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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 02-0023
)	
Deer Forest Fun Park, Inc.)	
)	
)	Consent Decision
Respondens)	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 respondent 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 respondent admits 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

- (a) Deer Forest Fun Park, Inc. is a corporation whose address is 6800 Marquette, Coloma, Michigan 49038.
- (b) Deer Forest Fun Park, Inc. hereafter referred to as the respondent, at all times material herein, was licensed and operating as an exhibitor as defined

in the Act and the regulations.

Conclusions

The Respondent having admitted the jurisdictional facts 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, and in particular, shall cease and desist from:
 - (A) Failing to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks;
 - (B) Failing to store supplies of food and bedding so as to adequately protect them against infestation or contamination by vermin or animal waste;
 - (C) Failing to maintain housing facilities for animals in a structurally sound condition and in good repair;
 - (D) Failing to maintain the perimeter fence for animals in a structurally sound condition and in good repair so as to prevent the entry of other animals and to contain animals

that live in the enclosure;

(E) Failing to keep food and water receptacles clean and sanitized;

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

(G) Failing to maintain primary enclosures for animals in a clean and sanitary condition;

(H) Failing to establish and maintain an effective program for the control of pests;

(I) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;

(J) Failing to provide proper veterinary care;

(K) Failing to allow APHIS to inspect the facility and access to records as required by the regulations;

(L) Failing to rapidly eliminate excess water from outdoor housing facilities;

(M) Failing to maintain animals in compatible groups;

(N) Failing to provide animals with wholesome and uncontaminated food;

(O) Failing to handle animals in a manner that prevents trauma, behavioral stress, physical harm or unnecessary discomfort; and

(P) Failing to seek prior approval from the Administrator before housing guinea pigs in outdoor enclosures.

2. The Respondent is assessed a civil penalty of \$10,000 of which all is suspended provided that the Respondent does not violated the Animal Welfare Act, and the regulations and

standards issued pursuant to the Act within five years of this consent decision.

3. The Respondent's license is revoked and the Respondent is permanently prohibited from being licensed under the Act. The Respondent can sell any animals it currently owns as of the date of this consent decision only with the prior written approval of APHIS. The provisions of this order shall become effective on the first day after service of this decision on the respondent. Copies of this decision shall be served upon the parties.

 President
Deer Forest Fun Park, Inc.
Respondent
(person) *Chris Hilton*
(title) *President*


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 7th day of November 2005


PETER M. DAVENPORT
Administrative Law Judge