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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 06-0001 |
| |) | |
| VOYD OTIS CANNON, SR., an individual doing |) | |
| business as Dgara Kennels; DAE A. CANNON, |) | |
| an individual doing business as Dgara Kennels; |) | |
| VOYD OTIS CANNON, JR., an individual also |) | |
| known as "BODIE" doing business as Dgara |) | CONSENT DECISION |
| Kennels; THOMAS CANNON, an individual; and, |) | AND ORDER AS TO |
| PINE SPRINGS PETS, INC., an Oklahoma |) | VOYD OTIS CANNON, |
| domestic for profit corporation, |) | SR., DAE A. CANNON, |
| |) | AND VOYD OTIS |
| Respondents. |) | CANNON, JR. |

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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Voyd Otis Cannon, Sr., is an individual, doing business as Dgara

Kennels, an unincorporated association, and whose mailing address 2181 East Standridge Road, Atoka, Oklahoma 74525. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 73-B-1782, issued to "VOYD, DAE & BODIE CANNON."

2. Respondent Dae A. Cannon is an individual, doing business as Dgara Kennels, an unincorporated association, and whose mailing address 2181 East Standridge Road, Atoka, Oklahoma 74525. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 73-B-1782, issued to "VOYD, DAE & BODIE CANNON."

3. Respondent Voyd Otis Cannon, Jr., ("Bodie") is an individual, doing business as Dgara Kennels, an unincorporated association, and whose mailing address 698 South Farris Road, Atoka, Oklahoma 74525. At all times herein, said respondent was operating as a dealer as that term is defined in the Act and the Regulations.

Between December 7, 2000, and February 1, 2005, respondent held Animal Welfare Act license number 73-B-1782, issued to "VOYD, DAE & BODIE CANNON." On or about February 1, 2005, respondent requested, in writing, that complainant remove his name from Animal Welfare Act license number 73-B-1782.

On October 27, 2004, complainant received an application for new license from respondent and on October 29, 2004, issued Animal Welfare Act dealer's license number 73-A-2106 to "VOYD CANNON JR. DBA: B F D KENNELS."

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.

2. Respondents Voyd Otis Cannon, Sr., Dae A. Cannon and Voyd Otis Cannon, Jr., are jointly and severally assessed a civil penalty in the amount of \$10,000. Respondents shall pay the assessed civil penalty in two installments of \$5,000, received by complainant's counsel on or before January 2, 2007, and January 2, 2008. Respondents' civil penalty payments shall be made by certified checks or money orders made payable to the Treasurer of United States that include the notation "AWA Docket No. 06-0001," and shall be sent to:

Bernadette Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, S.W., Stop 1417
Room 2343-South Building
Washington, DC 20250-1417

3. If respondents fail to pay the civil penalty in full as provided in paragraph 2 of this order, the Animal Welfare Act license held by Dae A. Cannon shall be revoked immediately and respondents shall be assessed the entire outstanding balance of the civil penalty, without further procedure. Respondents agree to a prospective waiver of any right to notice and opportunity for

a hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with paragraph 2.

4. This Court specifically retains jurisdiction of this matter to enforce the terms of the agreed consent order. If respondents fail to comply with the provisions in paragraph 2 of this order, this Court, upon a motion by complainant, shall issue a default order against Voyd Otis Cannon, Sr., Dae A. Cannon and Voyd Otis Cannon, Jr., and grant to complainant the relief specified in paragraph 3 of this order.

5. The Animal Welfare Act licenses held by Respondents Voyd Otis Cannon, Sr., and Voyd ("Bodie") Otis Cannon, Jr., are hereby revoked.

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.

[Redacted signature]

Voyd Otis Cannon, Sr.
Respondent

[Redacted signature]

Voyd Otis Cannon, Jr.
Respondent

[Redacted signature]

Dae A. Cannon
Respondent

[Redacted signature]

Bernadette Juarez
Attorney for Complainant

[Redacted signature]

Done at Washington, D.C.
this 8th day of November, 2006

[Redacted signature]

Peter M. Davenport
Administrative Law Judge