

ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

USDA
OALJ/OHC

2012 JAN 30 AM 11:46

RECEIVED

In re:)	AWA Docket No. 11-0419
)	
Gary Dotson,)	
)	Consent Decision and
Respondent.)	Order

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that respondent willfully violated the Act and the regulations issued pursuant to the Act (9 C.F.R. §§ 1.1-4.11). 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).

Respondent admits the jurisdictional allegations in paragraph I of the complaint 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

(a) Gary Dotson, hereinafter referred to as respondent, is an individual whose mailing address is 21429 Goose Lake Road, Havana, Illinois 62644-6486.

(b) Respondent, at all times material hereto, was licensed and operating as a dealer as defined in the Act and the regulations.

Conclusions

Respondent has 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 programs of disease control and prevention, euthanasia, and adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide daily observation of all animals to assess their health and well-being;

(c) Failing to properly identify the animals;

(d) 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;

(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;

(f) 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;

(g) Failing to provide animals with food of sufficient quantity and nutritive value to meet their normal daily requirements;

(h) Failing to keep food and water receptacles clean and sanitized;

(i) Failing to provide animals with adequate potable water;

(j) Failing to notify the AC Regional Director of any change in the name, address, management, or substantial control or ownership of their business or operation, or of any additional sites, within 10 days of the change;

(k) Failing to provide Animal and Plant Health Inspection Service employees with access to records and animal facilities in order to conduct complete inspections;

(l) Failing to provide a written program of veterinary care;

(m) Failing to handle animals in a manner that did not cause trauma, physical harm, and unnecessary comfort;

(n) Failing to provide for reliable electric power adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements;

(o) Keeping sick, infirm, aged or young dogs in outdoor facilities without approval by the attending veterinarian; and

(p) Failing to provide sufficient space for animals in primary enclosures.

2. Respondent is assessed a civil penalty of \$38,071.00, which is hereby suspended provided that the respondent does not violate the Act and the regulations and standards, and the cease and desist order herein.

3. Respondent's license is permanently revoked.

4. Respondent is permanently disqualified from applying for a license or being licensed under the Act. The respondent agrees to never apply for a license under the Animal Welfare Act. The respondent shall not engage in any activity for which the Act requires a license.

5. Respondent cannot engage in any activity requiring an AWA license either individually, through a corporation (including a limited liability corporation), a partnership or as any other business entity.

6. Respondent must humanely dispose of all dogs in his possession, with the exception of a small/reasonable number of dogs that he considers to be personal pets, of which no more than three can be intact females, within a month of the effective date of this order.

7. Humanely disposing of dogs means the dogs cannot be shot or otherwise harmed.

8. Respondent agrees to allow Animal Care to inventory his animals twice, once immediately and once after dispersal, as well as inspection of any and all sale or disposition records, to ensure that the animals have been dispersed in accordance with this order. Further, respondent agrees not to unreasonably withhold his consent to times and dates from Animal Care to conduct such inspections and inventories.

The provisions of this order shall become effective on the first day after service of this decision on respondents.

Copies of this decision shall be served upon the parties.

[REDACTED]

Gary Dotson
Respondent

[REDACTED]

Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.

this 30th day of January, 2012

[REDACTED]

Administrative Law Judge

JAMES K. BULLARD