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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 05-0031
)	
Mary Amborn)	
)	
d/b/a Greenspace Kennel,)	
)	<i>Consent Decision</i>
Respondent)	<i>and Order</i>

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(hereafter "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 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

1. Mary Amborn, hereinafter referred to as respondent, is an individual doing business as Greenspace Kennel, whose address is 11147 60th Avenue, Ottumwa, Iowa 52501.
2. 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, 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 and standards issued thereunder, and in particular, shall cease and desist from:
 - (A) Failing to maintain housing facilities for dogs in a structurally sound condition and in good repair;
 - (B) Failing to provide animals with adequate shelter from the elements;
 - (C) Failing to keep the premises clean and in good repair and free of accumulations of trash, junk, waste, and discarded matter, and to control weeds, grasses and bushes;
 - (D) Failing to provide for the removal and disposal of animal wastes so as to minimize vermin infestation, odors and disease hazards;
 - (E) Failing to provide proper veterinary care by having a veterinary care plan and

having regular visits from a veterinarian;

(F) Failing to provide clean and sanitized water receptacles;

(G) Failing to place food receptacles so as to minimize contamination from excreta and pests and so that the food receptacles are protected from rain and snow;

(H) Failing to maintain surfaces on outdoor housing facilities;

(I) Failing to provide housing for animals that would protect the animals from extreme weather conditions that may be uncomfortable or hazardous to the animals;

(J) Failing to construct and maintain housing facilities for animals that were structurally sound and maintained in good repair so that the animals are protected from injury;

(K) Failing to maintain building surfaces that come into contact with animals so that the surfaces are impervious to moisture;

(L) Failing to provide primary enclosures for dogs that allow the dogs to remain dry and clean;

(M) Failing to sanitize by removing contaminated bedding material as necessary to prevent odors, diseases, pests, insects, and vermin infestation;

(N) Failing to have a sufficient number of employees to carry out the required level of husbandry practices and care; and

(O) Failing to maintain records as required by the regulations.

2. The respondent is assessed a civil penalty of \$10,000, of which all except \$2,000 is suspended provided that the respondent does not violate the Animal Welfare Act and the regulations and standards issued pursuant to the Act for two years. The remaining \$2,000 of the civil penalty shall be paid by a certified check or money order made payable to the Treasurer of

United States. The notation AWA Dkt. No. 05-0031" shall be placed on the check or money order.

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

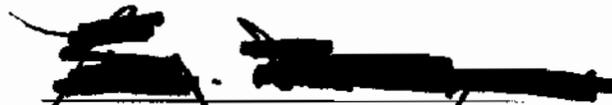
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


Mary Amborn
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 20 day of June, 2006


Peter M Davenport
Administrative Law Judge