

ORIGINAL

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 12-0039
)
Animal Source Texas, Inc.,)
) 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 the 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).

The 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) Animal Source Texas, Inc., hereinafter referred to as respondent, is a corporation whose mailing address is 3513 Hopkins Road, Krum, Texas 76249.

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

Conclusions

The 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 maintain records of the acquisition, disposition, description, and identification of animals, as required;

(b) Failing to provide needed veterinary care to animals in transit;

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

(d) Failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries;

(e) Failing to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee other aspects of animal care and use;

(f) Failing to demonstrate adequate experience and knowledge of the species it maintains;

(g) 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; and


(h) 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.

2. Respondent is assessed a civil penalty of \$59,777.00, \$10,000.00 of which shall be paid in 4 monthly installments of \$2,500.00 by a certified check or money order made payable to the Treasurer of the United States beginning on the first day of the month immediately following the effective date of this order and on the first day of every month thereafter. The remaining assessed civil penalty of \$49,777.00 is hereby suspended provided that the respondent is not found to have any serious ~~or repeat~~ violations of the Act and the regulations and standards for a period of two years from the effective date of this order.

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


Copies of this decision shall be served upon the parties.


Animal Source Texas, Inc.
Respondent


Buren W. Kidd
Attorney for Complainant

Done at Washington, D.C.

this 12th day of March, 2012


Administrative Law Judge