

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re: JOHN W. PUGH, an individual; COLE) Docket No. 11-0316
 BROTHERS CIRCUS, INC., a Florida)
 corporation doing business as COLE)
 BROS., COLE BROS. CIRCUS, and)
 CLYDE BEATTY CIRCUS; and)
 GEORGIANNA DAVENPORT, also)
 known as GIGI DAVENPORT, an)
 individual doing business as GIGI'S)
 EXOTICS,)
) CONSENT DECISION AND
) ORDER AS TO RESPONDENTS
) JOHN W. PUGH AND COLE
) BROTHERS CIRCUS, INC.
Respondents.)

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).

Respondents John W. Pugh and Cole Brothers Circus, Inc., admit the jurisdictional allegations herein and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, and consent and agree, 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. Cole Brother Circus, Inc. ("Cole") is a Florida corporation whose registered agent for service of process is John J. Mercurio, 713 South Orange Avenue, Sarasota, Florida 34236. Cole does or has done business as Cole Bros. Circus. Respondent Cole held Animal Welfare Act license 58-C-0080 from January 27, 1977, until February 15, 2008, when it elected not to renew its Class C Exhibitor's license.

2. John W. Pugh is an individual whose mailing address is 2615 Branchwater Bend, DeLand, Florida 32720. Respondent Pugh was the President, Chief Executive Officer and a director of respondent Cole, and therefore acted for or was employed by an exhibitor (respondent Cole, who held a Class C license from January 27, 1977 to February 15, 2008).

Conclusion

Respondents John W. Pugh and Cole., having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their 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. Respondents are jointly and severally assessed a civil penalty of \$15,000, to be paid by check made payable to the Treasurer of the United States on or before December 31, 2012.


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

COLE BROTHERS CIRCUS, INC.
a Florida corporation
Respondent

By 
Its President


John W. Pugh
Respondent


Colleen A. Carroll
Attorney for Complainant

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

Administrative Law Judge