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UNITED STATES DEPARTMENT OF AGRICULTURE

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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

CLINT PERKINS, an individual)	AWA Docket No. 08-0032
doing business as RIVERSIDE)	
ZOOLOGICAL PARK)	
)	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 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 Respondent admits the jurisdictional allegations of the complaint as set forth below 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 and for such purpose only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Clint Perkins is an individual doing business as Riverside Zoological Park, and whose mailing address is 1402 CR 5150, Coffeyville, Kansas 67337.
2. The Respondent, at all times material hereto, was operating as an exhibitor as defined in the Act and the regulations.

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

(a) Failing to establish and maintain a written program of veterinary care and assure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use;

(b) Failing to handle animals as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort; and

(c) Failing to construct and maintain the facility using material which are of such strength as appropriate for the animals involved and so that they are structurally sound and in good repair to protect the animals from injury and to contain the animals.

2. The Respondent shall not exhibit lions or tigers to the public until he has demonstrated to the satisfaction of the Animal and Plant Health Inspection Service that he has adequate emergency contingency capabilities, that his enclosures will safely contain his animals, and that he has established an adequate program of veterinary care..

3. The Respondent is assessed a civil penalty of \$20,000, of which \$10,000 is suspended provided that he does not violate paragraph 2 of this Order. The remaining \$10,000 shall be paid

12,500 *RC*
7500 ⁰⁰ *C.P. RC*

by a certified check or money order made payable to the Treasurer of United States and sent to the Attorney for Complainant at the following address:

USDA OGC Marketing Division
STOP 1417 B Room 2343-S
1400 Independence Avenue, SW
Washington, D.C. 20250-1417

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

[Redacted]

Clint Herkins
Respondent

[Redacted]

R
Attorney for Complainant

Done at Washington, D.C.
this 10th day of November, 2010

[Redacted]

PETER M. DAVENPORT
Administrative Law Judge

[Redacted]