

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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|--------------------------|---|------------------------|
| In re: |) | AWA Docket No. 08-0145 |
| |) | |
| Edith Devonne Cook d/b/a |) | |
| Hilltop Family Pets, |) | Consent Decision |
| |) | and Order |
| Respondent |) | |

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 respondent willfully violated the Act and 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).

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

1. Edith Devonne Cook, hereinafter referred to as the respondent, is an individual whose mailing address is 426 Champlain Street, Hamlet, NC 28345. At all times material herein, respondent was doing business as Hilltop Family Pets with a business mailing address at 24878 Highway 24, Carrollton, Missouri 64633.

2. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, 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 issued thereunder, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of

adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to individually identify animals, as required;

(c) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required.

(d) Failing to construct and maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

(e) Failing to construct and maintain indoor and sheltered housing facilities for animals so that they are adequately ventilated;

(f) Failing to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

(g) Failing to provide animals with adequate shelter from the elements;

(h) Failing to provide animals kept outdoors with shelter from inclement weather;

(I) Keeping animals in outdoor housing facilities which are not acclimated to the prevalent temperatures or which

cannot tolerate the prevalent temperatures without stress or discomfort;

(j) Failing to provide animals with food of sufficient quantity and nutritive value to meet their normal daily requirements;

(k) Failing keep food and water receptacles clean and sanitized;

(l) Failing to provide animals with adequate potable water;

(m) Failing to maintain primary enclosures for animals in a clean and sanitary condition;

(n) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter; and

(o) Failing to utilize a sufficient number of trained employees to maintain the prescribed level of husbandry practices.

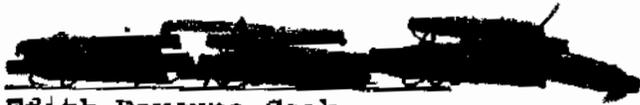
2. The respondent is assessed a civil penalty of \$61,312.00, of which \$3,750.00 is due and payable. The remaining \$57,562.00 will be held in abeyance provided that the respondent, after notice and opportunity for hearing, is not found to have violated the Act or the regulations and standards issued thereunder, or this order by operating without being licensed as

required during the next five (5) years. The Respondents shall make said payment via certified check or money order made payable to the Treasurer of the United States.

3. The respondent is permanently disqualified from being licensed under the Act and regulations.

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.



Edith Devonne Cook
Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 25th day of September, 2009



Administrative Law Judge