

**UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE**

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In re:

**PAULA STAHL and JEFF STAHL,
individuals d/b/a HIGH HOPES
KENNEL,**

Respondents.

AWA No. 08-0097

CONSENT DECISION

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture ("APHIS"), alleging that the respondents willfully violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. §§ 1.1-3.142) (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).

Respondents Paula Stahl and Jeff Stahl, individuals, d/b/a High Hopes Kennel, admit the jurisdictional allegations in the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, 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 Paula Stahl is an individual whose mailing address is Post Office Box 21, Lamont, Oklahoma 74643.
2. Respondent Jeff Stahl is an individual whose mailing address is Post Office Box 21, Lamont, Oklahoma 74643.
3. Respondents Paula Stahl and Jeff Stahl collectively and individually do business as High Hopes Kennel, believed to be an unincorporated association or partnership with the mailing address Post Office Box 21, Lamont, Oklahoma 74643.
4. Respondents Paula Stahl, Jeff Stahl and High Hopes Kennel (collectively "Respondents"), at all material times mentioned in the complaint, were operating as a dealer, as defined in the Act and Regulations.

CONCLUSION

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

ORDER

1. Respondents' AWA license, license number 73-A-2152, issued to "JEFF & PAULA STAHL DBA: HIGH HOPES KENNEL", is hereby revoked and Respondents are hereby permanently disqualified from obtaining an AWA license.
2. 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 engaging in any activity regulated under the Act and/or Regulations, except as provided below.
3. Respondents Paula Stahl and Jeff Stahl, individuals, d/b/a High Hopes Kennel, are, jointly and severally, assessed a civil penalty in the amount of \$54,375, of which

\$50,625 shall be held in abeyance, provided Respondents: (a) comply with the provisions in paragraph 4 (¶ 4) below; and (b) do not engage in any activity regulated under the Act and/or Regulations, except as provided in paragraph 4. The remaining \$3,750 shall be paid within 45 days of service of this Order by certified check or money order made payable to the Treasurer of the United States and sent to:

United States Department of Agriculture
Office of the General Counsel
Marketing Division, Room 2343-South
1400 Independence Avenue, SW.
Washington, DC 20250-1417

Respondents shall state on the certified check or money order that the payment is in reference to AWA Docket No. 08-0097.

4. To effectuate the provisions of this Order, and to facilitate the care and disposition of animals at Respondents' facility, the parties agree that Respondents shall sell and/or donate the animals under their control as provided in this paragraph, and only as so provided, and APHIS agrees to provide to Respondents an exemption from section 2134 of the Act (7 U.S.C. § 2134) to allow such sale or donation as specified herein:

- a. On or before April 28, 2008, Respondents shall provide to APHIS an inventory of animals under their control or on any their premises (the "animal inventory"). APHIS officials shall participate in the creation of the animal inventory and may, at any time, verify the accuracy of the animal inventory and animals under Respondents' control as need be to ensure compliance with this consent decision and may, at any time, assess the health and welfare of the animals prior to the auction described below. In the event prior to the auction described below, any animal under Respondents' control or on any of Respondents' premises dies or gives birth after Respondents submit to APHIS the animal inventory, Respondents shall notify APHIS, within 48 hours, and identify the animal that died and cause of such death, or identify the animal that gave birth and the size of her litter, and provide to APHIS an updated animal inventory.

- b. On or before May 17, 2008, Respondents shall sell those animals identified in the animal inventory pursuant to an auction held by Lester Miller, d/b/a Chouteau Auction (the "auction"). Respondents agree that any animals identified in the animal inventory that fail to sell at the auction will be donated by Respondents, on or before May 19, 2008, to an animal rescue group approved by APHIS or other animal facility approved by APHIS. Any animals donated pursuant to this subparagraph may be donated without any accompanying American Kennel Club registration papers.
- c. If Respondents fail to provide to APHIS an animal inventory as specified above or fail to sell or donate their animals as specified above, Respondents shall be deemed to be in violation of this paragraph and shall, as provided in this Order, be assessed the entire civil penalty in the amount of \$54,375, with no portion thereof held in abeyance.
- d. Nothing herein shall be construed as a modification or derogation of the revocation of Respondents' Animal Welfare Act license, as provided in paragraph 1 (¶ 1), above or be construed as allowing Respondents to acquire any new animals for the purpose of engaging in those activities for which an Animal Welfare Act license is required. The provisions contained in this paragraph are solely to allow for the proper care and disposition of animals at Respondents' facility and to effectuate the provisions of this Order.

5. On or before April 28, 2008, Respondents shall provide to APHIS an inventory of animals under their control or on any of their premises that Respondents intend to retain, if any (the "pet inventory"). The parties agree that, should Respondents intend to retain any animals under their control that Respondents shall be permitted to retain no more than ~~five~~ ^{Seven} dogs, total, regardless of breed/s. Any such pet inventory shall be provided to APHIS concurrently with the animal inventory and APHIS officials shall participate in the creation of the pet inventory. Any animals identified in the pet inventory shall not be listed on the animal inventory.

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6. On or before May 29, 2008, the parties, individually or jointly, shall file a notice with the hearing clerk stating that, as of the date of such notice, the provisions of this order, and in particular, the provisions in paragraph 4 (¶ 4) above, have been complied with. In the event Respondents fail to comply with the provisions in paragraph 4 (¶ 4) above, the administrative law

judge shall issue an order finding Respondents to be in violation of paragraph 4 (¶ 4) and directing Respondents to pay that portion of the civil penalty in paragraph 3 (¶ 3) above held in abeyance, in addition to any unpaid portion of the \$3,750 civil penalty. Respondents agree to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 2149 of the Act (7 U.S.C. § 2149) as to any such failure to comply with paragraph 4.

7. The Secretary of Agriculture retains jurisdiction of this matter to enforce the terms of this consent decision, and, in particular to ensure compliance with paragraph 4 (¶ 4) above.

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

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

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Paula Stahl
RESPONDENT

~~_____~~

Jeff Stahl
RESPONDENT

~~_____~~

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

Done at Washington, D.C.

this 8 day of May, 2008

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Jill S. Clifton
Administrative Law Judge