

Docket No. 12-0356

I

II

A. On October 29, 2008, APHIS attempted to inspect respondent's premises and records but was unsuccessful because respondent was not available during business hours, in willful

violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

III

A. On March 12, 2009, APHIS attempted to inspect respondent's premises and records but could not complete the inspection because respondent became unavailable during business hours, in willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

B. On March 12, 2009, APHIS partially inspected respondents' 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) The premises were not keep clean and in good repair so as to protect the animals from injury and to facilitate prescribed husbandry practices (9 C.F.R. § 3.131(c)).

IV

A. On September 21, 2009, APHIS attempted to inspect respondent's premises and records but was unsuccessful because respondent was not available during business hours, in willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

V

A. On November 18, 2009, APHIS attempted to inspect respondent's premises and records but was unsuccessful because respondent's records were not available during business hours, in

willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

VI

A. On March 24, 2010, APHIS attempted to inspect respondent's premises and records but was unsuccessful because respondent's records were not available during business hours, in willful violation of section 2.126 of the regulations (9 C.F.R. § 2.126).

B. On March 24, 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) An effective program for the control of insects that are pests was not established and maintained (9 C.F.R. § 3.84(d)).

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 files 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

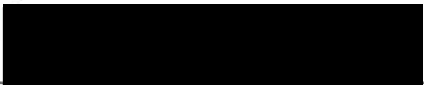
2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(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) Suspending the respondent's license under the
Act.

Done at Washington, D.C.
this 12th day of March, 2012

Acting 
Administrator
Animal and Plant Health
Inspection Service

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