

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 04-0010  
)  
Susan DeFrancesco and )  
East Coast Exotics, Inc., )  
a Connecticut Corporation, )  
)  
Respondents )

DECISION AND ORDER UPON ADMISSION  
OF FACTS BY REASON OF DEFAULT

Preliminary Statement

This proceeding was instituted under the Animal Welfare Act ("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 thereunder (9 C.F.R. § 1.1 et seq.).

Copies of the Complaint and the Rules of Practice governing proceedings under the Act, 7 C.F.R. §§ 1.130-1.151, were served upon respondents by U.S. Mail on April 8, 2004. Respondents were informed in the letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation.

Respondents failed to file an answer addressing the allegations contained in the complaint within the time prescribed in the Rules of Practice. Therefore, the material facts alleged in the Complaint, are admitted as set forth herein by respondents' failure to file an answer

pursuant to the Rules of Practice, are adopted as set forth herein as Findings of Fact and Conclusions of Law.

This decision and order, therefore, is issued pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

Findings of Fact and Conclusions of Law

I

A. Susan DeFrancesco is an individual whose mailing address is P.O. Box 364, Monroe, Connecticut 06468. Ms. DeFrancesco owns a trailer which is located at 29 Park Street, Milford, Connecticut 06460. Ms. DeFrancesco also operates under the business name of Wildlife Adventures Parties.

B. East Coast Exotics, Inc. is a Connecticut corporation. East Coast Exotics, Inc. has the same mailing address as Ms. DeFrancesco which is P.O. Box 364, Monroe, Connecticut 06468.

C. Ms. DeFrancesco as the owner, directed, managed and controlled the actions of East Coast Exotics. At all material times, Ms. DeFrancesco doing business as Wildlife Adventure Parties and East Coast Exotics (hereafter "Respondents") operated as an exhibitor as defined in the Act and the regulations.

D. The Respondents were previously licensed under the Animal Welfare Act. While the respondents were licensed they received annually copies of the Act, the regulations and standards issued thereunder and agreed in writing to comply with them. The Respondents were the subject of a previous complaint regarding their violations of the Act, regulations and standards. On or about July 1, 2000, the Respondents' license was suspended for 70 days and continuing thereafter until the Respondents comply with the order which required them to pay \$20,000 and to cease and desist from violating the Act and regulations. See 59 Agric. Dec. 97 (2000). The Respondents have failed to pay the civil penalty so the license suspension has continued.

## II

A. Since at least July 10, 2001, the Respondents have operated as an exhibitor as defined in the Act and the regulations, without having obtained a license, in willful violation of section 4 of the Act (7 U.S.C. § 2134) and section 2.1 of the regulations (9 C.F.R. § 2.1). The Respondents' violated the Act and regulations by exhibiting animals as listed below.

1. On or about July 10, 2001, the Respondents exhibited animals at the Landmark Academy Early Learning Center in Redding, Connecticut.
2. On or about August 16, 2001, the Respondents exhibited animals at the L & M Hospital Child Care Center in New London, Connecticut.
3. On or about October 11, 2001, the Respondents exhibited animals at the Bright Horizons Family Solutions in Sheldon, Connecticut.
4. On or about June 17, 2002, the Respondents exhibited animals at Kindercare in Glastonbury, Connecticut.
5. On or about June 25, 2002, the Respondents exhibited animals at the Bright Horizons Family Solutions in Sheldon, Connecticut.
6. On or about July 2, 2002, the Respondents exhibited animals at the L & M Hospital Child Care Center in New London, Connecticut.
7. On or about July 2, 2002, the Respondents exhibited animals at the L & M Hospital Child Care Center in New London, Connecticut.
8. On or about April 7, 2003, the Respondents exhibited animals at the Weinberg Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.
9. On or about April 14, 2003, the Respondents exhibited animals at the Weinberg

Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.

10. On or about April 28, 2003, the Respondents exhibited animals at the Weinberg Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.

11. On or about May 5, 2003, the Respondents exhibited animals at the Weinberg Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.

12. On or about May 12, 2003, the Respondents exhibited animals at the Weinberg Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.

13. On or about May 12, 2003, the Respondents exhibited animals at the Weinberg Nature Center, 455 Mamaroneck Road, Scarsdale, New York 10583.

14. On or about July 23, 2003, the Respondents exhibited animals at Camp Totokot in Branford, Connecticut.

15. On or about January 21, 2004, the Respondents exhibited animals at the Greenwich Catholic School in Greenwich, Connecticut.

#### Conclusions

1. The Secretary has jurisdiction in this matter.
2. By reason of the facts set forth in the Findings of Fact above, the respondents have violated the Act and regulations promulgated under the Act.
3. The following Order is authorized by the Act and warranted under the circumstances.

#### 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 issued thereunder, and in particular, shall cease and desist from exhibiting animals without a licence.

2. The respondents are jointly and severally assessed a civil penalty of \$17,600, which shall be paid by a certified check or money order made payable to the Treasurer of the United States.

3. Respondents are disqualified from obtaining a license for five years from the effective date of this order. The Respondents' disqualification from obtaining a license shall continue until the respondents pay the civil penalty that was assessed in *In re Susan DeFrancesco and East Coast Exotics, Inc.*, 59 Agric. Dec. 97 (2000) and the civil penalty assessed in this case in full and any court costs that incurred in trying to collect the civil penalties from the respondents.

The provisions of this Order shall become effective on the first day after service of this decision on the respondents.

Pursuant to the Rules of Practice, this decision becomes final without further proceedings 35 days after service as provided in section 1.142 and 1.145 of the Rules of Practice, 7 C.F.R. §§ 1.142 and 1.145.

Copies of this decision shall be served upon the parties.

Done at Washington, D.C.  
this 8<sup>th</sup> day of February, 2005

Marc R. Hillson  
Administrative Law Judge

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 04-0010  
)  
Susan DeFrancesco and )  
East Coast Exotics, Inc., )  
a Connecticut Corporation, )  
)  
Respondents )

MOTION FOR ADOPTION OF PROPOSED DECISION AND ORDER

The complaint in this proceeding, filed by the Administrator, Animal and Plant Health Inspection Service, was served upon respondent by U.S. Mail on April 8, 2004. The Respondents failed to file an answer within 20 days as prescribed by section 1.136 of the Rules of Practice governing proceedings under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.). The Respondents have admitted the facts by reason of default.

Accordingly, pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139,

Complainant files herewith its Proposed Decision and Order and moves for its adoption.

The order submitted herewith is authorized by the Act and warranted under the circumstances. Respondents here have admitted to facts by reason of default. Complainant believes that the requested sanctions are appropriate and necessary in order to achieve the remedial purposes of the Act. Furthermore, they are consistent with sanctions imposed in cases where there are violations of a serious nature. See, e.g., In re S.S. Farms Linn County, Inc., James W. Hickey, Marie Hickey, James Joseph Hickey, and Shannon Hansen, 50 Agric. Dec. 476, 497 (1991), aff'd 991 F.2d 803 (9th Cir. 1991); In re Mary Bradshaw, 50 Agric. Dec. 499, 509 (1991); In re Ron Morrow, 53 Agric. Dec. 144 (1994), aff'd, 65 F.3d 168, 1995 WL 52336 (6th Cir. 1995). The proposed Order is appropriate in view of respondents' serious violations and should therefore be adopted as proposed by complainant.

Respectfully submitted,

---

Sharlene Deskins  
Attorney for Complainant

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 04-0010  
)  
Susan DeFrancesco and )  
East Coast Exotics, Inc., )  
a Connecticut Corporation, )  
)  
Respondents )

PROPOSED DECISION AND ORDER

Respectfully submitted,

---

Sharlene Deskins  
Attorney for Complainant