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UNITED STATES DEPARTMENT OF AGRICULTURE

2004 DEC 16 A 9:42

BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) AWA Docket No. 04-0034  
 )  
Chester Gaither, d/b/a )  
Chet's Pets, ) Consent Decision  
 ) and Order  
Respondent )

This proceeding was instituted under the Animal Welfare 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 respondent willfully violated the Act and the regulations 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 respondent admits the jurisdictional allegations in paragraph I of 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 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

(a) Chester Gaither, doing business as Chet's Pets, hereinafter referred to as respondent, is an individual whose mailing address is 5477 Kempton Road, Oakland, Maryland 21550.

(b) The respondent, at all times material hereto, was operating as a dealer as defined in the Act and the regulations.

Conclusions

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

Order

1. Respondent, his 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 for which a license is required under the Act and regulations.

2. Respondent is assessed a civil penalty of \$200,000.00, \$1,000.00 of which shall be paid by a certified check or money order made payable to the Treasurer of United States. The remaining civil penalty is hereby suspended provided that the respondent, after notice and opportunity for a hearing, is not found to be in violation of the Act and the regulations and

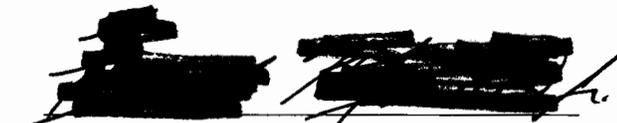
standards for a period of 50 years from the effective date of this order.

3. Respondent is permanently disqualified from obtaining a license under the Act and regulations.

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

Copies of this decision shall be served upon the parties.

  
\_\_\_\_\_  
Chester Gaither  
d/b/a Chet's Pets  
Respondent

  
\_\_\_\_\_  
Frank Martin, Jr.  
Attorney for Complainant

Done at Washington, D.C.  
this 15th day of December, 2004

  
\_\_\_\_\_  
Administrative Law Judge