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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 09-0122 |
| |) | |
| Cliff and Linda Watts, d/b/a |) | |
| Hillside Kennel, |) | Consent Decision |
| |) | and Order |
| Respondents |) | |

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(hereafter "Act"), 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 paragraph I of 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 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Cliff and Linda Watts, hereinafter referred to as the respondents, are individuals doing business as Hillside Kennel with a business mailing address at 23784 Hwy 303, Hindsville, Arkansas 72738.

2. The respondents, at all times material herein, were licensed and operating as a breeder as defined in the Act and the regulations.

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, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;

(c) Failing to construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

- (d) Failing to provide animals with adequate shelter from the elements;
- (e) Failing to construct and maintain indoor and sheltered housing facilities for animals so that they are adequately ventilated;
- (f) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;
- (g) Failing to provide a suitable method for the rapid elimination of excess water and wastes from housing facilities for animals;
- (h) Failing to keep food and water receptacles clean and sanitized;
- (i) Failing to maintain primary enclosures for animals in a clean and sanitary condition; and
- (e) Failing to provide for the regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids and wastes, and dead animals, in a manner that minimizes contamination and disease risks.

2. The respondents are assessed a civil penalty of \$20,000 of which all except for \$2,500 is suspended provided that the respondents do not violate the Act, the regulations or the standards issued pursuant to the Act within five years of the effective date of this order and comply with all the terms in this consent decision. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States and the caption "AWA Dkt. No. 09-0122" shall appear on the check or money order. The check shall be sent to OGC Marketing Division, Mail Stop 1417, 1400 Independence Ave., S.W., Washington, D.C. 20250-1417.

3. Respondents' license will terminate on May 31, 2010. The respondents agree not to apply for a license before July 1, 2010. The Respondents further agree that they will not apply for a license until the civil penalty is paid in full. The Respondents will not engage in any activity under Animal Welfare Act that requires a license while they do not have a license.

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]
Cliff Watts

[Redacted]
Attorney for Respondents

[Redacted]
Linda Watts
Respondents

[Redacted]
Deskins
Attorney for Complainant

Done at Washington, D.C.

this 12 day of March, 2010,

nunc pro tunc to the 3rd day of March 2010

[Redacted]

Jill S. Clifton
Administrative Law Judge