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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 05-0010 |
| |) | |
| Richard and Donna |) | |
| Wilcox, d/b/a |) | |
| R&D Kennels, |) | |
| |) | Consent Decision |
| Respondents |) | and Order |

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 respondents 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 respondents admit the jurisdictional allegations in paragraph I of 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 and for such purpose only, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Richard and Donna Wilcox, hereinafter referred to as respondents, are individuals doing business as R&D Kennels, 8033 72nd Street NE, Starkweather, ND 58377.
2. The respondents are, and at all times material hereto were, operating as dealers as defined in the Act and the regulations.

Conclusions

The 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, 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 issued thereunder, and in particular, shall cease and desist from:
 - (a) Failing to provide proper veterinary care;
 - (b) Failing to individually identify animals, as required;
 - (c) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required;
 - (d) Failing to maintain primary enclosures for animals in a clean and sanitary condition;
 - (e) Failing to maintain housing facilities for animals so that they are structurally sound and in good repair in order to protect the animals from injury, contain them securely, and
 - (f) Failing to keep food and water receptacles clean and sanitized.
2. The respondents are assessed a civil penalty of \$9,000.00, \$8,000.00 of which is to be held in abeyance provided that the respondents, after notice and opportunity for a hearing, are not found to have violated the Animal Welfare Act or the regulations and standards issued thereunder for 2 years. The remaining \$1,000.00 shall be paid by a certified check or money order made payable to the Treasurer of the United States.
3. The respondents agree to an immediate termination of their current license and

each agree to a permanent disqualification from becoming licensed under the Act and regulations.

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

Copies of this decision shall be served upon the parties.



Richard Wilcox
Respondent



Donna Wilcox
Respondent



Brian T. Hill
Attorney for Complainant

Done at Washington, D.C.
this 27 day of June, 2006



Administrative Law Judge
Jill S. Clifton