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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 11-0074
)	
Marsha Cox,)	
)	
)	
Respondent)	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, 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.). 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

1. Marsha Cox, hereinafter referred to as the Respondent, is an individual with a business address of 11442 LIV 416, Chillicothe, Missouri 64601.

2. The Respondent, at all times material herein, was licensed and operating as a breeder 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. 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 and standards issued thereunder, and in particular, shall cease and desist from:

(a) Failing to establish and maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(b) Failing to construct and maintain housing facilities for animals so that they are structurally sound and in good

repair in order to protect the animals from injury, contain them securely, and restrict other animals from entering;

(c) Failing to provide animals with adequate shade;

(d) Failing to provide animals with outdoor shelters that are large enough for each dog to be protected from the elements;

(e) Failing to maintain accurate records;

(f) Failing to provide adequate and supplemental bedding to dogs in outdoors enclosure;

(g) Failing to provide primary enclosures for dogs that are constructed and maintained so that the animals can remain dry and clean;

(h) Failing to provide wind and rain breaks on outdoor enclosures;

(i) Failing to provide housing facilities for dogs that are free of jagged edges and sharp points that might injure the animals;

(j) Failing to maintain the surfaces of housing facilities that come in contact with dogs free of excessive rust;

(k) Failing to provide for building surfaces that come into contact with the animals that are impervious to moisture;
and

(l) Failing to allow APHIS employees access to her facilities.

2. The Respondent is assessed a civil penalty of \$40,000.00 of which all except for \$5,000 is suspended provided that the Respondent complies with Animal Welfare Act and the regulations and standards issued pursuant to the Act and the terms of this consent decision. The civil penalty shall be paid by a certified check or money order made payable to the Treasurer of United States and sent to Sharlene Deskins, USDA OGC Marketing Division, MAIL STOP 1417, 1400 Independence Ave., S.W., Washington, D.C. 20250-1417.

3. The Respondent is permanently disqualified from obtaining a license under the Animal Welfare Act.

4. The Respondent cannot lease her dogs or facilities to an entity (either an individual or business) that is licensed or required to be licensed under the Animal Welfare Act.

5. The Respondent shall not have an ownership interest in any business entity that is licensed or required to be licensed under the Animal Welfare Act.

The provisions of this order shall become effective on August 3, 2011.

Copies of this decision shall be served upon the parties.


Marsha Cox
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.

this 30th day of 8/2011.


Janice Bullard
Administrative Law Judge