

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:

AWA No. 08-0136

JEFFREY HARROD, an individual doing business as VANISHING SPECIES WILDLIFE, INC., a former Florida domestic non-profit Corporation, and; BARBARA HARTMAN-HARROD, an individual doing business as VANISHING SPECIES WILDLIFE, INC., a former Florida domestic non-profit Corporation.

Respondents.

CONSENT DECISION AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*), 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 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 respondents admit the jurisdictional allegations in the complaint 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. Respondent Jeffery Harrod is an individual doing business as Vanishing Species Wildlife, Inc., a former Florida domestic non-profit corporation, and whose address is 13321 Southwest 9th Place, Davie, Florida 33325.
2. Respondent Barbara Hartman-Harrod is an individual doing business as Vanishing Species Wildlife, Inc., a former Florida domestic non-profit corporation, and whose address is 13321 Southwest 9th Place, Davie, Florida 33325.
3. At all material times in the complaint, respondent Jeffery Harrod and respondent Barbara Hartman-Harrod (hereinafter, collectively "respondents"), operated as an exhibitor as that term is defined in the Act and the Regulations.

CONCLUSIONS

The respondents 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, and in particular, shall cease and desist from:
 - a. interfering with, threatening, abusing (including verbally abusing), and harassing APHIS officials in the course of carrying out their duties under the Act;
 - b. failing to employ an attending veterinarian under formal arrangements that includes a written program of veterinary care and regularly scheduled visits to the premises;
 - c. failing to establish and maintain programs of veterinary care that include appropriate methods to prevent, diagnose and treat diseases and injuries, the availability of emergency, weekend, and holiday care;

- d. failing to observe animal health daily and convey timely and accurate information on problems of animal health to their attending veterinarian;
- e. failing to maintain and make available for inspection complete and accurate records concerning animals in their possession;
- f. failing to make their animals, facilities, and records available to APHIS for inspection;
- g. failing to construct housing facilities so that they are structurally sound, and to maintain them in good repair to protect animals from injury and contain them;
- h. failing to provide animals kept outdoors with natural or artificial shelter appropriate to the local climatic conditions for the species concerned to afford them protection, to prevent discomfort to such animals, and to allow all animals to protect themselves from direct sunlight;
- i. failing to provide a suitable method to rapidly eliminate water from animal enclosures;
- j. failing to construct and maintain a perimeter fence to keep animals and unauthorized persons out, and that functions as a secondary containment system for the animals in the facility;
- k. failing to provide their animals with food that is wholesome, palatable, and free from contamination;
- l. failing to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors;
- m. failing to keep premises clean and in good repair in order to protect animals from injury and to facility husbandry practices, and to clear accumulations of trash and place it in designated areas to protect the health of the animals, and;
- n. failing to establish and maintain a safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests.

2. Respondents are jointly and severally assessed a civil penalty in the amount \$3,750, of which \$3,700, shall be paid in accordance with the provisions set forth in paragraph 3 of this order. Respondents shall pay \$50 by certified check or money order made payable to the Treasurer of United States that includes the notation "AWA Docket No. 08-0136." Such payment shall be sent to and received by complainant's counsel on or before January 30, 2009, at the address as follows:

Bernadette Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW, Mail Stop 1417
Room 2343-South Building
Washington, DC 20250-1417

3. Respondents shall pay \$3,700, in thirty-seven monthly installments of \$100. Respondents' monthly payments shall be paid by certified check or money order payable to the Treasurer of the United States that include the notation "AWA Docket No. 08-0136," and shall be sent to and received by the U.S. Department of Agriculture, Animal and Plant Health Inspection Service, Accounts Receivable on or before the last day of each month beginning February 28, 2009, and continuing through March 31, 2012, until the sum is fully paid, at the address as follows:

USDA, APHIS, Accounts Receivable
P.O. Box 3334
Minneapolis, Minnesota 55403

4. If respondents fail to pay the civil penalty in full as provided in paragraphs 2 and 3 of this order, the entire outstanding balance of the civil penalty shall be immediately due and payable, without further procedure. Respondents agree to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with paragraphs 2 and 3.

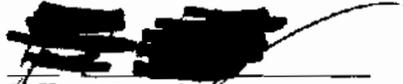
5. This Court specifically retains jurisdiction of this matter to enforce the terms of the agreed consent order. If respondents fail to comply with the provisions in paragraph 2 and 3 of this

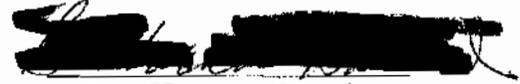
order, this Court, upon a motion by complainant, shall issue a default order against respondents and grant to complainant the relief specified in paragraph 4 of this order.

6. As of the effective date of this Order, the Animal Welfare Act license number (58-C-0660) is hereby amended to permanently remove 8850 North US 27 NW, Palmdale, Florida 3944, as a valid location (or site) for engaging in activities governed by the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.). Respondents and any partnership, firm, corporation or other legal entity in which they control or a substantial interest, financial or otherwise, are permanently disqualified from (a) obtaining an Animal Welfare Act license for the purpose of engaging in regulated activities at 8850 North US 27 NW, Palmdale, Florida 3944, (b) adding such premises as a valid site to any existing Animal Welfare Act license, and (c) engaging in activities governed by the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations issued thereunder (9 C.F.R. § 1.1 et seq.), either directly or indirectly, or allowing any such activities, whether licensed or unlicensed, to take place at or on the premises located at 8850 North US 27 NW, Palmdale, Florida 3944.

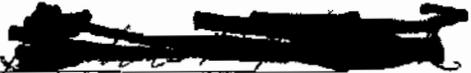
7. To facilitate the care of respondents' animals, and by no later than July 31, 2009, respondents shall permanently reduce the number of Animal Welfare Act regulated animals housed at 1991 SW 136 Avenue, Davie, Florida 33325, by selling, donating or otherwise placing any juvenile and adult big cats currently housed at such location. APHIS defines "big cats" to include lions, tigers, jaguars, leopards, cougars, cheetahs, and any hybrids thereof. Respondents may continue to house their single adult bear at 1991 SW 136 Avenue, Davie, Florida 33325, but are hereby prohibited from acquiring any new (or additional) bears for regulated activities.

The provisions of this order shall become effective on the first day after service of this decision on the respondents. Copies of this decision shall be served upon the parties.


Jeffery Harrod
Respondent


Barbara Hartman-Harrod
Respondent

VANISHING SPECIES WILDLIFE, INC.,
Respondent

by 
its Derisafa


Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 4th day of February, 2007


Administrative Law Judge