

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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09-0028
09-11-2009 11:30 AM
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In re:)
) A.Q. Docket No.: 09-0028
Edward Ressler d/b/a Triple R Trucking,)
Travis Ressler Trucking, LLC, and Troy)
Ressler,) Consent Decision
) Respondents.)

This proceeding was instituted under the Commercial Transportation of Equines for Slaughter Act (7 U.S.C. § 1901 note) (the Act) by a complaint filed by the Acting Administrator of the Animal and Plant Health Inspection Service alleging that respondent Travis Ressler Trucking, LLC, violated the Act and regulations promulgated thereunder (9 C.F.R. §§ 88 et seq.). The complainant and respondent Travis Ressler Trucking, LLC, have agreed that this proceeding should be terminated by entry of this Consent Decision.

For the purposes of this Consent Decision only, respondent Travis Ressler Trucking, LLC, specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the complaint, and admits to the Findings of Fact set forth below.

Respondent Travis Ressler Trucking, LLC, waives:

- (a) Any further procedure;
- (b) Any requirement that the final decision in this proceeding contain findings and conclusions with respect to all material issues of fact, law, or discretion, as well as the reasons or bases thereof;
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision; and
- (d) Any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the respondents in connection with this proceeding.

Findings of Fact

1. Travis Ressler Trucking, LLC, hereinafter referred to as respondent Travis Ressler Trucking, is a company that commercially transports horses to slaughter. It has a mailing address of 230 A Street, Dickinson, North Dakota 58601.

2. On or about July 25, 2005, 50 horses were commercially transported for slaughter.

Conclusions

The respondent has admitted the jurisdictional facts and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.


Order

The respondent Travis Ressler Trucking, LLC, is assessed a civil penalty of two thousand five hundred dollars (\$2,500.00). The respondent Travis Ressler Trucking, LLC, shall send a certified check or money order for five hundred dollars (\$500.00), payable to the Treasurer of the United States, to United States Department of Agriculture, APHIS, Accounts Receivable, P.O. Box 3334, Minneapolis, Minnesota 55403, within sixty (60) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding. Respondent Travis Ressler Trucking, LLC, shall pay the remaining two thousand dollars (\$2,000.00) in five installments of four hundred dollars (\$400.00) each. The first installment shall be due not later July 1, 2010; the second installment shall be due not later than August 1, 2010; the third installment shall be due not later than September 1, 2010; the fourth installment shall be due not later than October 1, 2010; and the fifth and final installment shall be due not later than November 1, 2010. Each installment shall be paid by a certified check or money order made payable to the Treasurer of the United States at the mailing address listed above. Each certified check or money order should include the docket number of this proceeding.


This Order shall become effective when served on the respondent Travis Ressler Trucking, LLC.


TRAVIS RESSLER TRUCKING, LLC,
Respondent


THOMAS NEIL BOLICK
Attorney for Complainant


THOMAS F. MURTHA, ESQ.
MURTHA LAW OFFICE
Attorney for Respondent Travis Ressler Trucking, LLC

Issued this 17th day of March, 2010
at Washington, D.C.


Administrative Law Judge