

USDA  
OFFICE

2012 JUN 15 AM 10:42

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 12-0504  
)  
)  
Kole Clapsaddle, )  
d/b/a Chief Saunooke Bear Park, )  
) 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) Kole Clapsaddle, hereinafter referred to as respondent, is an individual whose mailing address is P.O. Box 296, Webster, North Carolina 28788, and is doing business as Chief Saunooke Bear Park, whose mailing address is 87 Big Cove Road, Cherokee, North Carolina

28779.

(b) The respondent, at all times material hereto, was licensed and operating as an exhibitor 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.

2. Respondent's license is hereby suspended until respondent's facility achieves full compliance confirmed through APHIS' inspection of the facility.

3. Respondent is assessed a civil penalty of \$20,000.00 with \$5,000.00 due immediately and \$15,000.00 held in abeyance, provided that respondent does not have any serious violations of the Act and the regulations and standards for a period of two years from the effective date of this order.

82 BWC

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.



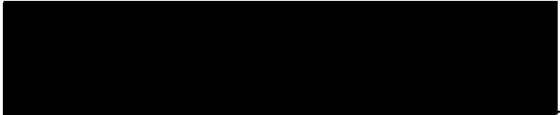
Kole Clapsaddle  
d/b/a Chief Saunooke Bear Park  
Respondent



Buren W. Kidd  
Attorney for Complainant

Done at Washington, D.C.

this 15<sup>th</sup> day of January, 2013



Administrative Law Judge  
for Jessie R. Bullard  
US Administration  
Law Judge

A 3 BWK