

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 13-0012

In re: Willa Mae Page,

Respondent

Decision and Order

Preliminary Statement

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 Willa Mae Page willfully violated the Act. The Respondent was served with copies of the Complaint and the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151) by certified mail on October 10, 2012.

By letter dated November 1, 2012, Respondent was advised that she had failed to file an Answer within the allotted time and she would be advised of further action being taken in her case. On November 5, 2012, I entered an Order directing the parties to show cause why a Default Decision and Order should not be entered.

On November 6, 2012, the Hearing Clerk received a handwritten letter from Respondent in which she admitted selling the dogs without being properly licensed, indicated that she was in poor health, had very little income, was experiencing financial problems and had been having difficulty affording the food to feed the dogs, and expressed remorse over her transgressions.

Consistent with my Order, on November 15, 2012, Complainant moved for entry of a Decision based both upon default and the admissions made by Respondent. The proposed Order

accompanying that Motion however cited an incorrect statute and a corrected Motion and Order were filed on March 7, 2013.

Accordingly, the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. Respondent Willa Mae Page is an individual residing in Huggins, Missouri.
2. Respondent, at all times material herein, was not a licensed dealer as defined in the Act and the regulations.
3. On or about November 14, 2007, Respondent, without having a valid dealer's license, sold approximately 29 dogs at a public auction.
4. On or about May 24, 2008, Respondent, without having a valid dealer's license, sold approximately 11 dogs at a public auction.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. Respondent willfully violated section 2.1(a)(1) of the Regulations, 9 C.F.R. § 2.1(a)(1).

Order

1. Respondent, her 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 conducting regulated activity without being licensed under the Act.
2. Respondent is assessed a civil penalty of \$5,000.00, all of which shall be held in abeyance provided that she, after having been given notice and opportunity for a hearing, is not found to have violated the Act or the regulations and standards issued thereunder, for a period of

3 years.

3. Respondent is permanently disqualified from obtaining and holding a license under the Act.

4. This decision shall become final and effective without further proceedings 35 days after the date of service upon Respondent, unless it is appealed to the Judicial Officer by a party to the proceeding within 30 days pursuant to Section 1.145 of the rules of practice (7 C.F.R § 1.145).

March 28, 2013

Peter M. Davenport

Peter M. Davenport
Chief Administrative Law Judge