

2011 OCT 26 PM 2: 45

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 12-0039
Animal Source Texas, Inc.,)
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. §§ 2131-2159), hereinafter referred to as the Act, and the regulations (9 C.F.R. §§ 1.1-4.11) 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. Animal Source Texas, Inc., hereinafter referred to as respondent, is a corporation whose mailing address is 3513 Hopkins Road, Krum, Texas 76249.

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

II

On February 19, 2008, APHIS inspected respondent's premises and records and found that the respondent had failed to maintain complete records showing the acquisition, disposition, and identification of animals, in willful violation of section 10 of the Act (7 U.S.C. § 2140) and section 2.75(b)(1) of the regulations (9 C.F.R. § 2.75(b)(1)).

III

A. From July 23 through July 28, 2009, respondent failed to maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

B. On July 23 through July 28, 2009, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the regulations specified below:

1. The respondent failed to handle three otters in a manner that did not cause trauma, physical harm, and unnecessary discomfort (9 C.F.R. § 2.131(b)(1)); and
2. During surface transportation, the respondent failed to provide needed veterinary care to animals in transit who were in obvious physical distress (9 C.F.R. § 3.140(a)).

IV

On October 14, 2009, respondent failed to maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

V

On December 4, 2009, respondent failed to maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

VI

On December 15, 2009, respondent failed to maintain programs of adequate veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care, in willful violation of section 2.40(b)(2) of the regulations (9 C.F.R. § 2.40(b)(2)).

VII

On January 4, 2010, the respondent failed to maintain complete records showing the acquisition, disposition, and identification of animals, in willful violation of section 10 of the Act (7 U.S.C. § 2140) and section 2.75(b)(1) of the regulations (9 C.F.R. § 2.75(b)(1)).

VIII

On or about February 12, 2010, the respondent failed to maintain programs of adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine to provide 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)).

IX

A. On April 28, 2010, the respondent failed to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, , in willful violation of section 2.40(a)(2) of the regulations (9 C.F.R. § 2.40(a)(2)).

B. On April 28, 2010, the respondent willfully violated section 2.100(a) of the regulations (9 C.F.R. § 2.100(a)) and the regulation specified below:

1. The respondent failed to demonstrate adequate experience and knowledge of the species they maintain (9 C.F.R. § 2.131(a)).

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 or revoking respondent's license under the Act.

Done at Washington, D.C.

this 24th day of October, 2011


Acting Administrator
Animal and Plant Health Inspection Service

Buren W. Kidd
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
Washington, D.C. 20250-1400
Telephone (202) 720-2633