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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 07-0197
)
)
Don and Jennifer Carter,)
d.b.a. Jireh Farm,)
) 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 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 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

A. Don and Jennifer Carter, hereinafter referred to as Respondents, are individuals doing business as Jireh Farm and whose mailing address is 14477 Hasara Lane, Willis, Texas 77378.

B. The Respondents, at all times material hereto, were licensed and operating as

an exhibitor 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

The Respondents are assessed a civil penalty of \$6,000, of which \$5,400 is hereby suspended and held in abeyance unless, after notice and opportunity for hearing, either Respondent is found to have violated the Animal Welfare Act, the regulations and standards issued thereunder, or this Order, within two years from the date of this Order. The remaining \$600 shall be paid by check or money order made payable to the Treasurer of United States. In lieu of a lump sum, payment may be made in six monthly installments of \$100 each, on or before the 15th day of the month, beginning in the month following the issuance of this order. Payment shall be sent to

USDA APHIS
P. O. Box 979043
St. Louis, MO 63197-9000.

The notation "AWA Docket No. 07-0197" shall be made on each check or money order.

The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.

~~_____~~
~~_____~~
~~_____~~
Mark Conrad, PC *11/25/08*
Attorney for Respondents

~~_____~~
Don Carter
Respondent

~~_____~~
~~_____~~
Jennifer Carter
Respondent

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~~_____~~
~~_____~~
Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 26th day of November, 2008

~~_____~~
~~_____~~
~~_____~~
Administrative Law Judge