

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

AWA Docket No. 10-0086

In re: DEBRA SANDMEIER,
d/b/a SUTLEY KENNEL,

Respondent

DEFAULT DECISION AND ORDER

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 willfully violated the Act and the regulations and standards issued pursuant to the Act (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 by the Hearing Clerk at the address of the Respondent on February 9, 2010. The 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 has failed to file an answer within the time prescribed in the Rules of Practice, and the material facts alleged in the complaint are deemed admitted by Respondent's failure to file an answer and the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact and Conclusions of Law

1. Debra Sandmeier, hereinafter referred to as the respondent, is an individual doing business as Sutley Kennel located in Java, South Dakota.
2. The Respondent, at all times material hereto, was operating as a dealer as defined in the Act and the regulations, without being licensed.
3. On October 26, 2005, respondent's Class A dealer license was terminated for non-renewal.
4. On numerous occasions, beginning on December 14, 2005 and continuing through at least March 13, 2006, 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)).
5. Respondent sold, in commerce, at least thirteen animals for resale for use as pets, the sale of each animal constituting a separate violation.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. The following Order is authorized by the Act and warranted under the circumstances.

Order

1. Respondent, her 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 \$10,125.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.
3. The Respondent is permanently disqualified from becoming licensed under the Act and regulations.
4. Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this Default Decision and Order will be served upon the parties by the Hearing Clerk.

Done at Washington, D.C.
June 2, 2010

PETER M. DAVENPORT
Acting Chief Administrative Law Judge

Hearing Clerk's Office
U.S. Department of Agriculture
1400 Independence Avenue SW
Room 1031, South Building
Washington, D.C. 20250-9203
202-720-4443
Fax: 202-720-9776