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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 06-0022
))
Danny and Mildred Schachtele,))
))
 doing business as) Consent Decision
) and Order
Middlefork Kennels,))
))
 Respondents))

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (hereafter "Act" or "AWA"), 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 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 Respondent¹ 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.

¹ The complaint listed Danny Schachtele as a respondent. Mr. Schachtele died during these proceedings.

The Complainant agrees to the entry of this decision.

Findings of Fact

1. Mildred Schachtele, hereinafter referred to as the Respondent, is an individual doing business as Middlefork Kennels, with a mailing address of 409 South Grand, Box 64, Salisbury, Missouri 65281.
2. The Respondent, at all times material hereto, was licensed and operating as a dealer as defined in the Act and the regulations.
3. When the Respondent became licensed and annually thereafter, she received copies of the Act and the regulations and standards issued thereunder and agreed in writing to comply with them.

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, her 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;
 - (b) Failing to provide outdoor shelter for the animals that consists of a roof, four walls and a floor;

(c) Failing to maintain records of the acquisition, disposition, description, and identification of animals, as required; and

(d) Failing to hold animals for the appropriate period of time before disposition.

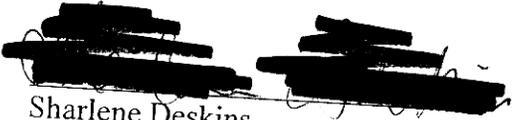
2. Respondent is assessed a civil penalty of \$107,250.00, of which \$100,000 is suspended provided that : a) the Respondent complies with the Act and the regulations issued pursuant to the Act b) the Respondent complies with the terms in this consent decision and b) the Respondent is not an employee or otherwise involved in any business that needs to be licensed under the Act. The Respondent shall pay the civil penalty of \$7,250 by a certified check or money order made payable to the Treasurer of United States and the check or money order shall include the notation "AWA Dkt. No. 06-0022". The failure to pay the civil penalty violates the terms of this consent decision.

3. The Respondent's license is permanently revoked. The Respondent is permanently disqualified from becoming licensed under the Act and regulations. The Respondent shall not engage in any activity which requires a license under the AWA.

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

Copies of this decision shall be served upon the parties.


Mildred Schachtele
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.

this 17 day of Dec, 2007


Jill S. Clifton
Administrative Law Judge