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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 03-0002
	)	
Tom Parker doing business as	)	
African Northwest, Inc.,	)	
	)	
Respondents	)	Consent Decision 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 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 admit that the Secretary has jurisdiction in this matter, neither admit nor deny 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) Tom Parker and African Northwest, Inc., hereinafter referred to as the respondents, is an individual whose address is 1134 Broadway, Seattle, Washington 98122.

(b) 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, partners and assigns, directly, indirectly 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 inform APHIS of the existence and location of a separate facility;
- (B) failing to inform APHIS when they change the location of their main office;
- (C) failing to maintain, complete records showing the acquisition, disposition, and identification of animals;
- (D) failing to include all information in their records including but not limited to the vehicle license number and state as well as the driver's license number and state of the people from whom the Respondents purchase animals;
- (E) Failing to maintain an effective program for the control of pests;
- (F) Failing to maintain interior surfaces that are substantially impervious to moisture and which can be readily sanitized;
- (G) Failing to keep the premises clean and in good repair and free of the accumulation of debris;

(H) Failing to provide records to APHIS which show all of the acquisitions and disposition of animals the Respondents purchase;

(I) Failing to have a sufficient number of employees at the Respondents's facility; and

(J) Failing to handle animals in a manner that did not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

2. Respondents are jointly and severely assessed a civil penalty of \$15,000 of which all except for \$6,000 shall be suspended provide that the Respondents comply with the Act, the regulations and the standards for one year from the effective date of this order. The remaining civil penalty of \$6,000 shall be paid by a certified check or money order made payable to the Treasurer of United States and shall have the notation "AWA Docket No. 03-0002" on the check or money order. The civil penalty shall be sent to Sharlene A. Deskins, Mail Stop 1417, 1400 Independence Ave., S.W., Room 2343-South Building, Washington, D.C. 20250-1417. If the Respondents violate the Act, the regulations or standards anytime within one year of the effective date of this order, then they shall send the remaining \$9,000 of the civil penalty to the address listed above.

3. Respondents' license is suspended for 14 days and continuing thereafter until the respondents demonstrate to the Animal and Plant Health Inspection Service that they are in full compliance with the Act, the regulations and standards issued thereunder, and this order, including payment of the civil penalty imposed herein. When the respondents demonstrate to the Animal and Plant Health Inspection Service that they have satisfied this condition and paid the civil penalty in full, a supplemental order will be issued in this proceeding upon the motion of the Animal and Plant Health Inspection Service, terminating the suspension.

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.

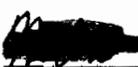
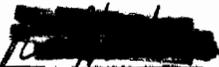
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Marshall Meyers, Attorney  
for Tom Parker and  
African Northwest, Inc.

   
Tom Parker for himself  
and African Northwest, Inc.  
Respondents

   
Sharlene Deskins  
Attorney for Complainant

Done at Washington, D.C.  
this 15th day of December, 2004

   
Administrative Law Judge