BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 06-0011
	)	
HANS JAKOB LUECK, GINGER GAIL LUKE, and RODNEY A. NELSON, individuals doing business as WILD EYES, LLC, a former Montana Limited Liability Corporation, WILD EYES PHOTO ADVENTURES, WILD EYES ANIMAL ADVENTURES, and WILD EYES FOUNDATION, a Washington corporation,	)	
	)	CONSENT DECISION AND ORDER AS RODNEY A. NELSON
Respondent.	)	

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. Rodney A. Nelson is an individual doing business as Wild Eyes, LLC, a former

Montana Limited Liability Company, ...

Adventures, and whose mailing address is 161 Shady Lane, Kalispell, Montana 59901-2921. At all material times herein, said respondent was operating as an exhibitor as that term is 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, 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 Rodney A. Nelson is assessed a civil penalty of $10,000, which shall be held in abeyance in accordance with the provisions set forth in paragraphs 3 and 4 of this Order.

3. For the purposes of this consent decision and order, the two-year period of time between the date in which the order for the consent decision is entered, and two years therefrom, shall be referred to as the "probation period." The respondent agrees that during the probation period he will not engage in any activity that is not in compliance with the provisions of the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.).

4. The respondent further agrees that, if during the probation period, APHIS

Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.), which, after notice and opportunity for a hearing results in the finding of a violation of the Act or the regulations and standard issued thereunder, respondent shall pay the $10,000 civil penalty held in abeyance, in paragraph 2 of this Order. Respondent's payment of the aforementioned civil penalty shall be in addition to any penalty found to be warranted for such future violations.

5. Respondent Rodney A. Nelson in permanently disqualified from obtaining an Animal Welfare Act license.

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.

Rodney A. Nelson
Respondent

Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 17th day of April 2007

Peter M. Davenport
Administrative Law Judge

Fax #
202-690-4299