

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 04-0013  
)  
CHESTER C. BAIRD, also known as )  
C.C. BAIRD, an individual, )  
JEANETTE BAIRD, an individual, )  
PATSY BAIRD, an individual, and )  
PATRICIA BAIRD, an individual, doing )  
business jointly as PAT'S PINE TREE )  
FARMS and MARTIN CREEK KENNELS, )  
)  
Respondents. ) Consent Decision and Order

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 Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations of the amended complaint, neither admit nor deny the remaining allegations in the amended complaint, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent C. C. Baird is an individual doing business as Martin Creek Kennels, and whose business mailing address is Post Office Box 139, Williford, Arkansas 72482. At all times mentioned herein, said respondent was operating as a dealer as that term is defined in the Act, and held license number 71-B-0108, issued to "CC & JEANETTE BAIRD DBA: MARTIN CREEK

KENNELS.”

2. Respondent Jeannette Baird is an individual doing business as Martin Creek Kennels, and whose business mailing address is Post Office Box 139, Williford, Arkansas 72482. At all times mentioned herein, said respondent was operating as a dealer as that term is defined in the Act, and held license number 71-B-0108, issued to “CC & JEANNETTE BAIRD DBA: MARTIN CREEK KENNELS.”

3. Respondent Patsy Baird is an individual doing business as Pat’s Pine Tree Farms, and whose business mailing address is Post Office Box 139, Williford, Arkansas 72482. At all times mentioned herein, said respondent was operating as a dealer as that term is defined in the Act, and held license number 71-A-0688, issued to: “PATSY & PATRICIA BAIRD DBA: PAT’S PINE TREE FARMS.”

4. Respondent Patricia Baird is an individual doing business as Pat’s Pine Tree Farms, and whose business mailing address is Post Office Box 139, Williford, Arkansas 72482. At all times mentioned herein, said respondent was operating as a dealer as that term is defined in the Act, and held license number 71-A-0688, issued to: “PATSY & PATRICIA BAIRD DBA: PAT’S PINE TREE FARMS.”

#### Conclusions

The respondents have admitted the jurisdictional facts, the parties have agreed to the entry of this decision, and therefore such decision will be entered.

#### Order

1. Respondents Chester C. Baird, aka C.C. Baird, Patsy Baird, Jeannette Baird and Patricia Baird, 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.

2. Respondents Chester C. Baird, aka C.C. Baird, and Patsy Baird are jointly and severally assessed a civil penalty of \$250,000, to be paid by January 28, 2005, by certified check or money order made payable to the Treasurer of the United States.

3. Respondent Chester C. Baird, aka C.C. Baird, is personally assessed a civil penalty of \$12,700, to be paid by January 28, 2005, by certified check or money order made payable to the Treasurer of the United States.

4. Animal Welfare Act license number 71-B-0108, issued to “CC & JEANETTE BAIRD DBA: MARTIN CREEK KENNELS,” is hereby revoked, effective January 21, 2005.

5. Animal Welfare Act license number 71-A-0688, issued to: ““PATSY & PATRICIA BAIRD DBA: PAT’S PINE TREE FARMS,” is hereby revoked, effective January 21, 2005.

6. For the purposes of this consent decision and order, the 5-year period of time between January 21, 2005 and January 20, 2010, shall be referred to as the “probation period.” The respondents agree that during the probation period, they will not engage in any activity for which such a license is required, directly or through any agent, employee, or other device. Each of the respondents further agrees that if during the probation period APHIS notifies respondents that it has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), upon receipt of such notice and supporting documentation, such noncomplying respondent shall be assessed a civil penalty of \$250,000, without further procedure, due and payable without 60 days of said respondent’s receipt of such notice. The respondents further agree to a prospective waiver of their right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties

agree that respondents may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where respondents reside or have their principal place of business, pursuant to section 2146(c) of the Act (7 U.S.C. § 2146(c)), within 60 days of receipt of such notice.

This order shall become effective on January 21, 2005. This consent decision may be executed in counterparts. Copies of this decision shall be served upon the parties.



Chester C. Baird aka C.C. Baird  
Respondent



Patsy Baird  
Respondent



Jeannette Baird Thornhill  
Respondent



Patricia Baird  
Respondent



Colleen Carroll  
Attorney for Complainant

Done at Washington, D.C.  
this 28<sup>th</sup> day of January, 2005



Marc R. Hillson  
Chief Administrative Law Judge