

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 06-0020
	)	
LONNIE FADDIS, an individual,	)	
	)	CONSENT DECISION AND
Respondent.	)	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 allegations in the complaint, 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 AND CONCLUSIONS OF LAW

1. Lonnie Faddis is an individual whose mailing address is 2621 McRay Avenue, Springdale, Arkansas 72762.
2. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations.
3. Respondent has a small business and, in 2005, sold no fewer than 26 dogs for use in research, experimentation or teaching.
4. The gravity of the violations alleged in this complaint is great. Respondent's

failure to obtain a license before engaging in regulated activity undercuts the Secretary's ability to monitor and enforce all other provisions of the Animal Welfare Act and the Regulations and Standards. Moreover, respondent's conduct during the material time alleged herein strikes at the very heart of the one of Act's purposes: protection of pets. Specifically, respondent sold a young man's pet dog to a random source dealer for use in research, experimentation or teaching.

5. Respondent does not have a previous history of violations.

6. Respondent lacks good faith. Specifically, respondent certified and represented that the dogs he sold to random source dealers were born and raised on his premises when, in fact, respondent obtained at least one such dog from an animal shelter.

7. On or about February 18, 2005, April 30, 2005, May 28, 2005, June 24, 2005, and July 28, 2005, respondent operated as a dealer as defined in the Act and the Regulations, without being licensed, in willful violation of section 2134 of the Act and section 2.1(a)(1) of the Regulations, and specifically, respondent sold, in commerce, twenty-six dogs to two Animal Welfare Act licensed dealers for use in research, experimentation or teaching:

8. On or about February 18, 2005, respondent sold four male dogs to Danny Schachtele and Mildred Schachtele, doing business as Middlefork Kennels, who hold Animal Welfare Act dealer's license number 43-B-0032, for use in research, experimentation or teaching, without having a valid license to do so, (7 U.S.C. §§ 2132(f), 2134; 9 C.F.R. § 2.1(a)(1));

9. On or about April 30, 2005, respondent sold six male dogs to Kenneth Schroeder who holds Animal Welfare Act dealer's license number 41-B-0017, for use in research, experimentation or teaching, without having a valid license to do so, (7 U.S.C. §§ 2132(f), 2134; 9 C.F.R. § 2.1(a)(1));

10. On or about May 28, 2005, respondent sold four dogs to Kenneth Schroeder who holds Animal Welfare Act dealer's license number 41-B-0017, for use in research, experimentation or teaching, without having a valid license to do so, (7 U.S.C. §§ 2132(f), 2134; 9 C.F.R. § 2.1(a)(1));

11. On or about June 24, 2005, respondent sold six male dogs to Danny Schachtele and Mildred Schachtele, doing business as Middlefork Kennels, who hold Animal Welfare Act dealer's license number 43-B-0032, for use in research, experimentation or teaching, without having a valid license to do so, (7 U.S.C. §§ 2132(f), 2134; 9 C.F.R. § 2.1(a)(1)); and

12. On or about July 28, 2005, respondent sold one female and five male dogs to Danny Schachtele and Mildred Schachtele, doing business as Middlefork Kennels, who hold Animal Welfare Act dealer's license number 43-B-0032, for use in research, experimentation or teaching, without having a valid license to do so. (7 U.S.C. §§ 2132(f), 2134; 9 C.F.R. § 2.1(a)(1)).

13. Each of respondent's unlicensed sales of animals (26) constitutes a separate violation of the Act. (7 U.S.C. § 2149(b); ¶¶ 7-12).

14. On or about June 24, 2005, respondent willfully violated the section 2158(b) of the Act and section 2.133(b) of the Regulations by failing to provide Danny Schachtele and Mildred Schachtele, doing business as Middlefork Kennels and to whom he sold a brindle dog, with a certification that contained true and accurate information concerning the dog's origin, and specifically, represented that said dog was born and raised on his premises when, in fact, respondent acquired the dog from the Springdale Animal Shelter in Springdale, Arkansas. (7 U.S.C. §§ 2158(b); 9 C.F.R. § 2.133(b)).

15. The respondent having admitted the factual allegations in the complaint 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 engaging in regulated activity before obtaining a license to do so.

2. Respondent is assessed a civil penalty in the amount of \$6,187, of which \$600 shall be paid by a certified check or money order made payable to the Treasurer of United States and sent to:

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

Respondent shall state on the certified check or money order that the payment is in reference to AWA Docket No. 06-0020. The remaining portion of the civil penalty (\$5,587) will be held in abeyance in accordance with the terms set forth below in paragraphs 3 through 4 of this Order.

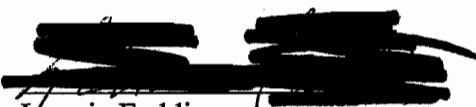
3. For the purposes of this consent decision and order, the two-year period of time between the date in which the order for the consent decision is entered, and two years therefrom, shall be referred to as the "probation period." The respondent agrees that during the probation period he will not engage in any activity which is not in compliance with the provisions of the

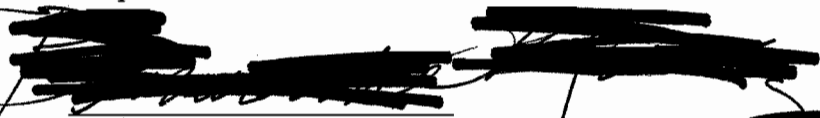
Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.).

4. The respondent further agrees that, if during the probation period, APHIS documents evidence of respondent's 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, respondent shall pay the \$5,587 civil penalty held in abeyance, in paragraph 2 of this Order. Respondent's payment of the aforementioned civil penalty shall be in addition to any penalty found to be warranted for such future violations.

5. Respondent is permanently disqualified from obtaining a Animal Welfare Act license.

The provisions of this order 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.

  
Lonnie Faddis  
Respondent

  
Bernadette R. Juarez  
Attorney for Complainant

Done at Washington, D.C.  
this 5<sup>th</sup> day of October, 2006

  
Administrative Law Judge