

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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2000 AUG -4 P 3: 30

In re:) AWA Docket No. 98-0017
)
)
LOKI CLAN WOLF REFUGE,)
INC., a New Hampshire)
corporation; and)
G. FREDERIC KEATING, an)
individual,)
)
)
Respondent.) . Consent Decision

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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). The respondents admit all of the allegations in the amended complaint, specifically admit that the Secretary has jurisdiction in this matter, waive oral hearing and further procedure, and consent and agree, 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. Respondent G. Frederic Keating is an individual whose mailing address is Box 1186, Conway, New Hampshire 03818. Mr. Keating is the president and a director of respondent Loki Clan Wolf Refuge, Inc., a New Hampshire corporation, whose mailing address is Box 1186, Conway, New Hampshire 03818.

2. At all times mentioned herein, said respondents were operating as exhibitors, as that term is defined in the Act and the Regulations.

2

3. From approximately March 1995 to the present, respondents G. Frederic Keating and Loki Clan Wolf Refuge, Inc., have exhibited animals to the public, without having obtained a license to do so.

4. On or about the following dates, respondents G. Frederic Keating and Loki Clan Wolf Refuge, Inc., without having obtained a license, transported wolf-hybrid dogs for exhibition at the locations listed below:

March 2, 1995	Gorham, New Hampshire
July 22, 1995	Limerick, New Hampshire
July 23, 1995	Limerick, New Hampshire
May 1996	North Conway, New Hampshire
May 1996	Tamworth, New Hampshire
August 1996	Bartlett, New Hampshire
April 12, 1997	North Conway, New Hampshire
April 13, 1997	North Conway, New Hampshire

5. On April 30, June 11, and July 17, 1997, an inspection of the respondents' facility revealed that the respondents willfully violated section 2.40 of the Regulations (9 C.F.R. § 2.40) by failing to establish and maintain a program of adequate veterinary care.

6. On April 30, June 11, July 17 and July 31, 1997, and March 5, March 12, and May 18, 1998, the respondents failed to construct housing facilities for wolf-dog hybrids so that they are structurally sound, in good repair and protect the animals from injury, contain the animals securely and restrict other animals from entering.

7. On April 30, June 11, July 17 and July 31, 1997, the respondents failed to provide for

the regular and frequent collection, removal and disposal of animal and food waste.

8. On April 30, June 11, July 17 and July 31, 1997, and on March 12, and May 18, 1998, the respondents failed to provide outdoor shelters for wolf-dog hybrids.

9. On April 30, June 11, July 17 and July 31, 1997, and on March 12, 1998, the respondents kept wolf-dog hybrids on tethers in outdoor housing facilities that do not meet the requirements of section 3.4 of the Standards (9 C.F.R. § 3.4).

10. On April 30, June 11, July 17, 1997, and March 12, 1998, the respondents failed to provide to wolf-dog hybrids food that is uncontaminated, wholesome and palatable, and by failing to provide food in receptacles.

11. On April 30, June 11, July 17, 1997, respondents failed to keep water receptacles clean and sanitized.

12. On April 30, June 11, July 17, 1997, and May 18, 1998, the respondents failed to clean and sanitize pens, runs and outdoor housing areas, and to maintain the premises clean and in good repair.

13. On July 31, 1997, the respondents failed to maintain a program of adequate veterinary care.

14. On March 12, 1998, the respondents failed to maintain a program of adequate veterinary care.

15. On April 30, June 11, 1997, and May 18, 1998, the respondents failed to provide for the regular and frequent removal of water and to equip housing facilities with drainage systems that are constructed and operated so as to rapidly eliminate animal waste and water and allow the animals to stay dry.

Conclusions of Law

1. From approximately March 1995 to the present, respondents violated section 4 of the Act (7 U.S.C. § 2134) and section 2.1(a) of the Regulations (9 C.F.R. § 2.1(a))
2. On or about March 2, July 22, and July 23, 1995, in May and August 1996, and on April 12 and April 13, 1997, respondents violated section 4 of the Act (7 U.S.C. § 2134) and section 2.1(a) of the Regulations (9 C.F.R. § 2.1(a)).
3. On April 30, June 11, and July 17, 1997, respondents violated section 2.40 of the Regulations (9 C.F.R. § 2.40).
4. On April 30, June 11, July 17 and July 31, 1997, and March 5, March 12, and May 18, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.1(a) of the Standards (9 C.F.R. § 3.1(a)).
5. On April 30, June 11, July 17 and July 31, 1997, the respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.1(f) of the Standards (9 C.F.R. § 3.1(f)).
6. On April 30, June 11, July 17 and July 31, 1997, and on March 12, and May 18, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.4(b) of the Standards (9 C.F.R. § 3.4(b)).
7. On April 30, June 11, July 17 and July 31, 1997, and on March 12, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.6(c)(2) of the Standards (9 C.F.R. § 3.6(c)(2)).
8. On April 30, June 11, July 17, 1997, and March 12, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.9 of the Standards (9 C.F.R.

§ 3.9).

9. On April 30, June 11, July 17, 1997, the respondents had willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.10 of the Standards (9 C.F.R. § 3.10).

10. On April 30, June 11, July 17, 1997, and May 18, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.11 of the Standards (9 C.F.R. § 3.11).

11. On July 31, 1997, the respondents violated section 2.40 of the Regulations (9 C.F.R. § 2.40).

12. On March 12, 1998, the respondents violated section 2.40 of the Regulations (9 C.F.R. § 2.40).

13. On April 30, June 11, 1997, and May 18, 1998, the respondents violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), and section 3.1(f) of the Standards (9 C.F.R. § 3.1(f)).

14. Respondents having admitted the allegations in the complaint set forth in the findings of fact and conclusions of law above, and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents agree not to engage in any activity for which a license under the Animal Welfare Act is required without having obtained a license.

2. Respondents are jointly and severally assessed a civil penalty of \$11,200, which shall be paid as follows:

6

Respondents shall apply \$5,600 toward physical improvements (beyond normal care and maintenance) at the animal facilities that are the subject of AWA Docket No. 98-0017, and which improvements shall be completed no later than August 15, 2001. Respondents shall make available to the complainant, upon request, written documentation evidencing the completion of such physical improvements, and the expenditure of said \$5,600 toward such improvements; and

Respondents shall pay the remaining \$5,600 civil penalty, on or before August 15, 2001, by certified check or money order made payable to the Treasurer of the United States.

3. Respondent, 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.

The provisions of this order shall become effective on August 15, 2000. Copies of this decision shall be served upon the parties.

LOKI CLAN WOLF REFUGE, INC.
a New Hampshire corporation,
Respondent

By 
Aimee Crosby
Its *Secretary + Director*

G. Frederic Keating
Respondent


Colleen A. Carroll
Attorney for Complainant


Maurice Griger
Attorney for Respondents

Done at Washington D.C.
this *4th* day of *August* 2000



Dorothea A. Baker
Administrative Law Judge