

**In re: VICTOR HOLLENDER.**  
**AWA Docket No. 00-0004.**  
**Decision and Order filed on May 10, 2000.**

Frank Martin, Jr., for Complainant.  
Respondent, Pro se.  
*Decision and Order issued by Edwin S. Bernstein, Administrative Law Judge.*

**Preliminary Statement**

This proceeding was instituted under the Animal Welfare Act ("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 wilfully violated the Act and the regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*).

Copies of the Complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served upon respondent by personal service on January 20, 2000. Respondent was informed in the letter of service that an Answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation.

Respondent failed to file an Answer addressing the allegations contained in the complaint within the time prescribed in the Rules of Practice. Therefore, the material facts alleged in the Complaint, which are admitted by respondent's failure to file an Answer pursuant to the Rules of Practice, are adopted and set forth herein as Findings of Fact.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

**Findings of Fact**

1. (a) Victor Hollender, hereinafter referred to as respondent, is an individual whose address is 203 Country Road 591, Hanceville, Alabama 35077.

(b) The respondent, at all times material hereto, was operating as a dealer as defined in the Act and the regulations.

2. On twenty-two separate dates between November 12, 1995, through October 31, 1998, respondent operated as a dealer as defined in the Act and the regulations, without being licensed, in willful violation of section 2.1(a)(1) of the regulations (9 C.F.R. § 2.1(a)(1)). The sale of each animal constitutes a separate violation.

**Conclusions**

1. The Secretary has jurisdiction in this matter.

ANIMAL WELFARE ACT

2. By reason of the facts set forth in the Findings of Fact above, the respondent has violated the Act, as well as the regulations promulgated under the Act.

3. The following Order is authorized by the Act and warranted under the circumstances.

**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 issued thereunder, and in particular, shall cease and desist from engaging in any activity for which a license is required under the Act and regulations without being licensed as required.

2. The respondent is assessed a civil penalty of \$6,000.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

3. The respondent is disqualified for a period of one year from becoming licensed under the Act and regulations.

The provisions of this Order shall become effective on the first day after service of this decision on the respondent. Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

[This Decision and Order became final September 15, 2000.-Editor]

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