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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 12-0004
)
Isaac Martin,)
)
Respondent) Complaint

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), hereinafter referred to as the Act, and the regulations and standards (9 C.F.R. § 1.1 et seq.) issued pursuant to the Act, and, therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

I

A. Isaac Martin, hereinafter referred to as the respondent, is an individual whose mailing address is 1995 Noble Road, Shiloh, Ohio 44878.

B. The respondent, at all times material herein, was licensed and operating as a dealer as defined in the Act and the regulations.

II

A. On September 29, 2009, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment and services, in willful violation of section 2.40(b)(1) of the regulations (9 C.F.R. § 2.40(b)(1)).

B. On September 29, 2009, APHIS inspected respondent's premises and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Housing facilities and areas used for storing animal food or bedding are not free from accumulation of trash and waste material (9 C.F.R. § 3.1(b));

2. Bedding was not stored in such a manner as to provide protection from contamination and vermin infestation (9 C.F.R. § 3.1(e));

3. Food receptacles were not kept clean and sanitized (9 C.F.R. § 3.9(b));

4. Primary enclosures were not cleaned often enough to prevent an excessive accumulation of feces and food waste (9 C.F.R. § 3.11(a)); and

5. The hard surfaces of the primary enclosures were not adequately cleaned and sanitized (9 C.F.R. § 3.11(b)(3)(iii)).

III

A. On January 28, 2010, APHIS inspected respondent's premises and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Food waste and excreta were not removed daily from primary enclosures (9 C.F.R. § 3.11(a)); and

2. The hard surfaces of the primary enclosures were not adequately cleaned and sanitized (9 C.F.R. § 3.11(b)(3)(iii)).

IV

A. On May 18, 2010, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment and services, in willful violation of section 2.40(b)(1) of the regulations (9 C.F.R. § 2.40(b)(1)).

B. On May 18, 2010, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included appropriate

methods to prevent, control, diagnose and treat diseases and injuries, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

C. On May 18, 2010, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included daily observation of all animals to assess their health and well-being, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

D. On May 18, 2010, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Primary enclosure had excessive rust on the wire mesh door and sharp edges (9 C.F.R. § 3.6(a));
2. Food receptacles that could be easily cleaned and sanitized were not provided (9 C.F.R. § 3.9(b));
3. Water receptacles were not kept clean and sanitized (9 C.F.R. § 3.10);
4. Food waste and excreta were not removed daily from primary enclosures (9 C.F.R. § 3.11(a)); and
5. The hard surfaces of the primary enclosures were

not adequately cleaned and sanitized (9 C.F.R. § 3.11(b)(3)(iii)).

V

A. On June 28, 2010, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included appropriate methods to prevent, control, diagnose and treat diseases and injuries, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

B. On June 28, 2010, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included daily observation of all animals to assess their health and well-being, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

C. On June 28, 2010, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. The surfaces of housing facilities were not constructed in such a manner as to allow them to be readily cleaned and sanitized (9 C.F.R. § 3.1(c)(1)(i));

2. Primary enclosures were not constructed in such a manner so as to allow the animals to be securely contained (9 C.F.R. § 3.6(a)(2)(iii));

3. Food waste and excreta were not removed daily from primary enclosures (9 C.F.R. § 3.11(a)); and

4. The hard surfaces of the primary enclosures were not adequately cleaned and sanitized (9 C.F.R. § 3.11(b)(3)(iii)).

VI

A. On October 14, 2010, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Trash containers in housing facilities did not have tightly fitted lids on them at all times (9 C.F.R. § 3.1(f)); and

2. Sheltered housing facilities were not lighted well enough to permit routine inspection and cleaning of the facility or observation of the animals, and did not aid in maintaining the well-being of the animals (9 C.F.R. § 3.3(c)).

VII

A. On February 23, 2011, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included appropriate methods to prevent, control, diagnose and treat diseases and injuries, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

B. On February 23, 2011, APHIS inspected respondent's premises and found that respondent failed to establish and maintain a program of adequate veterinary care that included daily observation of all animals to assess their health and well-being, in willful violation of section 2.40(b)(3) of the regulations (9 C.F.R. § 2.40(b)(3)).

C. On February 23, 2011, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standards specified below:

1. Housing facilities were not structurally sound and kept in good repair, to protect animals from injury (9 C.F.R. § 3.1(a));

2. Housing facilities and areas used for storing food

and bedding were not kept free of accumulations of trash and other waste materials (9 C.F.R. § 3.1(b));

3. Surfaces of housing facilities were not maintained so that they could be readily cleaned to maintain proper husbandry practices (9 C.F.R. § 3.1(c)(2));

4. Primary enclosures were not cleared of excessive excreta and other waste daily, to reduce disease hazards, odors and pests (9 C.F.R. § 3.11(a)); and

5. Surfaces of primary enclosures were not sanitized effectively using the appropriate methods so as to remove all organic material (9 C.F.R. § 3.11(b)(3)(iii)).

VIII

A. On May 31, 2011, APHIS inspected respondent's facility and found the following willful violations of section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the standard specified below:

1. Surfaces of primary enclosures were not sanitized effectively using the appropriate methods so as to remove all organic material (9 C.F.R. § 3.11(b)(3)(iii)).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated

the Act and the regulations and standards issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

- (a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

- (b) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and

(c) Revoking the respondent's license under the Act.

Done at Washington, D.C.
this 3rd day of October, 2011

Acting

Administrator
Animal and Plant Health
Inspection Service

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