

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 02-0025
)
WAYNE P. OXFORD, etc., et al.,) Consent Decision and Order
) as to Robert Q. Smith and
Respondents.) Larry F. Smith

RECEIVED

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 respondents willfully violated the Act and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents Robert Q. Smith and Larry F. Smith admit the jurisdictional allegations in the amended complaint, admit one allegation as set forth herein as findings of fact and conclusions of law, waive oral hearing and further procedure, and consent and agree to the entry of this decision for the purpose of settling this proceeding. The complainant agrees to the entry of this decision.

Findings of Fact

Respondents Robert Q. Smith and Larry F. Smith are individuals whose addresses are 2836 Limestone Road, Longford, Kansas 67458 and 1501 North Zimmers, Pampa, Texas 79065, respectively. On November 27, 2000, said respondents were partners in Circle 3 Buffalo Ranch and were operating as breeders, as that term is defined in the Regulations, under license number 48-A-0712, issued to "ROBERT & LARRY SMITH, DBA, CIRCLE 3 BUFFALO RANCH."

Conclusions of Law

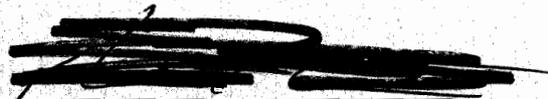
1. On November 27, 2000, respondents Robert Q. Smith and Larry F. Smith, during

public exhibition at Las Vegas, Nevada, failed to handle two tigers so there was minimal risk of harm to the animals and to the public, with sufficient barriers between the animals and the general viewing public so as to assure the safety of the animals and the public, in violation of section 2.131(b)(1) of the Regulations. 9 C.F.R. § 2.131(b)(1).

2. The parties have agreed to the entry of this decision, and this decision will, therefore, be entered.

Order

Respondents, their 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. This order shall become effective on September 5, 2007. This consent decision may be executed in counterparts. Copies of this decision shall be served upon the parties.


Robert Q. Smith
Circle 3 Buffalo Ranch
Respondent


Colleen Carroll
Attorney for Complainant

Larry F. Smith
Circle 3 Buffalo Ranch
Respondent

Done at Washington, D.C.
this 14 day of Sept, 2007



Victor W. Palmer
Administrative Law Judge