

ORIGINAL

USDA
OALJ/OHC

UNITED STATES DEPARTMENT OF AGRICULTURE
2011 JAN 21 AM 9:09

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re

) Docket No. 10-0193

)
)
) MURIEL SEAL, et al.,

) CONSENT DECISION AND ORDER
) AS TO MURIEL SEAL, DOUG
) SEAL AND MURIEL'S TRAVELING
) PETTING ZOO

) Respondents.

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 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 Muriel Seal is an individual whose mailing address is 95038 Aldrich Point Road, Astoria, Oregon 97103.
2. Respondent Doug Seal is an individual whose mailing address is 95038 Aldrich Point Road, Astoria, Oregon 97103.
3. Respondents Muriel Seal and Doug Seal collectively and individually do business as

Muriel's Traveling Petting Zoo, which is a limited liability company whose mailing address is 95038 Aldrich Point Road, Astoria, Oregon 97103 and whose registered agent is respondent Muriel Seal.

4. At all material times mentioned herein, respondents Muriel Seal, Doug Seal and Muriel's Traveling Petting Zoo were operating as an exhibitor as that term is defined in the Act and the regulations promulgated thereunder (9 C.F.R. 1.1 *et seq.*), and held Animal Welfare Act license number 92-C-0076, issued to "DOUG & MURIEL SEAL DBA: MURIEL'S TRAVELING PETTING ZOO."

5. On or about June 20, 2006, respondents failed to provide adequate veterinary care to a moribund piglet and failed to maintain an adequate program of veterinary care that included an appropriate method of euthanasia for their animals.

Conclusions of Law

1. On or about June 20, 2006, respondents failed to provide adequate veterinary care to a moribund piglet, in willful violation of section 2.40 of the regulations. 9 C.F.R. § 2.40.

2. On or about June 20, 2006, respondents failed to maintain an adequate program of veterinary care that included an appropriate method of euthanasia for their animals, in willful violation of section 2.40(b)(4) of the regulations. 9 C.F.R. § 2.40(b)(4).

3. The respondents having admitted the facts set forth herein 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.

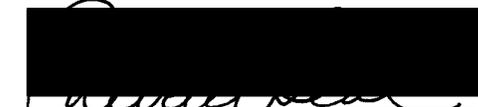
2. Respondents Muriel Seal, Doug Seal and Muriel's Traveling Petting Zoo are jointly assessed a civil penalty of \$2,000, which shall be paid by certified check or money order made payable to the Treasurer of the United States.

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

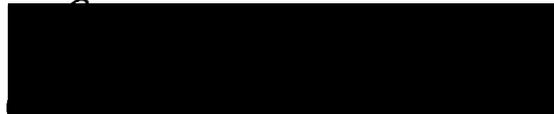
MURIEL'S TRAVELING PETTING ZOO.
an Oregon limited liability company
Respondent

By


its 


Muriel Seal
Respondent


Doug Seal
Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 19th day of ~~December~~ January, 2011


Victor W. Palmer
Administrative Law Judge