

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
OCHC
SEP 16 PM 2: 59
RECEIVED

In re:

JULIUS VON UHL, an individual
doing business as CIRCUS
WINTERQUARTERS

Respondent.

AWA No. 07- 0177

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 (“APHIS”), 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 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, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Julius Von Uhl is an individual doing business as Circus Winterquarters, and whose mailing address is 11687 N 50 East, Macy, Indiana 46951-8031.

2. At all material times alleged 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 32-C-0102.

CONCLUSIONS

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

ORDER

1. Respondent, his 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 establish and maintain a program of adequate veterinary care that includes the availability of appropriate facilities, personnel, equipment and services;
- b. failing to establish and maintain programs of adequate veterinary care that include appropriate methods to prevent, diagnose and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;
- c. failing to construct indoor and outdoor housing facilities for animals so that they are structurally sound, and maintained in good repair to protect animals from injury and contain them;
- d. failing to construct and maintain a perimeter fence to keep animals and unauthorized persons out, and that functions as a secondary containment system for the animals in the facility;


- e. 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; and
- f. failing to construct and maintain animal enclosures so as to provide sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement.


2. Respondent is assessed a civil penalty in the amount of \$3,750, which shall be suspended provided respondent complies with the provisions described in paragraph 3 of this Order.

3. To facilitate the care of respondent's animals, respondent agrees to spend no less than \$3,750, on or before December 31, 2009, to expand each primary enclosure used to house large felids so as to provide each animal with sufficient space to make normal postural and social adjustments with adequate freedom of movement in its primary enclosure. Respondent further agrees to submit to APHIS receipts or other documentation to prove his expenditure of \$3,750, as described herein. This documentation shall be provided to: Dr. Elizabeth Goldentyer, Director, Eastern Region USDA, APHIS, ANIMAL CARE, 920 Main Campus Drive, Suite 200, Raleigh, North Carolina 27606 (Telephone number (919) 855-7100).

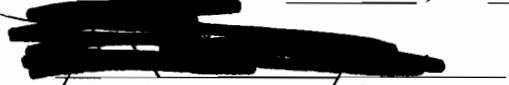
4. The Secretary of Agriculture specifically retains jurisdiction of this matter to enforce the terms of this Order. If respondent fails to comply with the provisions in paragraph 3 of this Order, the Administrative Law Judge, upon a motion by counsel for APHIS, shall issue an order directing respondent to pay the civil penalty assessed in paragraph 2 of this Order, and suspending respondent's Animal Welfare Act license (number 32-C-0102) until respondent's civil penalty payment is received by counsel for APHIS.

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.


Julius Von Uhl
Respondent


Bernadette Juarez
Attorney for Complainant

Done at Washington, D.C.
this 16th day of December, 2008


Administrative Law Judge