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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 07-0110  
 )  
Daniel and Debra Clark, ) Consent Decision  
 ) and Order  
Respondents )

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 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 respondents admit 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

1. Daniel and Debra Clark (hereafter "respondents") are individuals with a mailing address at 2480 W. 950 S., Silver Lake, Indiana 46982.

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 and standards issued thereunder, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to have a responsible person available during normal business hours for inspections or refusing access to parts of the facility;

(c) Failing to construct and maintain housing facilities for animals so that the facilities are structurally sound and in good repair in order to protect the

animals from injury, contain them securely, and restrict other animals from entering;

(d) Failing to store supplies of food so as to adequately protect them against contamination;

(e) Failing to provide adequate running potable water;

(f) Failing to construct and maintain housing facilities for animals so that sufficient lighting is provided;

(g) Failing to provide animals with adequate shelter from the elements; and

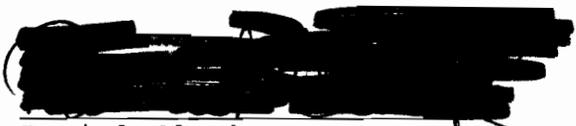
(h) Failing to keep the premises clean and in good repair.

2. The respondents are jointly and severally assessed a civil penalty of \$3,500.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States. The respondents agree further not to engage in any activity requiring a license under the Act and regulations and not to apply for a license until the civil penalty is paid in full.

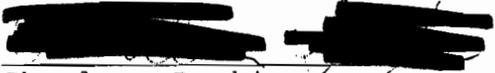
3. The respondents agree not to engage in any activity which requires a license under the Act and the regulations issued pursuant to the Act and the regulations issued pursuant to the Act for a period of one year. The respondents agree not to apply for a license under the Act and the regulations issued pursuant to the Act for a period of one year.

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

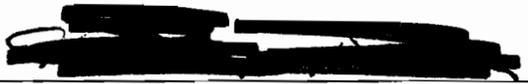
Copies of this decision shall be served upon the parties.

  
Daniel Clark

  
Debra Clark

  
Sharlene Deskins  
Attorney for Complainant

Done at Washington, D.C.  
this 19th day of May, 2008

  
Administrative Law Judge