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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 16-0007
	)	
PET GLIDER, LLC, a Texas limited liability company,	)	
	)	
	)	CONSENT DECISION AND
Respondent.	)	ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), by an Order to Show Cause Why Animal Welfare Act License 74-B-0729 Should Not Be Terminated, filed on October 13, 2015, by complainant, the Administrator of the Animal and Plant Health Inspection Service, United States Department of Agriculture (APHIS). 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 Order to Show Cause and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, 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. Respondent Pet Glider, LLC, is a Texas limited liability company whose agent for service of process is Ronald R. Niehaus, 5851 San Felipe, Suite 950, Houston, Texas 77057. Respondent Pet Glider, LLC, is a dealer, as that term is defined in the Act and the Regulations, holds AWA license number 74-B-0729, and is and has been engaged in the business of selling animals (sugar gliders) to domestic and international customers for use as pets. In 2013 and 2014,

Priscilla A. Price was the sole managing member of respondent, and represented to APHIS that she was also the president of respondent.

2. Between approximately November 5, 2013, and June 17, 2014, respondent provided seven export health certificates to APHIS/Veterinary Services (VS), which certificates falsely represented that a total of fifty-four sugar gliders intended for overseas shipment had been examined by a licensed veterinarian and determined to be free of certain diseases:

a. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1400622, dated November 5, 2013, which falsely represented that twelve sugar gliders to be shipped to Japan had been examined by a licensed veterinarian and found to be free of clinical signs of rabies;

b. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1401173, dated December 10, 2013, which falsely represented that sixteen sugar gliders to be shipped to Japan had been examined by a licensed veterinarian and found to be free of clinical signs of rabies;

c. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1401182, dated December 10, 2013, which falsely represented that seven sugar gliders to be shipped to Spain had been examined by a licensed veterinarian and found to be free of clinical signs of disease;

d. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1401184, dated December 13, 2013, which falsely represented that six sugar gliders to be shipped to Denmark had been examined by a licensed veterinarian and found to be free of clinical signs of tuberculosis, anthrax, and rabies, and had been treated for internal and external parasites;

e. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1403270, dated May 3, 2014, which falsely represented that five sugar gliders to be shipped to Japan had been examined by a licensed veterinarian and found to be free of clinical signs of rabies;

f. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1403691, dated May 22, 2014, which falsely represented that two sugar gliders to be shipped to Denmark had been examined by a licensed veterinarian and found to be free of clinical signs of tuberculosis, anthrax, and rabies, and had been treated for internal and external parasites; and

g. Respondent submitted to APHIS/VS for endorsement U.S. Origin Health Certificate T1404142, dated June 16, 2014, which falsely represented that six sugar gliders to be shipped to Japan had been examined by a licensed veterinarian and found to be free of clinical signs of rabies.

3. On each of the aforementioned certificates, the signature of the licensed veterinarian had been forged by the respondent or its agent.

4. The AWA is a remedial statute enacted to "insure that animals . . . are provided humane care and treatment." Section 2.12 of the Regulations, through section 2.11, authorizes the Department to terminate any license issued to a person who:

> "[h]as made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies,...or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act." 9 C.F.R. § 2.11(a)(6).

5. Respondent falsified export health certificates for fifty-four animals and submitted them to APHIS for endorsement. Respondent deceived APHIS, the governments of the destination countries, and respondent's customers, by forging the signature of its veterinarian on official

government documents that misrepresented that animals shipped or intended for shipment to Japan, Spain, and Denmark were free of disease. Forty-eight unexamined animals were in fact sent to those countries.

Conclusions of Law

1. Between approximately November 5, 2013, and June 17, 2014, respondent submitted to APHIS/VS seven export health certificates, which certificates falsely represented that a total of fifty-four sugar gliders intended for overseas shipment had been examined by a licensed veterinarian and determined to be free of certain diseases, and bore a forged signature of respondent's attending veterinarian. Providing false or fraudulent records to APHIS/VS is grounds for license termination pursuant to 9 C.F.R. §§ 2.11(a)(6), 2.12.

2. Respondent having admitted the findings of fact and conclusions of law herein, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. For the purposes of this consent decision and order, the two-year period of time between December 1, 2016, and November 30, 2018, shall be referred to as the "probation period."

2. Respondent agrees that if during the probation period APHIS notifies it that APHIS has determined that respondent has provided any false or fraudulent health certificates or other records to the department or other government agencies, upon respondent's receipt of such notice and supporting documentation from APHIS, APHIS may terminate AWA license number 74-B-0729. Respondent further agrees to a prospective waiver of its right to notice and opportunity for an oral hearing pursuant to the Rules of Practice, in accordance with section 2.12 of the regulations promulgated under the Act (9 C.F.R. § 2.12). Complainant and respondent agree that respondent

may seek injunctive, declaratory or other appropriate relief in the United States District Court for the Southern District of Texas or in the United States District Court for the District of Columbia.

PET GLIDER, LLC
a Texas limited liability company
Respondent

By [redacted]
Alicia O'Neill
1207 South Shepherd
Houston, Texas 77019
Texas Bar No. 24040801
Attorney for Respondent

[redacted]
Colleen Carroll
Lauren Becker
Attorneys for Complainant

Done at Washington, D.C.
this 23 day of November 2016

[redacted]
Channing D. Strother
Administrative Law Judge