

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) A.Q. Docket No. 07-0045  
)  
Anton Wald and John Wald d/b/a Wald )  
Livestock, )  
)  
Respondents ) Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 8301 et seq.) and the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (collectively, the Acts) by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that respondents Anton Wald and John Wald d/b/a Wald Livestock violated the Acts and regulations promulgated thereunder (9 C.F.R. §§ 75 et seq. and 88 et seq.). The complainant and respondents Anton Wald and John Wald d/b/a Wald Livestock have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondents Anton Wald and John Wald d/b/a Wald Livestock specifically admit that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admit nor deny the remaining allegations in the complaint, and admit to the Findings of Fact set forth below.

Respondents Anton Wald and John Wald d/b/a Wald Livestock waive:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and

(d) 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 the respondents in connection with this proceeding.

#### Findings of Fact

1. Anton Wald and John Wald d/b/a Wald Livestock, hereinafter referred to as respondents, are the co-owners and operators of Wald Livestock located at 47 Rhine Drive, Kenner, Louisiana 70065. They also co-own and operate Browns Stockyard in Baton Rouge, Louisiana. Respondents have been purchasing slaughter horses for about 30 years and ship between 25 and 50 horses to slaughter per week.

2. (a) On or about February 22, 2004, a mule that had tested positive for Equine Infectious Anemia was shipped in interstate commerce without the required Permit for Movement of Restricted Animals, VS Form 1-27.

(b) On or about February 22, 2004, 17 horses and a mule that had tested positive for Equine Infectious Anemia were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

3. (a) On or about June 27, 2004, a horse was shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about June 27, 2004, a horse was shipped in commercial transportation for slaughter even though the horse was missing its left front hoof and could not bear weight on all four limbs, yet no veterinary assistance was obtained for this horse's injury.

(c) On or about June 27, 2004, a horse was shipped in commercial transportation for slaughter even though the horse was missing its left front hoof and could not bear weight on all four limbs, yet this horse was loaded in this condition for transportation to the slaughtering facility, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

4. On or about September 14, 2004, 43 horses were shipped in commercial transportation for slaughter and two of the horses were crippled such that they could not bear weight on all four

limbs, yet these horses were loaded in this condition for transportation to the slaughtering facility, thereby causing them unnecessary discomfort, stress, physical harm or trauma.

5. On or about October 12, 2004, 39 horses were shipped in commercial transportation for slaughter and one of the horses had a torn tendon in its right front leg such that it could not bear weight on all four limbs such that it could not bear weight on all four limbs, yet this horse was loaded in this condition for transportation to the slaughtering facility, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

6. On or about November 16, 2004, 22 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

7. On or about November 21, 2004, 15 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

8. (a) On or about June 2, 2005, 23 horses were shipped in commercial transportation for slaughter and one of the horses was crippled in its right rear leg such that it could not bear weight on all four limbs, yet no veterinary assistance was obtained for this horse's injury.

(b) On or about June 2, 2005, 23 horses were shipped in commercial transportation for slaughter and one of the horses was crippled in its right rear leg such that it could not bear weight on all four limbs, yet this horse was loaded in this condition for transportation to the slaughtering facility, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

(c) On or about June 2, 2005, 23 horses were shipped in commercial transportation for slaughter and delivered to the slaughter facility outside normal business hours, when no USDA representative was present, but no one remained at or returned to the slaughter facility to meet the USDA representative upon his arrival there.

9. (a) On or about June 16, 2005, 31 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about June 16, 2005, 31 horses were shipped in commercial transportation for slaughter and delivered to the slaughter facility outside normal business hours, when no

USDA representative was present, but no one remained at or returned to the slaughter facility to meet the USDA representative upon his arrival there.

10. (a) On or about June 23, 2005, 32 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about June 23, 2005, 32 horses were shipped in commercial transportation for slaughter and one of the horses had an old injury in its right rear leg such that it could not bear weight on all four limbs, yet no veterinary assistance was obtained for this horse's injury.

(c) On or about June 23, 2005, 32 horses were shipped in commercial transportation for slaughter and one of the horses had an old injury in its right rear leg such that it could not bear weight on all four limbs, yet this horse was loaded in this condition for transportation to the slaughtering facility, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

(d) On or about June 23, 2005, 32 horses were shipped in commercial transportation for slaughter and delivered to the slaughter facility outside normal business hours, when no USDA representative was present, but no one remained at or returned to the slaughter facility to meet the USDA representative upon his arrival there.

11. (a) On or about July 14, 2005, 32 horses were shipped in commercial transportation for slaughter without a properly completed owner-shipper certificate, VS Form 10-13.

(b) On or about July 14, 2005, 32 horses were shipped in commercial transportation for slaughter, but one of the horses in this shipment did not have a USDA back tag.

(c) On or about July 14, 2005, 32 horses were shipped in commercial transportation for slaughter and one of the horses had a pre-existing injury in its left hind leg such that it could not bear weight on all four limbs, yet this horse was loaded in this condition for transportation to the slaughtering facility, thereby causing it unnecessary discomfort, stress, physical harm or trauma.

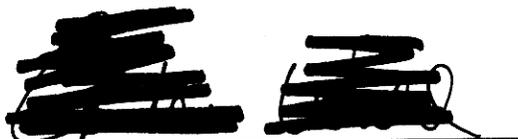
Conclusions

Respondents have admitted the jurisdictional facts and have agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

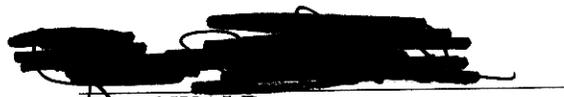
Order

Respondents Anton Wald and John Wald d/b/a Wald Livestock are assessed a civil penalty of twenty thousand dollars (\$20,000.00). Respondents Anton Wald and John Wald d/b/a Wald Livestock shall send a certified check or money order for two thousand dollars (\$2,000.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. Respondents shall pay the remaining eighteen thousand dollars (\$18,000.00) in five installments of three thousand six hundred dollars (\$3,600.00) each. The first installment shall be due not later April 1, 2008; the second installment shall be due not later than May 1, 2008; the third installment shall be due not later than June 1, 2008; the fourth installment shall be due not later than July 1, 2008; and the fifth and final installment shall be due not later than August 1, 2008. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.

This Order shall become effective when served on respondents.

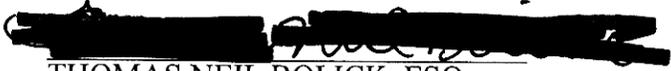


ANTON WALD  
d/b/a WALD LIVESTOCK  
Respondent



JOHN WALD  
d/b/a WALD LIVESTOCK  
Respondent

  
WAYNE DOUGLAS MANCUSO, ESQ.  
Attorney for Respondents

  
THOMAS NEIL BOLICK, ESQ.  
Attorney for Complainant

Issued this 11<sup>th</sup> day of July, 2008  
at Washington, D.C.

  
Administrative Law Judge