

ORIGINAL

USDA
OALJ/OHC

2011 MAY 27 AM 10:13

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)A.Q. Docket No. 11-0149
Gregory Allen Carson,)
)
Respondent)Consent Decision

This proceeding was instituted under the Animal Health Protection Act (7 U.S.C. §§ 7701 *et seq.*)(Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the respondent violated the Act and the regulations promulgated thereunder (9 C.F.R. Parts 71 and 85). The complainant and the respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

1. For the purpose of this Consent Decision only, respondent 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, admits to the Findings of Fact set forth below, and 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; and
- (c) All rights to seek judicial review and otherwise challenge or contest the validity of this decision.

2. The respondent also stipulates and agrees that the United States Department of

Agriculture is the "prevailing party" in this proceeding and waives 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 respondent in connection with this proceeding.

Findings of Fact

I.

Gregory Allen Carson, hereinafter referred to as the respondent, is an individual, whose mailing address is 1215 N. 67th Ave. W., Newton, Iowa 50208-8663.

II.

On or about March/April, 2006, the respondent moved three (3) live swine for sale in interstate commerce, from Iowa to Illinois, to Matthew and Randy Deal, without identifying each swine in a manner approved by the Administrator, Animal and Plant Health Inspection Service and without obtaining the required Certificates of Veterinary Inspection for pseudorabies, in violation of 9 C.F.R. §§ 71.19 and 85.7(c).

III.

On or about April 1, 2006, the respondent moved five (5) live swine for sale in interstate commerce, from Iowa to Illinois, to Samantha Parrish, without identifying each swine in a manner approved by the Administrator, Animal and Plant Health Inspection Service and without obtaining the required Certificates of Veterinary Inspection for pseudorabies, in violation of 9 C.F.R. §§ 71.19 and 85.7(c).

IV.

On or about April, 2006, the respondent moved approximately six to nine (6 to 9) live

swine for sale in interstate commerce, from Iowa to Illinois, at the farm of Charles D. Stevens, without identifying each swine in a manner approved by the Administrator, Animal and Plant Health Inspection Service and without obtaining the required Certificates of Veterinary Inspection for pseudorabies, in violation of 9 C.F.R. §§ 71.19 and 85.7(c).

V.

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, Gregory Allen Carson, is assessed a civil penalty of three thousand dollars. (\$3,000.00). The respondent shall send a certified check or money order for \$3,000 (\$3,000.00) to US BANK, P.O. Box 979043, St. Louis, MO, 63197, payable within thirty (30) days from the effective date of this Order. The certified check or money order should include the docket number of this proceeding.

[Redacted signature area]

Gregory Allen Carson
Respondent

[Redacted signature area]

Tracey Manoff
Attorney for Complainant

Issued this 27 day of May, 2011
at Washington, D.C.

[Redacted signature area]

for Administrative Law Judge
Janice K. Bullard