

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 16-0003
)	
ARBUCKLE ADVENTURES, LLC, an)	
Oklahoma limited liability company,)	
)	CONSENT DECISION
Respondent.)	AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS) 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.) (Regulations and Standards). 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).

Respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree to the entry of this decision for the purpose of settling this proceeding and resolving any and all other alleged or potential violations of the Act occurring up

to and including May 1, 2018.

Findings of Fact

1. Arbuckle Adventures, LLC (Arbuckle), is an Oklahoma limited liability company whose registered agent is Craig Abla, 118 West Muskogee, Sulphur, Oklahoma 73086. At all times mentioned in the complaint, Respondent Arbuckle was an exhibitor, as that term is defined in the Act and the Regulations, held AWA license 73-C-0190, and exhibited domestic, wild and exotic animals to the public at a walk-through zoo (Arbuckle Adventures) and at an adjacent drive-through zoo (Arbuckle Wilderness).

Conclusions of Law

Respondent having admitted the jurisdictional findings, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, its 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. At the request of Respondent, APHIS shall, at a date and time that is mutually agreeable to both parties and acknowledging that time is of the essence, schedule a compliance inspection at Respondent's site 002 (Arbuckle Wilderness drive-through zoo). Respondent shall give APHIS at least one week advance notice to schedule the inspection, and APHIS agrees to inspect the site within one week notice on an agreed date. Should APHIS identify any noncompliance with the Act or Regulations during its inspection, APHIS shall place the same in writing and provide notice to Respondent. If APHIS identifies any noncompliance with the Act or Regulations during its inspection, Respondent may request a subsequent inspection at

Respondent's site 002 at a date and time that is mutually agreeable to both parties, acknowledging that time is of the essence. Once Respondent establishes to APHIS during an inspection that it is in compliance with the Act and the Regulations and Standards at site 002, APHIS will add site 002 to AWA license 73-C-0190.

3. Respondent is assessed a civil penalty of \$30,000, to be paid by certified check or money order made payable to USDA APHIS with \$15,000 to be postmarked no later than May 1, 2018, and three subsequent monthly payments of \$5,000 each, beginning June 1, 2018, and ending on August 1, 2018 sent to USDA APHIS Miscellaneous, P.O. Box 979043, St. Louis, MO 63197-9000. The certified check or money order shall include the docket number of this proceeding (16-0003).

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

ARBUCKLE ADVENTURES, LLC, an
Oklahoma limited liability company,

By


Justin R. Landgraf
Attorney for Respondent


Samuel D. Jockel
Attorney for Complainant

Done at Washington, D.C.,
this 2 day of MAY 2018


Jill S. Clifton
Administrative Law Judge