

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

08-0137
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In re:

KITTY KYRKLUND, an individual
d/b/a Kittys K-9 Korner,

Respondent.

AWA No. 08-0137

**CONSENT DECISION AS TO
RESPONDENT KITTY KYRKLUND,
AN INDIVIDUAL D/B/A KITTYS K-9
KORNER**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (the "Act"), 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 and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.) (the "Regulations"). 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).

Respondent Kitty Kyrklund d/b/a Kittys K-9 Korner Kennel ("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 Kitty Kyrklund is an individual whose mailing address is 3892 Clayton Town Road, Buchanan, Tennessee 38222.
2. Respondent Kitty Kyrklund does business as Kittys K-9 Korner, believed to be an unincorporated association or partnership with the mailing address 3892 Clayton Town Road, Buchanan, Tennessee 38222.
3. Respondent Kitty Kyrklund d/b/a Kittys K-9 Korner (“respondent”), at all material times mentioned in the complaint, was operating as a dealer, as defined in the Act and Regulations, and has held Animal Welfare Act license number 63-A-0146, issued to “KITTY KYRKLUND DBA: KITTYS K-9 KORNER”.

CONCLUSION

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

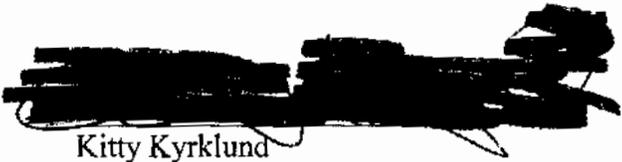
ORDER

1. Respondent, 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 issued thereunder.
2. Respondent Kitty Kyrklund is disqualified for ten (10) years from becoming licensed under the Animal Welfare Act or otherwise obtaining, holding, or using an Animal Welfare Act license, directly or indirectly, or through any corporate or other device or person.

3. During this period of disqualification, respondent Kitty Kyrklund, either directly or indirectly, or through any corporate or other device or person, shall not engage in any activity for which a license under the Animal Welfare Act is required.

4. The provisions of this order shall become effective on the first day after service of this decision on the respondent.

5. Copies of this decision shall be served upon the parties.



Kitty Kyrklund
d/b/a Kittys K-9 Korner
RESPONDENT



Babak A. Rastgoufard
Office of the General Counsel
United States Department of Agriculture
ATTORNEY FOR COMPLAINANT

Done at Washington, D.C.

this 21st day of April, 2009



PETER M. DAVENPORT

Administrative Law Judge