

UNITED STATES DEPARTMENT OF AGRICULTURE FEB 2 11 2: 57

BEFORE THE SECRETARY OF AGRICULTURE RECEIVED

In re:) AWA Docket No. 05-0029
)
 DEBORAH ANN MILETTE, an individual)
 doing business as TELLING FELIDS)
 EXOTIC EDUCATIONAL FACILITY,)
)
 Respondent.) CONSENT DECISION
) AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent Deborah Ann Milette, doing business as Telling Felids Exotic Educational Facility, admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, admits the allegations in paragraphs 3 and 4 of the complaint, as set forth herein as findings of fact and conclusions of law, denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Respondent Deborah Ann Milette is an individual whose current mailing address is 52 Columbia Street, North Attleboro, Massachusetts 02760. At all times mentioned herein, said respondent was an exhibitor as that term is defined in the Act and the Regulations.

2. On or about the following dates, respondent operated as an exhibitor, as that term is defined in the Regulations, without having a valid license from the Secretary to do so:

- a. March 19, 2004. Respondent exhibited a caracal at Warren County Residential Hall, at Warrensburg, New York
- b. September 4, 2004. Respondent exhibited a caracal at Lake George Escape, in Lake George, New York.
- c. December 27, 2004. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- d. January 5, 2005. Respondent exhibited a serval and two caracals at Our Lady of Peach School, in Lynbrook, New York.
- e. January 13, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- f. January 20, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- g. January 21, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- h. February 8, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- i. March 7, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York
- j. March 9, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

k. March 15, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

l. March 16, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

3. On or about the following dates, the respondent failed to comply with the veterinary care Regulations, as follows:

a. February 10, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care, and specifically, respondent employed an attending veterinarian, part-time, whose office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care.

b. February 10, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care, and specifically, respondent employed an attending veterinarian on a part-time basis, but respondent's written program of veterinary care does not provide for any method for the capture and restraint of respondent's animals.

c. February 10, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of emergency, weekend and holiday care, and specifically, respondent's attending veterinarian's office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care.

d. September 13, 2003. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent the escape of serval, "Noah."

e. December 2003. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, personnel and equipment to comply with the provisions of the Regulations, and specifically, respondent maintained a serval ("Cleo") outside of a primary enclosure, and without supervision, in respondent's home, which presented the animal with the opportunity to ingest foreign objects (including part of a plush toy and a plastic shopping bag, resulting in the animal's experiencing periods of vomiting.

f. December 16, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care, and specifically, respondent employed an attending veterinarian, part-time, whose office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care.

g. December 16, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of emergency, weekend and holiday care, and specifically, respondent's attending veterinarian's office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care.

h. February 10, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent animal escapes.

i. December 16, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent animal escapes.

Conclusions of Law

1. The respondent having admitted the jurisdictional facts and the allegations in paragraphs 3 and 4 of the complaint, as set forth herein as findings of fact, the parties having agreed to the entry of this decision, such decision will be entered.

2. On or about the following dates, respondent operated as an exhibitor, as that term is defined in the Regulations, without having a valid license from the Secretary to do so, in willful violation of section 2.1(a)(1) of the Regulations (9 C.F.R. § 2.1(a)(1)):

a. March 19, 2004. Respondent exhibited a caracal at Warren County Residential Hall, at Warrensburg, New York

b. September 4, 2004. Respondent exhibited a caracal at Lake George Escape, in Lake George, New York.

c. December 27, 2004. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

d. January 5, 2005. Respondent exhibited a serval and two caracals at Our Lady of Peach School, in Lynbrook, New York.

e. January 13, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

f. January 20, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

g. January 21, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

h. February 8, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

i. March 7, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

j. March 9, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

k. March 15, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

l. March 16, 2005. Respondent exhibited a caracal at Samuel S. Stratton Veteran's Affairs Medical Center, in Albany, New York

3. On or about the following dates, the respondent willfully violated the veterinary care Regulations (9 C.F.R. § 2.40), as follows:

a. February 10, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a

written program of veterinary care, and specifically, respondent employed an attending veterinarian, part-time, whose office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care, in willful violation of section 2.40(a)(1) of the Regulations. 9 C.F.R. § 2.40(a)(1).

b. February 10, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care, and specifically, respondent employed an attending veterinarian on a part-time basis, but respondent's written program of veterinary care does not provide for any method for the capture and restraint of respondent's animals, in willful violation of section 2.40(a)(1) of the Regulations. 9 C.F.R. § 2.40(a)(1).

c. February 10, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of emergency, weekend and holiday care, and specifically, respondent's attending veterinarian's office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care, in willful violation of section 2.40(b)(2) of the Regulations. 9 C.F.R. § 2.40(b)(2).

d. September 13, 2003. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent the escape of serval, "Noah," in willful violation of section 2.40(b)(1) of the Regulations. 9 C.F.R. § 2.40(b)(1).

e. December 2003. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities, personnel and equipment to comply with the provisions of the Regulations, and specifically, respondent maintained a serval ("Cleo") outside of a primary enclosure, and without supervision, in respondent's home, which presented the animal with the opportunity to ingest foreign objects (including part of a plush toy and a plastic shopping bag, resulting in the animal's experiencing periods of vomiting, in willful violation of section 2.40(b)(1) of the Regulations. 9 C.F.R. § 2.40(b)(1).

f. December 16, 2004. Respondent failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that include a written program of veterinary care, and specifically, respondent employed an attending veterinarian, part-time, whose office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care, in willful violation of section 2.40(a)(1) of the Regulations. 9 C.F.R. § 2.40(a)(1).

g. December 16, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of emergency, weekend and holiday care, and specifically, respondent's attending veterinarian's office is a three-to-four-hour drive from respondent's facility, and thus, respondent's attending veterinarian is unable to provide any emergency care, in willful violation of section 2.40(b)(2) of the Regulations. 9 C.F.R. § 2.40(b)(2).

h. February 10, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and

equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent animal escapes, in willful violation of section 2.40(b)(1) of the Regulations. 9 C.F.R. § 2.40(b)(1).

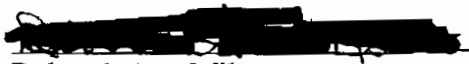
i. December 16, 2004. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment, including adequate enclosures and secure perimeter fences, to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent animal escapes, in willful violation of section 2.40(b)(1) of the Regulations. 9 C.F.R. § 2.40(b)(1).


Order

1. Respondent Deborah Ann Milette, doing business as Telling Felids Exotic Educational Facility, her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder.

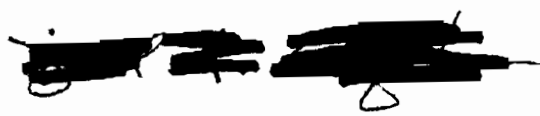
2. Animal Welfare Act license number 21-C-0218 is hereby revoked.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.


Deborah Ann Milette
dba Telling Felids Exotic Educational Facility
Respondent


Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 2 day of August, 2006



Jill S. Clifton
Administrative Law Judge