

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. **05-0017**
))
Beechdale Animal)
Supplies, Inc.,)
) 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 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. Beechdale Animal Supplies, Inc., hereinafter referred to as the respondent, is a Pennsylvania corporation whose mailing address is P. O. Box 319, Leola, Pennsylvania 17540.

2. The respondent, at all times material hereto, was 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. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall not violate the Act and the regulations and standards issued thereunder, and in particular, shall not:

(a) Fail 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;

(b) Fail to construct and maintain housing facilities for animals so that surfaces may be readily cleaned and sanitized or be replaced when necessary;

(c) Fail to provide animals with adequate potable water;

(d) Fail to establish and maintain an effective program for the control of pests; and

(e) Fail to establish and maintain programs of disease control and prevention, euthanasia, and adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine.

2. Respondent is assessed a civil penalty of \$2,800.00, \$100.00 of which shall be paid by a certified check or money order made payable to the Treasurer of United States, and \$2,700.00 of which is hereby suspended provided that the respondent is not found, after notice and opportunity for a hearing, to have violated the Act, regulations and standards for a period of three years from the effective date of this order.

3. The respondent's license is suspended for three years and continuing thereafter until it demonstrates to the Animal and Plant Health Inspection Service that it is in full compliance with the Act, the regulations and standards issued thereunder, and this order. When respondent demonstrates to the Animal and Plant Health Inspection Service that it is in full compliance with the Act, the regulations and standards issued thereunder, a supplemental order will be issued in this proceeding upon the motion of the Animal and Plant Health Inspection Service, terminating the suspension.

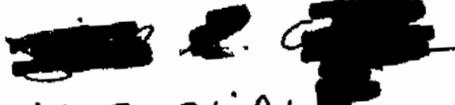
The provisions of this order shall become effective on the first day after service of this decision on the respondent.

Copies of this decision shall be served upon the parties.


Beechdale Animal Supplies, Inc..
Respondent


Frank Martin, Jr.
Attorney for Complainant

Done at Washington, D.C.
this 1 day of June, 2005


Jill S. Clifton
Administrative Law Judge