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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) AWA Docket No. 06-0021
)
Dale E. Berrey,)
)
) Consent Decision
Respondent) 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 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 paragraph I 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

(a) Dale E. Berrey, hereinafter referred to as the respondent, is an individual whose address is 17928 Monroe County Road 116 Holliday, MO 65258.

(b) The respondent, at all times material herein, was operating as a dealer as defined in the Act and the regulations without having obtained a license.

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, and in particular, shall cease and desist from:

(a) operating as a dealer as defined in the Act and regulations without having obtained a license;


(b) failing to provide a certification that contained true and accurate information as provided for in the Act and regulations concerning the dogs' acquired and sold by him.

2. The respondent is assessed a civil penalty of \$46,200, of which all except \$5,000 is suspended provided that the respondent does not violate the Act, regulations and standards issued pursuant to the Act within two years from the date of this consent decision. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States.

3. Respondent is permanently disqualified from obtaining a license under the Animal Welfare Act and can never have a license pursuant to the Act.

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.



Dale E. Berrey
Respondent



Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 2nd day of October, 2007



~~Peter M. Davenport~~
Administrative Law Judge