

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 04-0026
)	
LISA R. WHITEAKER, an individual doing)	
business as MONKEYS-N-MORE; MONKEYS-)	
N-MORE, INC., a Nevada domestic corporation,)	
and; SHANE JUNIOR LOGAN, an individual,)	CONSENT DECISION AS
)	TO RESPONDENTS
Respondents.)	SHANE JUNIOR LOGAN

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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Shane Junior Logan is an individual whose address is 7094 Delwood Street, Las Vegas Nevada, 89147-4730. At all times mentioned herein, said respondent was acting for or employed by respondents Whiteaker and Monkeys-N-More, Inc., and the acts, omissions, and failures to act by respondent Logan alleged herein were within the scope of said respondent

employment or agency, and are deemed to be the acts, omissions and failures of respondents Whiteaker and Monkeys-N-More, Inc., as well as of respondent Logan, for the purpose of construing or enforcing the provisions of the Act.

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, his 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.

2. Respondent Shane Junior Logan is assessed a civil penalty in the amount of \$2,750, which shall be paid by a certified check or money order made payable to the Treasurer of United States and remitted to:

Bernadette R. Juarez
U.S. Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2331A or 2343-South Building, Mail Stop 1417
Washington, D.C. 20250-1417

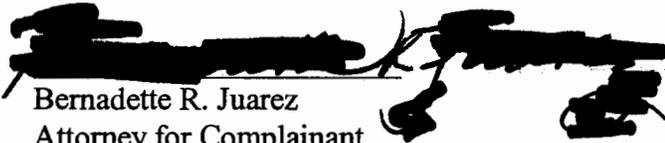
Respondent shall indicate on the certified check or money order that payment is in reference to AWA Docket No. 04-0026.

3. Respondent Shane Junior Logan was an employee or agent of respondents Lisa R. Whiteaker and Monkeys-N-More, Inc., and was responsible for or participated in the violations upon which respondent Lisa R. Whiteaker's license revocation is based, and will not be licensed within the period during which the order of revocation is in effect, in accordance with section 2.9 of the

Regulations (9 C.F.R. § 2.9).

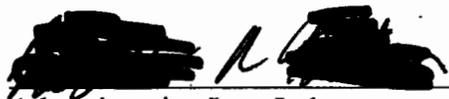
The provisions of this order shall become effective on the first day of service of this decision on the respondent. Copies of this decision shall be served upon the parties.


Shane Junior Logan
Respondent


Bernadette R. Juarez
Attorney for Complainant

Done at Washington, D.C.

this 1st day of September, 2005


Administrative Law Judge