

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:

SHERRY HAYES, an individual
d/b/a HAYES KENNEL,

Respondent.

AWA No. 07-0013

**CONSENT DECISION AS TO
RESPONDENT SHERRY HAYES,
AN INDIVIDUAL D/B/A
HAYES KENNEL**

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 respondent willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.) (the "Regulations"). 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).

Respondent Sherry Hayes d/b/a Hayes Kennel ("Respondent") admits the jurisdictional allegations in 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Sherry Hayes is an individual whose mailing address is Rural Route 5, Box 492, Ava, Missouri 65608.
2. Respondent Sherry Hayes does business as Hayes Kennel, believed to be an unincorporated association or partnership with the mailing address Rural Route 5, Box 492, Ava, Missouri 65608.
3. Respondent Sherry Hayes d/b/a (“Respondent”), at all material times mentioned in the complaint, was operating as a dealer, as defined in the Act and Regulations, and has held Animal Welfare Act license number 43-A-2418, issued to “Sherry Hayes DBA: Hayes Kennel.”

CONCLUSION

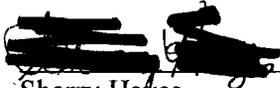
Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. Respondent’s AWA license, license number 43-A-2418, issued to “Sherry Hayes”, is hereby revoked, effective May 27, 2008.
2. 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 issued thereunder, and in particular, effective May 27, 2008, shall cease and desist from engaging in any activity regulated under the Act and/or Regulations.
3. Respondent Sherry Hayes, an individual, d/b/a Hayes Kennel is assessed a civil penalty in the amount of \$13,000, which shall be held in abeyance, provided Respondent does not engage in any activity regulated under the Act and/or Regulations after May 27, 2008.

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

5. Copies of this decision shall be served upon the parties.


Sherry Hayes
d/b/a Hayes Kennel
RESPONDENT


Babak A. Rastgoufard
Office of the General Counsel
United States Department of Agriculture
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.

this 29th day of April, 2008


Victor W. Palmer
Administrative Law Judge