEL	)	
WILDLIFE and ARC ANGEL	)	
PRODUCTIONS; and, WENDY SUE	)	
MEARS, an individual doing business as	)	
ARC ANGEL WILDLIFE,	)	CONSENT DECISION AND
	)	ORDER AS TO DAVID
Respondents.	)	MARTIN PICCIRILLO

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. David Martin Piccirillo is an individual doing business as Arc Angel Wildlife and Arc Angel Productions, unincorporated associations or partnerships, and whose mailing address

is 170 Nutmeg Lane, Stratford, Connecticut 06614. At all material times herein said respondent was operating as an exhibitor as that term is defined in the Act and the Regulations and, between January 7, 2004, and January 7, 2006, held Animal Welfare Act license number 41-C-0160 issued to "DAVID PICIRILLO DBA: ARCANGEL WILDLIFE." Animal Welfare Act license number 41-C-0160 automatically terminated on January 7, 2006, because it was not renewed.

2. APHIS personnel conducted inspections of respondent Piccirillo's facilities, records and animals for the purpose of determining respondent's compliance with the Act, Regulations, and Standards on December 21, 2004 (attempted inspection), January 4, 2005 (attempted inspection), January 5, 2005 (fifteen animals inspected), January 13, 2005 (focused inspection, two animals inspected), January 14, 2005 (focused inspection, two animals inspected), January 26, 2005 (focused inspection, two animals inspected), February 23, 2005, March 30, 2005 (ten animals inspected), May 5, 2005 (focused inspection, one animal inspected).

#### 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, 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.

2. Respondent David Martin Piccirillo is assessed a civil penalty in the amount of \$5,000, of which \$3,000, shall be paid in accordance with the provisions set forth in paragraph 3

of this order. Respondent shall pay \$2,000, by certified check or money order made payable to the Treasurer of United States that includes the notation "AWA Docket No. 06-0016," and shall be sent to and received by complainant's counsel on or before October 31, 2006, at the address as follows:

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

3. Respondent shall pay \$3,000, in twelve monthly installments of \$250.

Respondent's monthly payments shall be paid by certified check or money order payable to the Treasurer of the United States that include the notation "AWA Docket No. 06-0016, and shall be sent to and received by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Accounts Receivable on or before the first day of each month beginning December 1, 2006, and continuing through November 1, 2007, until the sum is fully paid, at the address as follows:

USDA, APHIS, Accounts Receivable  
P.O. Box 3334  
Minneapolis, Minnesota 55403

4. If respondent fails to pay the civil penalty in full as provided in paragraphs 2 and 3 of this order, the entire outstanding balance of the civil penalty shall be immediately due and payable, without further procedure. Respondent agrees 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 paragraphs 2 and 3.


5. This Court specifically retains jurisdiction of this matter to enforce the terms of the agreed consent order. If respondent fails to comply with the provisions in paragraph 2 and 3 of this order, this Court, upon a motion by complainant, shall issue a default order against David Martin Piccirillo and grant to complainant the relief specified in paragraph 4 of this order.

6. Respondent David Piccirillo's Animal Welfare Act license (number 41-C-0160) is hereby revoked.



This Order shall have the same effect as if entered after a full hearing and 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.

  
David Piccirillo  
Respondent

  
Bernadette Juarez  
Attorney for Complainant

Done at Washington, D.C.  
this 31st day of October, 2006

   
Administrative Law Judge