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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

STEPHANIE TAUNTON,

Petitioner.

and

STEPHANIE TAUNTON, an individual
doing business as BOW WOW
PRODUCTIONS and HESPERIA ZOO
(formerly known as CINEMA SAFARI
ZOO),

Respondent.

AWA Docket No. D-07-0084

AWA Docket No. 08-0110

CONSENT DECISION AND ORDER

These proceedings were instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a request for hearing filed by Stephanie Taunton, petitioner, challenging the Administrator's, Animal and Plant Health Inspection Service ("APHIS"), United States Department of Agriculture denial of her application for an Animal Welfare Act license, and by a complaint filed by the Administrator of APHIS, alleging that Stephanie Taunton, 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).

Petitioner/respondent Stephanie Taunton admits the jurisdictional allegations in 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 these proceedings, to the entry of this decision.

The Administrator of APHIS (respondent/complainant) agrees to the entry of this decision.

FINDINGS OF FACT

1. Petitioner/respondent Stephanie Taunton is an individual doing business as Bow Wow Productions and Hesperia Zoo, believed to be unincorporated associations, and whose mailing address is 19038 Willow Street, Hesperia, California 92345.

2. At all times material to the complaint, petitioner/respondent Stephanie Taunton was operating as an exhibitor as that term is defined in the Act and the Regulations.

CONCLUSIONS

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

ORDER

1. Petitioner/respondent Stephanie Taunton, 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. operating as an exhibitor without a valid license from the Secretary of Agriculture to do so;
- b. failing to make her animals, facilities, and records available to APHIS officials for inspection;
- 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 animals and the general viewing public so as to assure the safety of the animals and the public;

- d. failing to provide dogs housed in outdoor facilities with minimally-adequate shelter from the elements;
- e. failing to construct and maintain primary enclosures so that they enable all surfaces in contact with cats to be readily cleaned and sanitized;
- f. failing to provide dogs with minimally-adequate floor space;
- g. failing to design and construct primary enclosures for nonhuman primates so that they are structurally sound for the species of nonhuman primate contained therein, and failing to keep them in good repair;
- h. failing to construct housing facilities so that they are structurally sound, protect the animals from injury, and contain the animals;
- i. failing to provide animals kept outdoors with natural or artificial shelter appropriate to the local climatic conditions for the species concerned to afford them protection and to prevent discomfort to such animals; and
- j. failing to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals contained therein and to minimize disease hazards and to reduce odors.

2. Petitioner/respondent Stephanie Taunton is assessed a civil penalty in the amount of \$30,000, of which \$25,000, shall be held in abeyance in accordance with the provisions set forth in paragraph 3 of this Order. The remaining \$5,000, shall be paid in full, and received by counsel for APHIS on or before May 31, 2008. Petitioner/respondent Stephanie Taunton's civil penalty payment(s) shall be made by certified check or money order made payable to the

Treasurer of United States that includes the notation “AWA Docket Nos. D-07-0084 & 08-0110,” and sent to:

Bernadette Juarez
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW, Mail Stop 1417
Room 2343-South Building
Washington, DC 20250-1417

3. If petitioner/respondent Stephanie Taunton fails to comply with the payment terms in paragraph 2 of this Order, petitioner/respondent Stephanie Taunton shall be directed to pay, without further procedure, the entire outstanding balance of the civil penalty, including the portion of the civil penalty held in abeyance as described in paragraph 2 of this Order.

Petitioner/respondent Stephanie Taunton agrees to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with paragraph 2 of this Order.

4. Petitioner/respondent Stephanie Taunton is hereby disqualified from obtaining an Animal Welfare Act license for 60 days. This 60-day disqualification period commences on the effective date of this Order.

5. After the conclusion of the disqualification period described above in paragraph 4 of this Order, petitioner/respondent Stephanie Taunton will continue to be disqualified from obtaining an Animal Welfare Act license indefinitely so long as any portion of the civil penalty, as described in paragraphs 2-3 of this Order, remains unpaid.

6. Petitioner/respondent Stephanie Taunton agrees that if, during the disqualification period described in paragraphs 4-5 of this Order, APHIS documents evidence of petitioner/respondent Stephanie Taunton engaging, directly or indirectly, in activities that require an Animal Welfare Act license (7 U.S.C. § 2131 et seq.; 9 C.F.R. § 1.1 et seq.), either on or off

the premises located at 19038 Willow Street, Hesperia, California 92345, which, after notice and opportunity for a hearing results in the finding of a violation, petitioner/respondent Stephanie Taunton will be permanently disqualified from obtaining an Animal Welfare Act license. Such permanent license disqualification shall be in addition to any penalty found to be warranted for such future violations.

7. Petitioner/respondent Stephanie Taunton further agrees that if and when she (or any business in which she holds a substantial interest) is issued an Animal Welfare Act license, there shall be a two-year period of time thereafter which shall be referred to as the “probation period.” Petitioner/respondent Stephanie Taunton agrees that if, during the probation period:

- a. APHIS documents evidence of petitioner/respondent Stephanie Taunton’s refusal¹ to provide APHIS officials with access to her facilities, animals, and records as required by section 2146(a) of the Animal Welfare Act (7 U.S.C. § 2146(a)) and section 2.126 of the Animal Welfare Act regulations (9 C.F.R. § 2.126), upon petitioner/respondent Stephanie Taunton’s receipt of notice and accompanying supporting documentation from the APHIS, the Animal Welfare Act license issued to petitioner/respondent Stephanie Taunton (or any business in which she holds a substantial interest) will be immediately revoked. Petitioner/respondent Stephanie Taunton agrees to a prospective waiver of any right to notice and opportunity for a hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) in connections with the provisions in this paragraph, and agrees

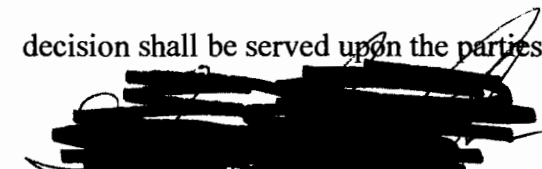
¹ For purposes of this Consent Decision and Order, a refusal to provide APHIS officials with access to facilities, animals, and records means that a responsible adult (including an adult other than petitioner/respondent Stephanie Taunton) is available to accompany APHIS officials during inspection but that the responsible adult is unwilling or unable to allow APHIS officials to fulfill their animal welfare duties as outlined in section 2146(a) of the Animal Welfare Act and section 2.126 of the Animal Welfare Act regulations (7 U.S.C. § 2146(a); 9 C.F.R. § 2.126).

that such license revocation shall be in addition to any penalty found to be warranted for such future violations.

- b. APHIS documents evidence of petitioner/respondent Stephanie Taunton's failure to comply with the provisions of the Animal Welfare Act (7 U.S.C. § 2131 et seq.) and regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.), which, after notice and opportunity for a hearing results in the finding of a violation, the Animal Welfare Act license issued to petitioner/respondent Stephanie Taunton (or any business in which she holds a substantial interest) will be revoked. Such license revocation shall be in addition to any penalty found to be warranted for such future violations.


8. The Secretary of Agriculture specifically retains jurisdiction of this matter to enforce the terms of this Order. If petitioner/respondent Stephanie Taunton fails to comply with the provisions in paragraph 2 of this Order, the Administrative Law Judge, upon a motion by counsel for APHIS, shall issue an order directing petitioner/respondent Stephanie Taunton to pay the entire outstanding balance of the civil penalty, including the portion of the civil penalty held in abeyance, as described in paragraph 3 of this Order.

The provisions of this Order shall become effective on the first day after service of this Consent Decision and Order on petitioner/respondent Stephanie Taunton. Copies of this decision shall be served upon the parties.


Stephanie Taunton
Petitioner/Respondent


Bernadette Juarez
Attorney for Respondent/Complainant

Done at Washington, D.C.
this 28 day of MAY, 2008


Marc R. Hillson
Chief Administrative Law Judge