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CALIFORNIA  
UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

2011 MAR -9 AM 9:34

In re:

John Reiff Zimmerman,

Respondent,

) AWA Docket No.  
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ORDER TO SHOW CAUSE WHY  
ANIMAL WELFARE ACT LICENSE  
23-A-0049 SHOULD NOT BE  
TERMINATED

RECEIVED 11-0/56

There is reason to believe that Animal Welfare Act license 23-A-0049 should be terminated pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (the "Act" or "AWA"), and the regulations issued thereunder (9 C.F.R. § 1.1 et seq.) (the "Regulations"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this Order to Show Cause alleging as follows:

JURISDICTIONAL ALLEGATIONS

1. Respondent John Reiff Zimmerman also known as John Zimmerman is an individual whose mailing address is 1087 Silver Hill Road, Narvon, Pennsylvania 17555. At all times mentioned herein, said respondent operated as a dealer, as that term is used in the Act and the Regulations, and, as an individual, held license number 23-A-0049. On or about July 19, 2010, respondent Zimmerman submitted to complainant an APHIS Form 7003 (Application for License - License Renewal) for license number 23-A-0049.

BASIS FOR TERMINATION

2. The AWA is a remedial statute enacted to "insure that animals . . . are provided humane care and treatment." Section 2.11 of the Regulations, through section 2.12, authorizes the Department to terminate any license issued to a person who:

"Has made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled nolo contendere (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining

to the transportation, ownership, neglect or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.” 9 C.F.R. § 2.11(a)(6).

The final version of sections 2.11 and 2.12 of the Regulations was published in the Federal Register on July 14, 2004 (69 Fed. Reg. 42,089 (July 14, 2004)). Sections 2.11 and 2.12 of the Regulations became effective on August 14, 2004 (69 Fed. Reg. 42,089 (July 14, 2004)).

3. On June 17, 2010, Respondent Zimmerman was found guilty of animal cruelty in Commonwealth of Pennsylvania v. John Reiff Zimmerman, No. MJ-02306-NT-0000115-2010 (Magisterial District Court June 17, 2010) affirmed CP SA -000177-201 (Court of Common Pleas of Lancaster County December 9, 2010).

4. Allowing Respondent Zimmerman to continue to hold an AWA license would be contrary to the Act’s purpose of ensuring humane treatment of animals and the Regulations which prohibit an individual who has been convicted of animal cruelty within 1 year of his application for renewal of his AWA license from having a license. See 7 C.F.R. § 2.11(a)(4). For these reasons, the Administrator determined that the allowing the Respondent to continue to have a license would be contrary to the purposes of the Act, and that said respondent’s license should be terminated and he be permanently disqualified from obtaining a license.

WHEREFORE, it is hereby requested that for the purpose of determining whether Animal Welfare Act license 23-A-0049 should be terminated in accordance with the Act and the Regulations, this Order to Show Cause shall be served upon the respondent. 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 Order to Show Cause.

The Animal and Plant Health Inspection Service requests that unless respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this Order to Show Cause, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order terminating respondent's Animal Welfare Act license (number 23-A-0049), permanently disqualifying respondent from obtaining a license, and disqualifying any of his agents, assigns, and any business entity for which respondent is an officer, agent or representative or otherwise holds a substantial business interest, from obtaining a license for a period of one year.

Done at Washington, D.C.  
this 7<sup>th</sup> day of Mar. 2011

*Acting* Kerim Snela  
Administrator  
Animal and Plant Health Inspection Service

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