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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 07-0091
)	
Gerald and Angeline)	
Wensmann dba Highdarling)	
Cattery aka Highland)	
Hills Kennel,)	
)	Consent Decision
Respondents)	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 respondents 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 respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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

1. Gerald and Angelina Wensmann, hereinafter referred to as respondents, are individuals doing business as Highdarling Cattery aka Highland Hills Kennel whose address is 32358 305th Street, Melrose, MN 56352.
2. The respondents, at all times material herein, were licensed and operating as a dealer as defined in the Act and the regulations.

Conclusions

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their 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 issued thereunder, and in particular, shall cease and desist from:
 - (a) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required;
 - (b) Failing to maintain primary enclosures so as to avoid an excessive accumulation of animal wastes; and
 - (c) Failing to maintain primary enclosures so as to protect the animals from injury.
2. The respondents are jointly and severally assessed a civil penalty of \$1,200.00, \$1,000.00 of which shall be held in abeyance provided that the respondents, after notice and opportunity for a hearing, are not found to have violated the Animal Welfare Act or the regulations and standards issued thereunder, or this consent agreement for a period of 2 years.

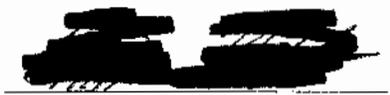
The remaining \$200.00 shall be paid by a certified check or money order made payable to the Treasurer of United States.

The provisions of this order shall become effective on the first day after service of this decision on the respondents.

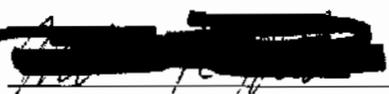
Copies of this decision shall be served upon the parties.


Gerald Wensmann
Respondent


Angeline Wensmann
Respondent


Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 10th day of April


Administrative Law Judge