

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 20-J-0029
)
Steven Zawilinski, an individual,)
)
) CONSENT DECISION
) AND ORDER
Respondent.)

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), alleging that the Respondent willfully violated the Act and the Regulations 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).

The Respondent Steven Zawilinski admits the findings of fact, as set forth herein, and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and all further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this decision.

FINDINGS OF FACT

1. The Respondent is an individual who lives in Wisconsin.
2. The Respondent's mailing address was not provided in the Complaint to protect his privacy, but was provided to the Hearing Clerk's Office, USDA, for the purpose of service of the Complaint and future documents.
3. At all times material herein, the Respondent operated as a dealer as that term is defined in the Act and the Regulations.
4. The Respondent previously held AWA license 35-A-0337. AWA license 35-A-0337 was terminated for failure to renew on or about August 1, 2012.
5. At all times material herein, the Respondent did not hold an AWA license.

CONCLUSIONS OF LAW

The Respondent having admitted the findings of fact, as set forth herein, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. The Respondent, his agents and employees, successor and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.
2. AWA license number 35-A-0337 is hereby revoked. The Respondent will not apply for any other AWA license thereafter.
3. The Respondent is assessed a civil penalty of fifteen thousand dollars (\$15,000).
4. The Respondent shall pay five thousand dollars (\$5,000) of the assessed civil penalty, no later than July 1, 2020, by certified check, money order, or a valid personal check made

payable to "USDA/APHIS". The Respondent will send payment to USDA, APHIS, Miscellaneous, P.O. Box 979043, St. Louis, MO 63197-9000.

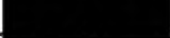
5. The Respondent shall pay one thousand dollars (\$1,000) of the assessed civil penalty, each month, for the next ten months, due on the first of each month thereafter, starting August 1, 2020, by certified check, money order, or a valid personal check made payable to "USDA/APHIS". The Respondent will send payment to USDA, APHIS, Miscellaneous, P.O. Box 979043, St. Louis, MO 63197-9000.

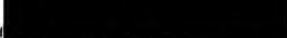
6. The Respondent acknowledges that, if he fails to comply with the payment terms of this civil penalty, any remaining unpaid amount of the \$15,000 will be due and payable within 10 days of receipt of written notice from the Complainant for the Respondent's failure to comply.

7. If the Respondent wishes to sell the remainder of his animals, he must obtain a one-time exemption from the Animal Welfare Act licensing requirements, to be requested no later than 30 days after the effective date of this order. The Respondent must make the request to the Complainant at 2150 Centre Ave., Building B, Mailstop 3W11, Fort Collins, CO 80526-8117; E-mail: animalcare@usda.gov; Phone: (970) 494-7478; Fax: (970) 494-7461.

8. The Respondent shall provide the Complainant a list with names, addresses, and phone numbers of all parties the Respondent has sold animals to in the past five years, to be completed no later than 30 days after the effective date of this order.

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

By: 
Steven Zawinski
The Respondent

By: 
Joseph Humphrey
Attorney for the Respondent

By

[Redacted Signature]

John V. Rodriguez
Attorney for the Complainant

Done at Washington, D.C.,
this 5th day of June, 2020

By:

[Redacted Signature]

Channing D. Strother
Chief Administrative Law Judge