

How to Obtain Information About Investigations or Enforcement Documents from APHIS' Investigative and Enforcement Services (IES) or USDA's Office of the General Counsel (OGC)

Requests for information about Animal Welfare Act (AWA) and Horse Protection Act (HPA) cases and investigations as well as related IES and OGC enforcement documents are increasing. APHIS' Animal Care program is committed to providing a timelier means for the public and media to access AWA and HPA enforcement information and actions.

To be more consistent, effective Oct. 23, 2006, APHIS' Legislative and Public Affairs (LPA) Office will respond to media or public inquiries about open investigations with the same information. It is our policy not to comment on open investigations, or to confirm or deny that we have an open investigation pertaining to a particular person or entity. Disclosure of information concerning open investigations could interfere with the conduct of those investigations. For more information, you can contact LPA's Public Affairs Office at (301) 734-7799.

IES and OGC enforcement documents on AWA and HPA cases and investigations, once processed, are available through a variety of means. A brief description of each enforcement action is below, as well as information about how to obtain the documents described. The enforcement actions listed below, in ascending order of severity, are: the Official Warning Letter (7060); the Stipulation; the OGC Complaint; the Consent Decision; and the Decision and Order.

The Official Warning Letter (7060) is a notification to an individual or company regarding an alleged AWA violation. The letter warns that any further infractions may result in more serious consequences such as a civil penalty or criminal

prosecution. A copy of an Official Warning Letter can only be obtained through a Freedom of Information Act (FOIA) request. To make a FOIA request for such documents, please phone (301) 734-8296, or go to: <https://foia.aphis.usda.gov/request.html> and provide your contact information and the item(s) requested.

A **Stipulation** is an agreement in which the Agency gives notice of an apparent violation and agrees to accept a specified penalty to settle the matter. The penalty must be paid within a designated time frame and the violator waives their right to a hearing. A copy of a Stipulation is available only through a FOIA request. To make a FOIA request for such documents, please phone (301) 734-8296, or go to: <https://foia.aphis.usda.gov/request.html> and provide your contact information and the item(s) requested.

An OGC **Complaint** gives notice to an Animal Care licensee or registrant of formal allegations regarding possible violations of the AWA or the HPA. The Complaint does not mean the respondent is guilty of these violations, but serves as a notice that they must respond and either agree to the allegations in the Complaint, or seek a hearing date before a USDA Administrative Law Judge (ALJ). A copy of a Complaint is available on the USDA ALJ Web site. For OGC or USDA ALJ documents, go to: <http://www.usda.gov/da/oaljdecisions/#> and select the *Current ALJ Decisions* pull down menu, and then select the appropriate enforcement action. The USDA ALJ Web site also includes an *Agriculture Decisions Search Engine* to assist search requests when the type of enforcement action sought is unknown.

A **Consent Decision** is an agreement reached between OGC and the respondent before a USDA Administrative Law Judge (ALJ) enters a decision regarding the case. A copy of a Consent Decision is available on the USDA ALJ Web site. For OGC or USDA ALJ documents, go to: <http://www.usda.gov/da/oaljdecisions/#> and select the *Current ALJ Decisions* pull down menu, and then select the appropriate enforcement action. The USDA ALJ Web site also includes an *Agriculture Decisions Search Engine* to assist search requests when the type of enforcement action sought is unknown.

A **Decision and Order** is issued by the ALJ based on the evidence presented by APHIS and the respondent. The respondent has the right to appeal this decision. A copy of a Decision and Order is available on the USDA ALJ web site. For OGC or USDA ALJ documents, go to: <http://www.usda.gov/da/oaljdecisions/#> and select the *Current ALJ Decisions* pull down menu, and then select the appropriate enforcement action. The USDA ALJ Web site also includes an *Agriculture Decisions Search Engine* to assist search requests when the type of enforcement action sought is unknown.