

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Docket No. 12-0356
)
Richard L. Miller, D.V.M.,)
) Consent Decision
Respondent) 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 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. Richard L. Miller, D.V.M., P.A., hereinafter referred to as the respondent, is an individual with a business mailing address at 5700 SW 130th Avenue, Fort Lauderdale, Florida 33330.

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, 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 issued thereunder, and in particular, shall cease and desist from:

(a) Failing to have all records readily available for inspection; and

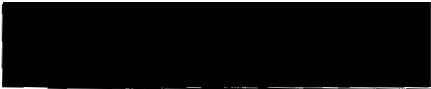
(b) Failing to allow any inspector of APHIS' choice from fully inspecting his premises.

2. The respondent is assessed a civil penalty of \$3,000.00, which shall be paid by a certified check or money order made payable to the Treasurer of United States.

3. The parties agree that a failure to pay the assessed civil penalty may be considered grounds for not renewing the respondent's license.

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.


Richard L. Miller
Respondent


Brian Hill
Attorney for Complainant

Done at Washington, D.C.
this 1st day of February,


Administrative Law Judge
JANICE K. BULLARD