

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 07-0186
)
James Kerr, d/b/a)
Parker Flat Lands Kennel)
) Consent Decision
) and Order
Respondent)

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 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 paragraph I of 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 and for such purpose only, to the entry of this decision.

The Complainant agrees to the entry of this decision.

Findings of Fact

(a) James Kerr, hereinafter referred to as Respondent, is an individual doing business as Parker Flat Lands Kennel and whose mailing address is 21254 Campbell Road, Parker, Kansas 66072.

(b) The Respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

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. The 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.


2. The Respondent's license is revoked and the Respondent is permanently disqualified from becoming licensed under the Act.

3. The Respondent is assessed a civil penalty of \$30,000, which is suspended upon the condition that, after notice and opportunity for hearing, he is not found to have operated as a dealer without being licensed under the Act.

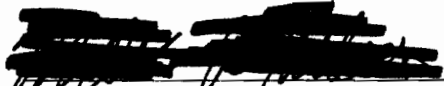
The provisions of this order shall become effective upon issuance.

Copies of this decision shall be served upon the parties.


James Kerr
Respondent


Robert A. Ertman
Attorney for Complainant

Done at Washington, D.C.
this 29th day of April, 2008


Administrative Law Judge