

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 03-0035
)	
ZOOCATS, INC., a Texas corporation;)	
MARCUS COOK, also known as MARCUS))	
CLINE-HINES COOK, an individual; and)	
MELISSA COODY, also known as MISTY))	
COODY, an individual; jointly doing)	
business as ZOO DYNAMICS and)	
ZOOCATS ZOOLOGICAL SYSTEMS)	
)	
Respondents)	DECISION AND ORDER

This is an administrative proceeding initiated by the Animal and Plant Health Inspection Service (“APHIS”), an agency of the United States Department of Agriculture (“USDA”), by a complaint filed on September 30, 2003 and amended on May 8, 2007. The amended complaint alleges that on various occasions during July 2002 through February 2007, the named respondents violated the Animal Welfare Act (7 U.S.C. §§ 2131-2159; “the Act”) and regulations and standards under the Act (9 C.F.R. §§ 1.1-4.11; “the regulations and standards” or “the regulations”), by the methods they used to exhibit tigers and other animals to the public, and for failing to provide animals in their custody with proper care and treatment. Two respondents named in the amended complaint, Six Flags Over Texas, Inc. and Marian Buehler, agreed to the disposition of the allegations against them by a consent decree entered on February 5, 2007. In respect to the remaining respondents, APHIS seeks a finding that ZooCats does not meet the definition of a “research facility” as that term is used in the Act and the regulations; a cease and desist

order; and the revocation of the exhibitor's license it issued to ZooCats, Inc., or alternatively, the assessment of civil penalties of \$100,000.00.

APHIS is represented by its attorney, Colleen A. Carroll, Office of the General Counsel, USDA, Washington, DC. Respondents are represented by their attorney, Bryan L. Sample, Dallas, Texas. A transcribed hearing was held in this proceeding in Dallas, Texas, on January 28 through February 1, 2008, at which various documents were received in evidence and testimony subject to cross-examination was given. References to the transcript shall be indicated by the prefix "Tr." followed by the page number. Exhibits are marked numerically with the prefix "Cx" for those sponsored by Complainant, and with the prefix "Rx" for those sponsored by Respondents. Post hearing briefs and proposed findings of facts, conclusions and written arguments were filed by both parties in accordance with a schedule set at the close of the hearing that was later extended at the request of the parties, and that ended on August 29, 2008.

After fully considering the record evidence, the arguments of the parties and applicable law, I am entering an order that, for the reasons hereinafter stated, finds that ZooCats does not meet the definition of a "research facility" as that term is used in the Act and the regulations; subjects Respondents to a cease and desist order that prohibits the continuation of practices that have allowed members of the public, and children in particular, to be in dangerous, physical contact with lions, tigers and other predatory animals in violation of the Act and the regulations and standards; and revokes exhibitor license number 74-C-0426 issued to ZooCats, Inc.

Findings

1. Respondents Marcus Cline-Hines Cook, Janice Cook and Melissa (“Misty”) Coody are the directors of ZooCats, Inc., a Texas non-profit corporation that does business as ZooCats, Zoo Dynamics and ZooCats Zoological Systems. The corporation’s registered agent for service of process is Bryan L. Sample, 25 Highland Park Village, Suite 100, Dallas, Texas 75205-2726. At all relevant times, ZooCats, Inc. operated as an exhibitor as that term is defined in the Act (7 U.S.C. § 2132(h)) and the regulations (7 C.F.R. §1.1), and held a Class “C” Animal Welfare Act exhibitor license (number 74-C-0426) that is required by the regulations for all persons showing or displaying animals to the public.

2. Respondents have a moderately-large business exhibiting wild and exotic animals for profit notwithstanding the registration of ZooCats as a Texas non-profit corporation.

3. ZooCats, Inc. was also registered as a research facility, and held registration number 74-R-0172. However, from approximately April 15, 2004 to the date the amended complaint was filed, ZooCats was not a school, institution, or organization that uses or intends to use live animals in research, tests, or experiments; did not purchase or transport live animals for such purposes; and did not receive funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments.

4. In addition to being a corporate director of ZooCats, Inc., Marcus Cline-Hines Cook, at all relevant times, was the operations director of ZooCats, Inc, and was the primary person involved in its day-to-day operations.

5. Janice Cook is Marcus Cook's mother and did not directly participate in the exhibition of animals by her son or ZooCats, Inc.

6. Melissa (Misty) Coody is a police officer with whom Marcus Cook testified he has a romantic relationship, and who has "... contributed quite a bit of money, a loan, quite a bit of money as I did as well to ZooCats to help it get on its feet." He further testified that in addition to being one of the top three directors of ZooCats, Inc., she has a long history of working with the big cats after being trained by him. (Tr. 1280-1282).

7. On May 23, 2002, Marcus Cook exhibited a tiger at a photographer's studios without a physical barrier separating the tiger from the photographer. While the tiger was being posed and photographed, Mr. Cook and other trainers employed cattle prods to control it. It is uncertain whether the cattle prods were ever activated, or actually used to stun the tiger during the photo shoot.

8. Respondents exhibited tigers and other animals, from June 8 to July 19, 2002, at Six Flags, Arlington, Texas where children were allowed to handle and pose with tiger cubs, and have their pictures taken with them for a fee. On June 22, 2002, many children were observed being photographed while holding tiger cubs as they bottle-fed them milk. The children were following instructions from teenage handlers employed by Respondents, and the purpose of the bottle-feeding was to distract the tiger cubs and keep them calm. The technique was risky at best and some people, including a child, were scratched by tiger cubs during these exhibitions. (Cx 19).

9. On approximately 64 occasions between February 10 and February 14, 2003, Respondents posed a small tiger with groups of children for class photographs that

included kindergarten and first grade classes, at Prestonwood Christian Academy, 6801 West Park Boulevard, Plano, Texas. During these photo shoots, children including kindergarteners, were allowed to touch the tiger which was being held by a handler who was bottle-feeding it. (Cx 24).

10. On February 21, 2003, Respondents exhibited adult tigers at the Westin Galleria Hotel, Dallas, Texas, and photographed spectators for a fee while they fed a tiger raw meat that they pressed through the upper, metal bars of its cage to induce the tiger to stand on its hind legs and take the meat from their hands. (Cx 24).

11. On November 4, 2003, a juvenile, 16 to 20 week old, male lion cub, owned by Respondents, was observed by an APHIS Veterinary Medical Officer, being exhibited in the retail area of a pet store at Animal Jungle, 4218 Holland Road, Virginia Beach, Virginia. The lion was in a room with a large viewing window on two sides from which it was periodically taken out on a leash by a handler who would distract it with a toy while spectators petted it. Numerous children surrounded the lion without any kind of crowd control or any physical barriers to prevent them from coming in contact with the lion. (Cx 27).

12. On June 20 through June 27, 2004, Respondents exhibited two tigers at the Red River Valley Fair in Fargo, North Dakota and photographed spectators for a fee while they fed one of the tigers raw meat on a stick that they pressed through the metal bars of the tiger's cage to induce it to stand on its hind legs and eat the meat off the stick. The evidence received at the hearing includes a photograph of a young boy standing next to Marcus Cook as the boy pressed raw meat on a stick into the open mouth of a caged tiger. (Cx 28, page 3).

13. On February 12, 2005, Respondents exhibited a 15 week old tiger cub at the Tampa Bay Auto Mall, 3925 Tampa Road, Oldsmar, Florida where it was photographed with spectators. There were no barriers between the tiger and the spectators and the only control in place was that the tiger cub was on a leash held by a handler. A spectator tried to pet the tiger cub's head and it nipped her with its teeth. The Florida Fish and Wildlife officer who investigated the incident would have had the tiger tested for rabies if the spectator who had been bitten had not signed a waiver. (Cx 35, page 15).

14. On various occasions during the period of December 5, 2000 through February 23, 2007, APHIS inspected facilities where Respondents exhibited or housed animals they exhibited, and found instances of noncompliance with the regulations and standards. Many noncompliant items concerned inadequate records or minor infractions that Respondents remedied and were no longer found upon return visits by APHIS.

However, the following were serious forms of noncompliance:

a) On June 22, 2002, July 5, 2002, February 10 through February 14, 2003, February 21, 2003, November 4, 2003, June 20 through June 27, 2004 and June 20 through June 27, 2004, contrary to 7 C.F.R. §2.131, tigers were being handled and exhibited in a manner that caused them trauma and behavioral stress with excessive risk of harm to the tigers and the public due to the lack of barriers and sufficient distance between the tigers and the viewing public, and without the presence, control and supervision of a knowledgeable and experienced animal trainer. In addition, on July 5, 2002, contrary to 7 C.F.R. §3.131 and §3.132, sanitation and employee standards were not being followed in that cages containing prairie dogs and a bear were unclean with excessive fecal material and urine, and there was only one, unsupervised employee

untrained in animal husbandry practices, caring for 3 wolves, 2 cougars, a bear and a tiger. (Cx 19).

b) On June 12, 2003, contrary to housing standards set forth in 7 C.F.R. §3.127, tigers were being housed outdoors at the Respondents' Kaufman, Texas facility in primary enclosures that were not adequately drained. There were pools of water in the enclosures and five tigers were observed to be soiled, wet and standing in mud. On February 9, 2006, some tigers were still being housed in enclosures with clay surfaces to which some large rocks had been added for better drainage, but though it had not rained for a week, all but one of those tigers had dried mud caked to their hair on their legs and abdomens. One tiger had chewed off its hair to rid itself of the caked mud. On February 23, 2007, the enclosure housing a lion and two tigers still had visible signs of drainage problems. (Cx 25, Cx 36 and Cx 38).

c) On July 30, 2004, contrary to feeding standards set forth in 7 C.F.R. § 3.129, Respondents were feeding animals every other day rather than daily, and the appearance of a number of young tigers indicated that their diet was insufficient and required evaluation by a veterinarian. On August 30, 2004, APHIS determined that though Respondents were now feeding the animals daily, a veterinarian had still not been contacted to evaluate the diet plan and the amount of food each animal needed and its need to be fed supplements. At an inspection of the Kaufman facility on October 22, 2004, the dietary plan for the animals appeared insufficient to the APHIS inspector who ascertained that a plan of approved diet for the animals had still not been developed by an attending veterinarian even though Respondents were previously instructed that it was required. On February 9, 2006, a veterinarian employed by APHIS, with expertise in the

care and feeding of lions, tigers and other big cats, accompanied an inspector and visited the Kaufman facility where she found tiger cubs with misshapen rear legs indicative of metabolic bone disease caused by a poor diet having been fed either to them or the cubs' mother. On the basis of the types of food found at the facility and admissions by Mr. Cook and an attendant at the facility, the veterinarian concluded that Respondents were not following the prescribed dietary recommendations of the attending veterinarian they employed. (Cx 29, p1, Cx 30, p 2, Cx 31, p 2, Cx 36 pp 1-9, Tr 84-126).

d) On June 12, 2003, contrary to veterinarian care standards set forth in 7 C.F.R. § 2.40, two tiger cubs suffering from alopecia (hair loss) were not being treated for this condition and were not taken to the attending veterinarian for diagnosis and treatment; instead, Marcus Cook was erroneously treating them with a medication for ringworm based on his own incorrect, uninformed diagnosis. On August 27, 2004, an APHIS inspector determined that a veterinarian had last visited Respondents' Kaufman facility on June 30, 2003, contrary to this standard's requirement for annual veterinarian visits. Moreover, at the time of the August 27, 2004 inspection, two of the youngest tigers and the smallest lion displayed protruding hip bones, dull coats of hair and less vigor than other animals at the facility. Respondents had not undertaken to have the cause of their condition evaluated by a veterinarian as instructed by APHIS inspectors at a prior inspection when these problems were first observed. On February 9, 2006 Respondents had not obtained veterinary care for a tiger that had re-injured a leg a couple of days earlier. (Rx 6, p 35). On February 23, 2007, a tiger requiring veterinarian evaluation due to its excessive hair loss and weight loss was observed by an APHIS inspector who

determined from the records maintained by Respondents at the Kaufman facility, that the tiger had last been seen by a veterinarian on July 6, 2006. (Rx 6, p. 6).

Conclusions

1. The Secretary of Agriculture has jurisdiction under the Animal Welfare Act over Respondents who have acted as “exhibitors” of animals within the meaning of 7 U.S.C. § 2132(h). (Respondents’ brief).

2. Respondent, ZooCats, Inc., presently registered as a research facility holding registration 74-R-0172, is not a research facility within the meaning of the Act (7 U.S.C. § 2132(e)) and the regulations (7 C.F.R. §1.1), in that it is not a school, institution, or organization that uses or intends to use live animals in research, tests, or experiments; does not purchase or transport live animals for such purposes; and does not receive funds under a grant, award, loan, or contract from a department, agency, or instrumentality of the United States for the purpose of carrying out research, tests, or experiments. (Finding 3, *supra*).

3. Respondents violated the Act and the regulations and standards on the dates and by their acts and omissions set forth in findings 8-14, *supra*. The entry of a cease and desist order should be entered with both general and specific provisions to deter future violations. Specific provisions are needed to eliminate any assertion of confusion about the requirements of the regulations and standards that prohibit exhibitors such as Respondents from exhibiting dangerous animals in the absence of a knowledgeable, experienced, adult trainer, or without sufficient barriers and distance separating the animals from the public in order to prevent members of the public, particularly children, from holding, touching or otherwise being in dangerous contact with these animals.

4. Exhibitor’s license number 74-C-0426 issued to ZooCats, Inc. should be revoked.

Discussion

In 1984, Marcus Cline-Hines Cook began his training as an animal handler when he was 19 years old. He worked for a company in South Texas, L&W Exotics, which was an exhibitor/breeder of lions, tigers, leopards, cougars, servals, bobcats and lynx. He continued working for the company on weekends through 1992 or 1993, and handled its animals at promotions for corporations conducting television photo shoots and conventions. In 1989, he purchased a black leopard that he still owns. In the early 1990’s,

he became an animal control officer for the City of the Colony, a Dallas suburb, and held that position for several years. In 1993, he became a police officer for the City of Lake Dallas. He held that position until December 11, 1998 when his license as a peace officer was revoked by the Texas Commission on Law Enforcement Officer Standards and Education after a hearing which found that Mr. Cook had falsified his police officer application by representing himself to be a high school graduate when in fact he had not completed high school. As part of his application for the police officer position, he filed a fake high school diploma and a fake educational transcript. In 1994 or 1995, while still a police officer, he obtained a USDA license to exhibit animals and, with his parents, purchased property in Kaufman County for an animal facility. He then started to exhibit animals to school children and did photography shoots with film studios. He later became employed by the Dallas World Aquarium supervising divers who worked with marine animals. In the late 1990's, while still employed by the Aquarium, Mr. Cook obtained a purported Bachelor of Zoology degree from "Wexford University", a diploma mill, that issued the degree upon his payment of \$1,800.00 without requiring, or giving him, any training or course instruction. He would later cite this degree as part of his qualifications as an expert witness when testifying in a case brought by APHIS against a colleague. (*In re: Bridgeport Nature Center Inc., et al*, AWA Docket No. 00-0032, transcript at 686).

As an animal exhibitor, Mr. Cook has operated under various firm names. Before operating as ZooCats, he operated as Leopard One Zoological Center and published an "Operations Policy" that forbade any physical contact between animals and the public (Cx 11 at 8), and also stated:

The Center does not approve of the use of exotic animals in off-site circumstances....it is our belief that naturalistic habitats are created for the

educational benefit of exhibiting exotic animals to the public. When an animal is removed from that naturalistic habitat, that educational benefit is lost and cannot be replaced.

(Cx 11 at 17-18).

On June 18, 2001, he filed a complaint with APHIS against another animal exhibitor for photographing children for a fee with baby tigers. He made the complaint on the letterhead of the “American Association of Zoological Facilities”, which he signed as its President, stating:

This organization was providing baby Tigers, on display, for a fee, and allowing small children to have there (sic) photo (sic) taken with these animals. As you know, this type of activity is a very dangerous one, as evidenced by past attacks and injuries to these small children placed in such close proximity to these cats. Once this was reported to us, we found several sections of violations and non-compliant issues we wish to report.

Our main concerns were that these children were allowed so close to these cats, which had no control or restraint devices on them, (the cats), no physical barrier or trained barrier or trained personal (sic) between the animal and the child, and the children were allowed unrestricted access to the cat(s) while on the photo stage.

(Cx 42 at 1). Attached to the complaint was the affidavit of the member of the Association who reported the event, Misty Coody. (Cx 42, at 3).

In 2002, despite his protestations against exotic animals being exhibited at off-site locations with physical contact between the animals and children, Mr. Cook started doing just that. That year he accepted an arrangement with Six Flags Over Texas for ZooCats to exhibit animals at the Six Flags site from June 8 to July 19, 2002. As part of the animal exhibition, Mr. Cook employed teenage handlers who posed and photographed children holding tiger cubs that the children bottle-fed. One child is known to have been scratched by one of the cubs. In 2003, at the Prestonwood Christian Academy, he posed groups of children for class photographs with a small tiger that the children were allowed to touch

while the only control over the tiger was a handler holding a bottle of milk. Also in 2003, for a fee he photographed spectators feeding his adult tigers by pressing raw meat into their cages. That year he also lent a male lion cub to a pet store in Virginia Beach, Virginia that anyone including children, could pet as it was walked about on a leash. In 2004, again for a fee, he photographed spectators feeding raw meat through the bars of a cage to one of his tigers while it was standing on its hind legs. In 2005, he exhibited a 15 week old tiger cub at an auto mall in Tampa, Florida where a spectator was nipped when she petted the animal while its handler walked it on a leash through the spectators.

The regulation governing the handling of animals specifically prohibits these practices:

(c)(1) During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

(d)(3) During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler.

7 C.F.R. § 2.131.

The need to enforce these requirements even when the tiger is a cub rather than an adult animal was explained by Dr. James M. Jensen, a professor of veterinarian medicine and an expert zoologist:

...I feel like the intensive handling of these animals, with teeth and claws, that are starting to develop their rough and tumble nature, in the wild they would be mock fighting with their siblings at this age, and developing their early hunting skills, as, you know, its going to mature over many months.

But that kind of behavior, sitting next to a five-year old kindergartener is a little dangerous, particularly when the whole priming event here is a bottle feeding, and that's when these youngsters become voracious, and aggressive, and get impatient when they're sucking air out of the bottle.

So, I, my thinking is that that should really should be stopped as soon as possible.

Tr. 339-340.

An affidavit by Dr. Jensen explains the risk of disease being transmitted by these animals to people, particularly children, who come in close contact with them:

16.(D)isease transmission is an equally problematic issue. Large felines are significant carriers of salmonella bacteria species and intestinal roundworms. These organisms are found on the fur, the claws and in the feces of large felines, including juveniles.

17. Large felines are latent carriers of Salmonella. In fact, they carry this bacterial pathogen in their intestines and without showing signs of illness. In susceptible large felids (i.e. young animals), stress may induce them to shed large amounts of this organism as they become ill. Humans are susceptible to Salmonella and often experience severe, and occasionally life-threatening enteritis. This organism poses its greatest threat to children. Strict sanitation of surroundings and disinfection must be maintained to avoid Salmonella infection. People should also wash their hands or use a hand antiseptic product after handling suspect animals. Large felines that are in contact with the public should have frequent fecal bacterial cultures or PCR (polymerase chain reaction) exams for Salmonella.

18. Large felid species also have intestinal roundworms that are a threat to the public health. Toxocara cati and toxocaris leonina are capable of causing larval migration in humans. The infection larva can exist on a cat's fur or in the environment. When the organism invades the humans body it migrates until the body "walls off" the parasite. Children are more susceptible to this parasite than adults. These two roundworms are difficult to eradicate from a contaminated environment because of their ability to shed large numbers of eggs and because of the hardness of their eggs....

Cx 39 pp 4-5

And just as there are numerous cases of humans being terrorized or injured by dangerous animals when there is insufficient distance and barriers between them,¹ there

¹ Complainant's brief, p. 21, fn 60, lists some dozen cases of this type that include the following final decisions by the Secretary of Agriculture: *In re Reginald Dwight Parr*, 59 Agric. Dec. 601(2000) (tigers); *In re Bobby F. Steele d/b/a Bob Steele Animal Promotions*, 46 Agric. Dec. 563 (1987) (cougar); and *In re William Joseph Vergis*, 55 Agric. Dec. 148 (1996) (tiger).

are cases demonstrating that the safety of the animals themselves that the Act was enacted to protect, is also endangered.²

In addition to the astonishing lack of precaution taken by Respondents to protect the public and the animals from harm, Respondents also often failed to feed their animals properly or provide them with veterinary and other requisite kinds of care.

The entry of a cease and desist order by itself would probably not deter future violations by Respondents. Nor, in my opinion, would the imposition of civil penalties, even in combination with a cease and desist order, be sufficient. I have concluded that the revocation of the exhibitor's license that Respondents hold in the name of ZooCats, Inc., together with the entry of a cease and desist order with both general and specific provisions, as authorized by 7 U.S.C. §2149 (a) and (b), is required.

Respondents have repeatedly endangered the lives of their customers and employees, as well as the lives of their animals. Marcus Cook has a history of deceiving the public, APHIS, and other law enforcement agencies.³ He has represented himself to have expertise and credentials that he does not possess to mislead government authorities.⁴ To allow Marcus Cook or Melissa Coody to have an exhibitor's license in either of their names, or through a corporation or other entity that either of them controls, would subject both the public and the animals Respondents would exhibit, to an

² The Complainants brief, p. 21, fn 61, lists cases where close contact with the public resulted in animals being treated violently and sometimes killed.

³ The evidence in this proceeding shows instances of Respondents' customers being scratched by their tiger cubs at the Six Flags exhibition in 2002, yet on February 15, 2005, Marcus Cook told a Florida law enforcement officer that "in his fifteen years of experience with adult and juvenile tigers this is the first time he has ever had a customer injured." Cx 35 p 15.

⁴ See Cx 1 and Cx 2.

unacceptable level of risk of harm. The present license that they operate under is therefore being revoked.

The issuance of a cease and desist order is also being entered containing, in addition to general provisions, specific provisions for the elimination of any future, professed confusion by Respondents, or other exhibitors, about the safeguards they must take under the regulations and standards when they exhibit dangerous animals to the public, and particularly to children. The requirement set forth in 7 C.F.R. § 2.131 (d)(3), that during public exhibition, dangerous animals such as lions and tigers must be under the direct control and supervision of a knowledgeable and experienced animal handler, is not met when the trainer is a teenager regardless of how much natural talent the teenager might appear to possess. So too, the regulation's requirement (7 C.F.R. § 2.131 (c)(1)) that there be sufficient distance and/or barriers between an animal and the public is not met when members of the public are allowed to hold or come close to a dangerous animal's teeth and claws, or, in the case of children, are so close that they also become susceptible to the transmission of diseases or parasites..

The following Order is therefore being issued.

ORDER

It is hereby ORDERED that ZooCats, Inc., Marcus Cook, also known as Marcus Cline-Hines Cook, and Melissa Coody, also known as Misty Coody, jointly doing business as Zoo Dynamics and ZooCats Zoological Systems, their agents, employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Animal Welfare Act and the regulations and standards issued under the Animal Welfare Act.

It is specifically ORDERED that the above-named respondents shall cease and desist from publicly exhibiting lions and tigers or other dangerous animals that are not under the direct control and supervision of a knowledgeable, experienced handler who must be at least twenty-one years of age.

It is also specifically ORDERED that the above-named respondents shall cease and desist from publicly exhibiting any lion or tiger, including a cub or a juvenile, unless the animal is contained inside a suitable primary enclosure with any needed secondary barrier such as a perimeter fence sufficiently distanced from the primary enclosure in conformity with the requirements of 7 C.F.R. § 3.127(d) that may be varied only when appropriate alternative security measures are approved in writing by the Administrator of APHIS, so as to completely preclude any member of the public from touching or coming in contact with any part of the animal. To fully effectuate this provision, special attention shall be given to the safety of children to eliminate any contact between them and the animals, their teeth, claws, fur or feces.

It is further ORDERED that Animal Welfare Act license number 74-C-0426 issued to ZooCats, Inc., is permanently revoked.

This decision and order shall become effective and final 35 days from its service upon the parties who shall have the right to file an appeal with the Judicial Officer within 30 days after receiving service of this decision and order by the Hearing Clerk as provided in the Rules of Practice (7 C.F.R. § 1.145).

Dated: September 24, 2008

Victor W. Palmer
Victor W. Palmer
Administrative Law Judge