



### SETTLEMENT AGREEMENT

THIS AGREEMENT is entered into by the United States Department of Agriculture, Animal and Plant Health Inspection Service (“APHIS”), and Dennis H. Miller, with reference to the following facts:

1. At all times mentioned herein, Dennis H. Miller operated as a Dealer under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (the “AWA”) at the facility located at 5807 CR 19, Millersburg, OH 44654.

2. APHIS has documented evidence of Dennis H. Miller’s non-compliance with the AWA and the regulations promulgated thereunder (9 C.F.R. § 1.1 *et seq.*), and specifically, has documented evidence of Dennis H. Miller’s failure to be available and allow APHIS officials to enter his place of business, examine records, make copies of the records, inspect and photograph his facilities, property and animals, and to document the conditions as required by the AWA regulations and AWA standards for the humane handling and treatment of animals (9 C.F.R. §§ 2.126, 3.1-3.19).

3. APHIS has not instituted an administrative enforcement action based on the findings described above in paragraph 2.

4. APHIS and Dennis H. Miller have determined to settle the issues related to the potential violations of the AWA and the regulations and standards issued thereunder, as described above.

NOW, THEREFORE, it is agreed as follows:

5. Dennis H. Miller admits that the Secretary has jurisdiction in this matter, and waives oral hearing and further procedure.

6. Dennis H. Miller consents and agrees to the following:

a. As of the date Dennis H. Miller signs this Settlement Agreement, AWA license 31-A-0271 is hereby revoked.

b.



**United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Investigative and Enforcement Services**

Reference Number: OH09049 AC  
Issuance Date: March 13, 2012  
Version: Final

b. Dennis H. Miller and any partnerships, firms, corporations or other legal entities that he controls or in which he has a substantial interest, financial or otherwise, are permanently disqualified from (a) obtaining an Animal Welfare Act license, and (b) engaging in activities governed by the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) and regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*), either directly or indirectly, on or off 5807 CR 19, Millersburg, OH 44654.

7. Dennis H. Miller consents and agrees that his failure to comply with the terms of this Settlement Agreement shall automatically void paragraph 8 below, and that APHIS shall have the right to immediately institute enforcement proceedings against Dennis H. Miller based upon the non-compliant items documented at 5807 CR 19, Millersburg, OH 44654, in connection with animal welfare investigation OH09049 AC, and any future violations, and to pursue any and all remedies available to APHIS under the AWA.

8. For and in consideration of Dennis H. Miller's agreements and actions described in paragraph 6 above, and the promises and admissions of Dennis H. Miller set forth herein, APHIS agrees not to institute an administrative or civil enforcement action against Dennis H. Miller in connection with the alleged AWA violations documented in animal welfare investigation OH09049 AC.

APHIS and Dennis H. Miller warrant and represent that their respective representatives, whose signatures appear below, have the authority to execute this Settlement Agreement and to bind each of the parties, respectively, to this Settlement Agreement.



United States Department of Agriculture  
Animal and Plant Health Inspection Service  
Investigative and Enforcement Services

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Dennis H. Miller

Signature: \_\_\_\_\_

Date: 4-10-12

U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

APR 20 2012

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Robert J. Huttenlocker  
Director  
Investigative and Enforcement Services  
Animal and Plant Health Inspection Service  
United States Department of Agriculture