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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	Docket No. 16-0027
	)	
Eli A. Miller d/b/a	)	
Hill Top Kennel,	)	
	)	
Respondent.	)	Consent Decision and Order

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (15 U.S.C. §§ 1821-1831), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that Eli A. Miller ("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).

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. Respondent is an individual who resides in (b) (6) [redacted]

2. At all times relevant, respondent was licensed and acting as a Class A Dealer, as that term is defined in the Act and the regulations.

Conclusions

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, his 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.

2. Respondent is assessed a civil penalty of $1,920.

3. Respondent's license number 43-A-5541 is suspended for four weeks, beginning on ~~August~~ September 1, 2016, and shall continue thereafter until he has both demonstrated to APHIS full compliance with the Act and the Regulation and Standards, as well as being current in his payment of the assessed civil penalty assessed by this Order. BM gSC

4. The three-year period of time between ~~August~~ September 1, 2016 and ~~July~~ August 31, 2019 shall be referred to as the "probation period." The respondent agrees that if APHIS notifies him that it has documented any failure to comply with the Act, the Regulations or to meet the minimum Standards during the probation period, which constitutes ~~in~~ a repeat or direct noncompliance, upon receipt of such notice and copies of the supporting documentation, respondent may, without further procedure, be subjected to an additional two week period of suspension which will continue until compliance is achieved. The respondent further agrees to a prospective waiver of his right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with the Act or the Regulations, or to meet the minimum Standards. The complainant and the respondent agree that the respondent may seek injunctive, declaratory or other appropriate relief in the United States District Court for the Eastern District of Missouri or in the United States District Court for the District of Columbia.

This order shall have the same effect as if entered after a full hearing and shall become effective immediately. Copies of this decision shall be served upon the parties.

Copies of this decision shall be served upon the parties.

[redacted]

Eli A. Miller
Respondent

[redacted]

BRIAN HILL
Attorney for Complainant

Done at Washington, D.C.
this 3 day of AUG, 2016

[redacted]

Administrative Law Judge
Jill S. Clifton

CERTIFICATE OF SERVICE

Eli A. Miller d/b/a Hill Top Kennel, Respondent
Docket: 16-0027

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct and this is to certify that a copy of the CONSENT DECISION AND ORDER and (PROPOSED) CONSENT DECISION AND ORDER has been furnished and was served upon the following parties on August 4, 2016 by the following:

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Respondent(s) - Regular Mail & Certified Mail (7015 3010 0001 5187 2821)
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Respectfully Submitted,

Eliuth Morón
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