

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

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In re: ) Docket No. 11-0223  
)  
SUMMER WIND FARM SANCTUARY, )  
a Michigan corporation, )  
)  
Respondent. ) CONSENT DECISION AND  
ORDER

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 ("APHIS"), alleging that the respondent willfully violated 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 the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Summer Wind Farm Sanctuary is a Michigan corporation whose president and registered agent for service of process is Charles A. Vanneste, whose mailing address is 6490 Mowerson Road, Brown City, Michigan 48416. At all times mentioned in the complaint, said respondent was operating as an exhibitor, as that term is used in the Act and the Regulations, and held Animal Welfare Act license 34-C-0227.

2. On or about October 20, 2006, respondent failed to handle a tiger during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and the general viewing public so as to assure the safety of the animal and the public, and specifically, respondent permitted an individual who was interviewing respondent's president to feed the tiger by hand through the tiger's enclosure.

3. On or about November 19, 2006, respondent failed to handle a tiger during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and the general viewing public so as to assure the safety of the animal and the public, and failed to handle the tiger as carefully as possible, and specifically, failed to secure the tiger's transport enclosure to its display enclosure in preparation for public exhibition, thereby running the risk of the tiger's escaping from one or the other of the enclosures.

4. On or about November 19, 2006, respondent failed to meet the minimum Standards, as follows:

- a. The macaque enclosure was not constructed so as to be structurally sound, and specifically, the enclosure was not secure; it was not attached to the floor, had no bottom and could tip over permitting the animal to escape.

5. On January 3, 2007, and December 2, 2008, respondent failed to allow APHIS officials to conduct an inspection at respondent's premises.

6. On or about January 23, 2007, respondent failed to employ either a full-time attending veterinarian, or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care and regularly scheduled visits, and specifically, respondent's arrangement with its part-time attending veterinarian did not include an annual visit to respondent's facility.

7. On or about January 23, 2007, respondent failed to have an attending veterinarian provide adequate veterinary care to its animals, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases and injuries, and specifically, failed to have the nails of a fennec fox and a llama trimmed.

8. On or about January 23, 2007, respondent failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in its possession or control, or transported, sold, euthanized, or otherwise disposed of.

9. On or about January 23, 2007, respondent failed to meet the minimum Standards, as follows:

- a. The rabbit enclosure contained an accumulation of feces.
- b. Respondent failed to provide adequate shelter from inclement weather to bison, fallow deer, pot-bellied pigs and Scottish Highlander cattle.
- c. The kitchen and animal slaughter areas had an accumulation of dirt and debris.

10. On or about February 15, 2007, respondent failed to meet the minimum Standards, as follows:

- a. The kitchen and animal slaughter areas had an accumulation of dirt, debris, and blood.

11. On or about June 4, 2007, respondent failed to employ either a full-time attending veterinarian, or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care, and specifically, respondent's written program of veterinary care was obsolete.

12. On or about June 4, 2007, respondent failed to have an attending veterinarian provide adequate veterinary care to its animals, and failed to establish and maintain programs of adequate

veterinary care that included daily observation, and communication with respondent's attending veterinarian, and specifically, respondent failed to have its attending veterinarian perform diagnostic checks on and confirm results of fecal tests for a thin tiger that had been wormed and offered additional food but had failed to improve.

13. On or about June 4, 2007, respondent failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in its possession or control, or transported, sold, euthanized, or otherwise disposed of, and specifically, there were no acquisition records for two sheep, one pot-bellied pig and one calf, or disposition records for two lions, one fox and one goat.

14. On or about June 4, 2007, respondent failed to meet the minimum Standards, as follows:

- a. Respondent failed to develop, document and follow a plan for the environmental enhancement for a baboon.
- b. The black bear enclosure was in disrepair, with welded wire panels that were beginning to bend and sag.
- c. The tiger enclosure had inadequate drainage, resulting in its containing excessive mud when it rains.
- d. Respondent failed to provide to animals wholesome, palatable food of sufficient quantity and nutritive value, and specifically, provided no feed receptacles to goats, fallow deer and a llama, and fed the animals food placed on the ground.
- e. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, a Scottish Highland bull and a Scottish Highland calf were housed in pens that contained deep manure, there was excessive excreta in the black bear enclosure, excessive animal waste and mud in the sheep shelter.
- f. There was old equipment and miscellaneous materials adjacent to the deer and goat enclosures, weeds and old building supplies adjacent to the large felid areas, and old fencing and logs in an area accessible to llama, bison and Scottish Highland cattle.
- g. Respondent failed to remove food waste from enclosures housing lynx, tigers and a cougar as often as necessary.

15. On or about December 10, 2007, respondent failed to meet the minimum Standards, as follows:

- a. The black bear enclosure was in disrepair, with broken wire.
- b. There was old equipment and miscellaneous materials adjacent to the bear and across from the large felid areas, the food storage room contained old equipment and debris, and the meat cooler floor had a large accumulation of blood and dirt.

16. On or about December 11, 2007, respondent failed to meet the minimum Standards, as follows:

- a. Respondent failed to develop, document and follow a plan for the environmental enhancement for a singly-housed baboon.

17. On or about April 7, 2008, respondent failed to meet the minimum Standards, as follows:

- a. The raccoon enclosure was in disrepair, with loose wire and the serval enclosure had a hole in the floor.
- b. The enclosures housing Scottish Highland cattle and bison had inadequate drainage, resulting in their containing excessive mud as a result of rain.

18. On or about July 29, 2008, respondent failed to meet the minimum Standards, as follows:

- a. The enclosures housing three non-human primates were not constructed so as to be readily cleaned and sanitized, as required.
- b. Respondent failed to keep the water receptacle for a snow macaque clean and sanitary.
- c. Respondent housed three goats in an outdoor enclosure with insufficient shelter from sunlight or inclement weather.
- d. Respondent failed to keep water receptacles for goats, fox, bears, servals, bison, Scottish Highlander cattle and raccoons clean and sanitary.
- e. Respondent failed to remove excreta from primary enclosures as often as



necessary, and specifically, a racoon and servals were housed in pens that contained excessive amounts of excreta.

- f. There was old equipment and debris in the freezer area, and the freezer itself was not kept clean.

19. On or about April 6, 2009, respondent failed to meet the minimum Standards, as follows:

- a. The bison and Scottish Highlander cattle enclosure was in disrepair.
- b. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, stored food intended for feeding animals in a freezer containing an unwrapped dead leopard.
- c. Respondent failed to store food supplies in facilities that protect them from deterioration and contamination.
- d. Respondent failed to remove food waste from three enclosures housing tigers and a lion as often as necessary.

20. On August 3, 2009, respondent failed to allow APHIS officials to conduct an inspection of respondent's records at respondent's premises.

21. On or about August 3, 2009, respondent failed to meet the minimum Standards, as follows:

- a. Respondent failed to remove excreta and food waste from primary enclosures for non-human primates, as required.
- b. Respondent failed to sanitize enclosures for non-human primates, as required.
- c. Respondent failed to remove food and animal waste from felid barn, as required.
- d. The Scottish Highlander enclosure lacked sufficient shelter from sunlight or inclement weather.
- e. Respondent failed to keep the water receptacles for foxes, leopards, cougars, Asian bears, grizzly bears and servals clean and sanitary.

- f. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, enclosures for a lion and tigers contained excessive amounts of excreta.
- g. Respondent failed to establish and maintain an effective pest control program.

22. On or about November 9, 2009, respondent failed to meet the minimum Standards, as follows:

- a. Respondent failed to remove excreta and food waste from primary enclosures for a snow macaque, as required.
- b. The tiger and grizzly bear enclosures were in disrepair.
- c. Respondent failed to remove food and animal waste from enclosures housing lions, foxes, tigers, and raccoons, as required.
- d. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, respondent's produce cooler contained spoiled produce.
- e. Respondent failed to store food supplies in facilities that protect them from deterioration and contamination.
- f. Respondent failed to keep water receptacles for foxes, leopards, Asian bears, grizzly bears, and servals clean and sanitary.
- g. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, enclosures for raccoons, pot-bellied pigs, a lion and tigers contained excessive amounts of excreta.
- h. Respondent failed to establish and maintain an effective pest control program.

23. On or about January 6, 2010, respondent failed to meet the minimum Standards, as follows:

- a. The tiger enclosure was in disrepair.

24. On or about May 4, 2010, respondent failed to meet the minimum Standards, as

follows:

- a. The tiger enclosure remained in disrepair.
- b. The pot-bellied pig enclosure was in disrepair.
- c. Respondent failed to establish and maintain an effective pest control program.

25. On or about August 19, 2010, respondent failed to meet the minimum Standards, as

follows:

- a. Respondent failed to keep the water receptacle for a snow macaque clean and sanitary.
- b. The tiger enclosure remained in disrepair.
- c. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, respondent's produce cooler contained spoiled produce.
- d. Respondent failed to keep water receptacles for bison, Scottish Highlander cattle, Asian bears, raccoons and lions clean and sanitary.
- e. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, the enclosure for raccoons contained excessive amounts of excreta.
- f. Respondent failed to remove food and animal waste from enclosures housing tigers, as required.
- g. Respondent failed to establish and maintain an effective pest control program.
- h. Respondent had an inadequate number of trained employees.

#### Conclusions of Law

1. Respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.
2. On or about October 20, 2006, respondent failed to handle a tiger during public



exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and the general viewing public so as to assure the safety of the animal and the public, and specifically, respondent permitted an individual who was interviewing respondent's president to feed the tiger by hand through the tiger's enclosure, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

3. On or about November 19, 2006, respondent failed to handle a tiger during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and the general viewing public so as to assure the safety of the animal and the public, and failed to handle the tiger as carefully as possible, and specifically, failed to secure the tiger's transport enclosure to its display enclosure in preparation for public exhibition, thereby running the risk of the tiger's escaping from one or the other of the enclosures, in willful violation of the Regulations. 9 C.F.R. §§ 2.131(b)(1), (c)(1).

4. On or about November 19, 2006, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The macaque enclosure was not constructed so as to be structurally sound, and specifically, the enclosure was not secure; it was not attached to the floor, had no bottom and could tip over permitting the animal to escape. 9 C.F.R. § 3.80(a).

5. On January 3, 2007, and December 2, 2008, respondent failed to allow APHIS officials to conduct an inspection at respondent's premises, in willful violation of the Regulations (9 C.F.R. § 2.126(a)).

6. On or about January 23, 2007, respondent failed to employ either a full-time attending veterinarian, or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care and regularly scheduled visits, and specifically, respondent's arrangement

with its part-time attending veterinarian did not include an annual visit to respondent's facility, in willful violation of the Regulations (9 C.F.R. § 2.40(a)).

7. On or about January 23, 2007, respondent failed to have an attending veterinarian provide adequate veterinary care to its animals, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases and injuries, and specifically, failed to have the nails of a fennec fox and a llama trimmed, in willful violation of the Regulations (9 C.F.R. §§ 2.40(a), (b)(2)).

8. On or about January 23, 2007, respondent failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in its possession or control, or transported, sold, euthanized, or otherwise disposed of, in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

9. On or about January 23, 2007, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The rabbit enclosure contained an accumulation of feces. 9 C.F.R. § 3.56(a)(2).
- b. Respondent failed to provide adequate shelter from inclement weather to bison, fallow deer, pot-bellied pigs and Scottish Highlander cattle. 9 C.F.R. § 3.127(b).
- c. The kitchen and animal slaughter areas had an accumulation of dirt and debris. 9 C.F.R. § 3.131(c).

10. On or about February 15, 2007, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The kitchen and animal slaughter areas had an accumulation of dirt, debris, and blood. 9 C.F.R. § 3.131(c).

11. On or about June 4, 2007, respondent failed to employ either a full-time attending

veterinarian, or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care, and specifically, respondent's written program of veterinary care was obsolete, in willful violation of the Regulations (9 C.F.R. § 2.40(a)).

12. On or about June 4, 2007, respondent failed to have an attending veterinarian provide adequate veterinary care to its animals, and failed to establish and maintain programs of adequate veterinary care that included daily observation, and communication with respondent's attending veterinarian, and specifically, respondent failed to have its attending veterinarian perform diagnostic checks on and confirm results of fecal tests for a thin tiger that had been wormed and offered additional food but had failed to improve, in willful violation of the Regulations (9 C.F.R. §§ 2.40 (a), (b)(3)).

13. On or about June 4, 2007, respondent failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in its possession or control, or transported, sold, euthanized, or otherwise disposed of, and specifically, there were no acquisition records for two sheep, one pot-bellied pig and one calf, or disposition records for two lions, one fox and one goat, in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

14. On or about June 4, 2007, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to develop, document and follow a plan for the environmental enhancement for a baboon. 9 C.F.R. § 3.81 (b), (c)(4).
- b. The black bear enclosure was in disrepair, with welded wire panels that were beginning to bend and sag. 9 C.F.R. § 3.125(a)
- c. The tiger enclosure had inadequate drainage, resulting in its containing

excessive mud when it rains. 9 C.F.R. § 3.127(c).

- d. Respondent failed to provide to animals wholesome, palatable food of sufficient quantity and nutritive value, and specifically, provided no feed receptacles to goats, fallow deer and a llama, and fed the animals food placed on the ground. 9 C.F.R. § 3.129.
- e. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, a Scottish Highland bull and a Scottish Highland calf were housed in pens that contained deep manure, there was excessive excreta in the black bear enclosure, excessive animal waste and mud in the sheep shelter. 9 C.F.R. § 3.131(a).
- f. There was old equipment and miscellaneous materials adjacent to the deer and goat enclosures, weeds and old building supplies adjacent to the large felid areas, and old fencing and logs in an area accessible to llama, bison and Scottish Highland cattle. 9 C.F.R. § 3.131(c).
- g. Respondent failed to remove food waste from enclosures housing lynx, tigers and a cougar as often as necessary. 9 C.F.R. § 3.125(d).

15. On or about December 10, 2007, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The black bear enclosure was in disrepair, with broken wire. 9 C.F.R. § 3.125(a).
- b. There was old equipment and miscellaneous materials adjacent to the bear and across from the large felid areas, the food storage room contained old equipment and debris, and the meat cooler floor had a large accumulation of blood and dirt. 9 C.F.R. § 3.131(c).

16. On or about December 11, 2007, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to develop, document and follow a plan for the environmental enhancement for a singly-housed baboon. 9 C.F.R. § 3.81 (b), (c)(4).

17. On or about April 7, 2008, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The raccoon enclosure was in disrepair, with loose wire and the serval enclosure had a hole in the floor. 9 C.F.R. § 3.125(a).
- b. The enclosures housing Scottish Highland cattle and bison had inadequate drainage, resulting in their containing excessive mud as a result of rain. 9 C.F.R. § 3.127(c).

18. On or about July 29, 2008, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The enclosures housing three non-human primates were not constructed so as to be readily cleaned and sanitized, as required. 9 C.F.R. § 3.80(a)(2)(ix).
- b. Respondent failed to keep the water receptacle for a snow macaque clean and sanitary. 9 C.F.R. § 3.83.
- c. Respondent housed three goats in an outdoor enclosure with insufficient shelter from sunlight or inclement weather. 9 C.F.R. §§ 3.127(a), (b).
- d. Respondent failed to keep water receptacles for goats, fox, bears, servals, bison, Scottish Highlander cattle and raccoons clean and sanitary. 9 C.F.R. § 3.130.
- e. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, a racoon and servals were housed in pens that contained excessive amounts of excreta. 9 C.F.R. § 3.131(a).
- f. There was old equipment and debris in the freezer area, and the freezer itself was not kept clean. 9 C.F.R. § 3.131(c).

19. On or about April 6, 2009, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The bison and Scottish Highlander cattle enclosure was in disrepair. 9 C.F.R. § 3.125(a).
- b. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, stored food intended for feeding animals in a freezer containing an unwrapped dead leopard. 9 C.F.R. §§ 3.125(d), 3.129.
- c. Respondent failed to store food supplies in facilities that protect them from



deterioration and contamination. 9 C.F.R. § 3.125(c).

- d. Respondent failed to remove food waste from three enclosures housing tigers and a lion as often as necessary. 9 C.F.R. § 3.125(d).

20. On August 3, 2009, respondent failed to allow APHIS officials to conduct an inspection of respondent's records at respondent's premises, in willful violation of the Regulations (9 C.F.R. § 2.126(a)).

21. On or about August 3, 2009, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to remove excreta and food waste from primary enclosures for non-human primates, as required. 9 C.F.R. § 3.84(a).
- b. Respondent failed to sanitize enclosures for non-human primates, as required. 9 C.F.R. § 3.84(b)(2).
- c. Respondent failed to remove food and animal waste from felid barn, as required. 9 C.F.R. § 3.125(d).
- d. The Scottish Highlander enclosure lacked sufficient shelter from sunlight or inclement weather. 9 C.F.R. §§ 3.127(a), (b).
- e. Respondent failed to keep the water receptacles for foxes, leopards, cougars, Asian bears, grizzly bears and servals clean and sanitary. 9 C.F.R. § 3.130.
- f. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, enclosures for a lion and tigers contained excessive amounts of excreta. 9 C.F.R. § 3.131(a).
- g. Respondent failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

22. On or about November 9, 2009, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to remove excreta and food waste from primary enclosures for a snow macaque, as required. 9 C.F.R. § 3.84(a).

- b. The tiger and grizzly bear enclosures were in disrepair. 9 C.F.R. § 3.125(a).
- c. Respondent failed to remove food and animal waste from enclosures housing lions, foxes, tigers, and raccoons, as required. 9 C.F.R. § 3.125(d).
- d. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, respondent's produce cooler contained spoiled produce. 9 C.F.R. §§ 3.125(d), 3.129.
- e. Respondent failed to store food supplies in facilities that protect them from deterioration and contamination. 9 C.F.R. § 3.125(c).
- f. Respondent failed to keep water receptacles for foxes, leopards, Asian bears, grizzly bears, and servals clean and sanitary. 9 C.F.R. § 3.130.
- g. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, enclosures for raccoons, pot-bellied pigs, a lion and tigers contained excessive amounts of excreta. 9 C.F.R. § 3.131(a).
- h. Respondent failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

23. On or about January 6, 2010, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The tiger enclosure was in disrepair. 9 C.F.R. § 3.125(a).

24. On or about May 4, 2010, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. The tiger enclosure remained in disrepair. 9 C.F.R. § 3.125(a).
- b. The pot-bellied pig enclosure was in disrepair. 9 C.F.R. § 3.125(a).
- c. Respondent failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

25. On or about August 19, 2010, respondent willfully violated the Regulations (9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to keep the water receptacle for a snow macaque clean and

sanitary. 9 C.F.R. § 3.83.

- b. The tiger enclosure remained in disrepair. 9 C.F.R. § 3.125(a).
- c. Respondent failed to ensure that food provided to animals was wholesome and palatable, and specifically, respondent's produce cooler contained spoiled produce. 9 C.F.R. §§ 3.125(d), 3.129.
- d. Respondent failed to keep water receptacles for bison, Scottish Highlander cattle, Asian bears, raccoons and lions clean and sanitary. 9 C.F.R. § 3.130.
- e. Respondent failed to remove excreta from primary enclosures as often as necessary, and specifically, the enclosure for raccoons contained excessive amounts of excreta. 9 C.F.R. § 3.131(a).
- f. Respondent failed to remove food and animal waste from enclosures housing tigers, as required. 9 C.F.R. § 3.125(d).
- g. Respondent failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).
- h. Respondent had an inadequate number of trained employees. 9 C.F.R. § 3.132.

#### Order

1. Respondent, its 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.

2. Respondent is assessed a civil penalty of \$500, to be paid by check made payable to the Treasurer of the United States.

3. Animal Welfare Act license number 34-C-0227 is suspended for a period of three months, and continuing thereafter until such time as APHIS determines that respondent has attained compliance with the Regulations and Standards.


4. Respondent agrees not to acquire any animal, as that term is defined in the

Regulations, for a period of two years from the effective date of this consent decision and order except with the prior approval of APHIS.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

SUMMER WIND FARM SANCTUARY  
a Michigan corporation  
Respondent

By   
Its President

  
Colleen A. Carroll  
Attorney for Complainant

Done at Washington, D.C.  
this 5<sup>th</sup> day of March 2012

  
Peter M. Davenport  
Chief Administrative Law Judge