

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 13-0295
) (also assigned AWA
GLORIA LEE GILBERT, an individual, and) Docket No. 13-0295
)
ROGER GILBERT, an individual, doing business)
as A LITTLE PETTING ZOO and ALL EVENTS)
ENTERTAINMENT,)
)
) CONSENT DECISION AND
Respondents.) ORDER

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 admit the jurisdictional allegations in the complaint and specifically admit that the Secretary has jurisdiction in this matter, admit certain of the remaining allegations as set forth herein as findings of fact and conclusions of law, 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. Respondent Gloria Lee Gilbert is an individual whose mailing address is 13610 148th Avenue, SE, Yelm, Washington 98597. At all times mentioned in the complaint, said respondent was an exhibitor as that term is defined in the Act and the Regulations. Said respondent held Animal Welfare Act license number 91-B-0075 from October 1999 until February 2004, when said respondent terminated the license.

2. Respondent Roger Gilbert is an individual whose mailing address is 13610 148th Avenue, SE, Yelm, Washington 98597. At all times mentioned in the complaint, said respondent was an exhibitor as that term is defined in the Act and the Regulations. Said respondent held Animal Welfare Act license number 91-C-0113 from approximately April 2008 until April 16, 2009, when such license expired for failure to renew.

3. From on or about July 31, 2008, through December 31, 2008, respondents failed to employ an attending veterinarian under formal arrangements, and with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use.

4. From on or about July 31, 2008, through December 31, 2008, respondents failed to have an attending veterinarian provide adequate veterinary care to respondents' animals, and specifically on or about August 2, 2008, respondents failed to vaccinate, deworm or de-lice animals, failed to have animals' hooves trimmed, failed to treat sores, failed to have female sheep with respiratory problems and excoriated vulva treated, failed to treat goats with internal parasites (coccidia), failed to have hyperkeratosis diagnosed or treated, failed to have abscesses on a sheep diagnosed or treated, and failed to have a large growth on a llama's jaw diagnosed or treated.

5. From on or about July 31, 2008, through approximately December 31, 2008, respondents failed to establish and maintain programs of adequate veterinary care.

6. On or about August 1, 2008, at the Thurston County Fair, respondents failed to handle animals (in particular, one llama, three alpacas, three sheep, and three goats) as carefully as possible in a manner that would not cause them trauma, unnecessary discomfort, behavioral stress, or physical harm. All ten animals were seized by local law enforcement authorities.

CONCLUSIONS OF LAW

1. From on or about July 31, 2008, through December 31, 2008, respondents failed to employ an attending veterinarian under formal arrangements, and with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in willful violation of section 2.40(a)(1)-(2) of the veterinary care regulations. 9 C.F.R. § 2.40(a)(1)-(2).

2. From on or about July 31, 2008, through December 31, 2008, respondents failed to have an attending veterinarian provide adequate veterinary care to respondents' animals, in willful violation of section 2.40(a) of the veterinary care regulations, and specifically on or about August 2, 2008, respondents failed to vaccinate, deworm or de-lice animals, failed to have animals' hooves trimmed, failed to treat sores, failed to have female sheep with respiratory problems and excoriated vulva treated, failed to treat goats with internal parasites (coccidia), failed to have hyperkeratosis diagnosed or treated, failed to have abscesses on a sheep diagnosed or treated, and failed to have a large growth on a llama's jaw diagnosed or treated. 9 C.F.R. § 2.40(a).

3. From on or about July 31, 2008, through approximately December 31, 2008, respondents failed to establish and maintain programs of adequate veterinary care, in willful violation of section 2.40(b) of the veterinary care regulations. 9 C.F.R. § 2.40(b).

4. On or about August 1, 2008, at the Thurston County Fair, respondents failed to handle animals (in particular, one llama, three alpacas, three sheep, and three goats) as carefully as possible in a manner that would not cause them trauma, unnecessary discomfort, behavioral stress, or physical harm, in willful violation of the handling regulations. All ten animals were seized by local law enforcement authorities. 9 C.F.R. § 2.131(b)(1).

5. Respondents having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. Respondent Gloria Gilbert, 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.

2. Animal Welfare Act license 91-B-0075 is hereby revoked.

3. Respondent Roger Gilbert, 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.

4. Animal Welfare Act license 91-C-0013 is hereby revoked.

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

[Redacted signature]

Roger Gilbert
Respondent

[Redacted signature]

Colleen A. Carroll
Attorney for Complainant

[Redacted signature]

Gloria Lee Gilbert
Respondent

Done at Washington, D.C.,
this 19 day of MAR 2014

[Redacted signature]

Jill S. Clifton
Administrative Law Judge