

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 07-0033
)	
CHARLES EDWARD MOCK, an)	
individual doing business as BEST)	
BUY AUTO,)	
)	CONSENT DECISION
Respondent.)	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 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

Respondent Charles Edward Mock is an individual doing business as Best Buy Auto, believed to be a sole proprietorship or unincorporated association, and whose mailing 11245 150th Avenue, Little Falls, Minnesota, 56345-6377. At all material times, said respondent was operating as an exhibitor as that term is defined in the Act and the regulations, and held 9-12 wild and exotic animals (such as lions, tigers and a bear) for exhibition purposes.

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, and in particular, shall cease and desist from failing, during public exhibition, to handle any animal so that there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of the animals and the public, failing to handle animals as expeditiously and carefully as possible in a manner that does not cause trauma, behavioral stress, unnecessary discomfort, or physical harm, and engaging in regulated activity without being licensed by the Secretary of Agriculture to do so.

2. Respondent Charles Edward Mock is assessed a civil penalty of \$2,750. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States, and shall be received by counsel for complainant on or before March 30, 2007, at the address as follows:

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

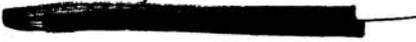
Respondent shall state on the certified check or money order that the payment is in reference to

AWA Docket No. 07-0033.

3. Respondent Charles Edward Mock is hereby 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.


Charles Edward Mock
Respondent


Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 4th day of May, 2007


Administrative Law Judge