

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 07-0121
)
MAC'S LAND EXOTICS, INC., a)
North Carolina domestic corporation; and)
STEVEN A. MACALUSO, an individual)
doing business as MAC'S LAND)
EXOTICS, INC., METROLINA)
WILDLIFE PARK, an unincorporated)
association, and CHARLOTTE METRO)
ZOO, an unincorporated association,)
)
Respondents.) CONSENT DECISION 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 and standards 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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Mac's Land Exotics, Inc., is a North Carolina domestic corporation,

whose agent for service of process is Steven A. Macaluso, 4400 Cook Road, Rockwell, North Carolina 28138. At all times mentioned herein said respondent was operating as an exhibitor as that term is defined in the Act and the Regulations and held Animal Welfare Act license number 55-C-0002.

2. Respondent Steven A. Macaluso, is an individual doing business as Mac's Land Exotics, Inc. (a North Carolina domestic corporation), Metrolina Wildlife Park (believed to be an unincorporated association), and Charlotte Metro Zoo (believed to be an unincorporated association), and whose mailing address is 4400 Cook Road, Rockwell, North Carolina 28138. At all times mentioned herein said respondent was operating as an exhibitor as that term is 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 issued thereunder, and in particular, shall cease and desist from:
 - (a) failing to maintain a complete written program of veterinary care that includes regularly scheduled visits by their attending veterinarian;
 - (b) failing to use appropriate methods to observe animal health daily and treat disease and injuries;

- (c) failing, during public exhibition, to handle any animal so that there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of the animal and the public;
- (d) failing to develop, document, and follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates;
- (e) failing to construct indoor and outdoor housing facilities for animals so that they are structurally sound and maintained in good repair to protect the animals from injury and contain them;
- (f) failing to provide animals kept outdoors with natural or artificial shelter to afford them protection and to prevent their discomfort;
- (g) failing to provide animals with food that is wholesome, palatable, and free from contamination in sufficient quantity and nutritive value to maintain good animal health, and that is prepared with consideration for the age, species, condition, size, and type of animal;
- (h) failing to utilize a sufficient number of adequately-trained employees to maintain the professionally acceptable level of husbandry practices, under a supervisor who has a background in animal care; and
- (i) failing to maintain and make available for inspection complete and accurate records concerning animals.

2. Respondents are jointly and severally assessed a civil penalty in the amount of \$5,000, which shall be paid by certified check or money order made payable to the Treasurer of United States that includes the notation "AWA Docket No. 07-0121," and shall be sent to and received by APHIS Accounts Receivables on or before December 12, 2008, at the address as follows:

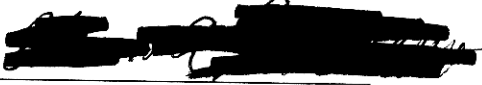
USDA, APHIS, Accounts Receivable
P.O. Box 3334
Minneapolis, Minnesota 55403

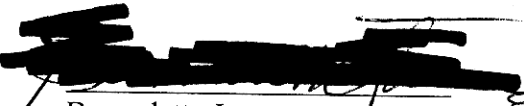
3. Animal Welfare Act license number 55-C-0002, is hereby suspended for eight years, from January 1, 2008, to December 31, 2015.

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.

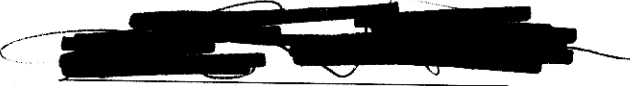
MAC'S LAND EXOTICS, INC.

Respondent
by its _____


Steven A. Macaluso
Respondent


Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 11th day of January, 2008


Victor Palmer
Administrative Law Judge

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 Minneapolis, Minnesota 55403


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MAC'S LAND EXOTICS, INC.


 Respondent
 by its 


 Steven A. Macaluso
 Respondent


 Bernadette Juarez
 Attorney for Complainant

Done at Washington, D.C.
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 Victor Palmer
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