

ORIGINAL UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 09-0196 |
| |) | |
| FOR THE BIRDS, INC., an Idaho |) | |
| corporation; JERRY LEROY KORN, an |) | |
| individual; MICHAEL SCOTT KORN, an |) | |
| individual; BEN KORN, an individual; and |) | |
| RAYMOND WILLIS, an individual, |) | CONSENT DECISION AND |
| |) | ORDER AS TO RESPONDENT |
| Respondents. |) | BEN KORN |

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "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 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).

Respondent Ben Korn admits the jurisdictional allegations in the complaint, 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, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Ben Korn, also known as Patrick Ben Korn ("Ben Korn"), is an individual whose mailing address is 6613 Sierra Court, S.E., Lacey, Washington, 98503. From January 25, 2003, through June 11, 2008, respondent Ben Korn was identified as an officer and/or a director of respondent For the Birds, Inc., and was (1) operating as an exhibitor, as that term is

defined in the Act and the Regulations, and/or (2) acting for or employed by an exhibitor (respondents For the Birds, Inc., and/or Jerry Leroy Korn), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondents For the Birds, Inc., and/or Jerry Leroy Korn.

Conclusions of Law

Respondent Ben Korn has admitted the above facts and the parties have agreed to the entry of this decision, therefore such decision will be entered.

Order

1. Respondent Ben Korn, 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.

2. Respondent Ben Korn is disqualified from licensure under the Act, in his own name, or through any corporate or other device, for a period of ten years commencing March 15, 2016.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

[Redacted signature]

Ben Korn
Respondent

3-8-12

[Redacted signature]

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 9 day of March 2012

[Redacted signature]

Jill S. Clifton
Administrative Law Judge