

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:)
)
Anthony L. Schachtele) Docket Nos.
) 15-0090 and
and) 15-0091
)
Rebecca Jo Schachtele)
)
doing business as)
)
Schachtele Auction Service)
And Kennels)
)
Respondents)

CONSENT DECISION

This proceeding was instituted under the Animal Welfare Act ("Act"), as amended (7 U.S.C. § 2131 et seq.), 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 Act and the regulations and standards ("regulations") 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).

The respondents admit the jurisdictional allegations in paragraph I of the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor denies the remaining allegations, waive oral hearing and further

procedure, and consent and agree, for the purpose of settling this proceeding and for such purposes only, to the entry of this decision.

The complainant agrees to the entry of this decision.

FINDINGS OF FACT

A. Anthony L. Schachtele also known as Tony L. Schachtele and Rebecca J. Schachtele also known as Becky Schachtele, hereinafter referred to as the respondents, are individuals whose mailing address is (b) (6)

(b) (6)

B. The respondents, at all times material herein, were licensed and operating as dealers as defined in the Act and the regulations. The respondents' license number was 43-B-3631.

CONCLUSIONS

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. The respondents, their 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, and in particular, shall cease and desist from:

(a) failing to maintain records or forms that fully and correctly disclose the name and address of the person who owned or consigned an animal for auction;

(b) failing to provide primary enclosures for dogs that provide the minimum floor space as required by the regulations;

(c) failing to obtain dogs from sources that are permitted to supply the respondents with dogs;

(d) failing to obtain dogs from licensed dealers;

(e) failing to allow APHIS to inspect their premises;

(f) failing to establish and maintain programs of disease control and prevention, euthanasia, and adequate veterinary care under the supervision and assistance of a doctor of veterinary medicine;

(g) failing to develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise;

(h) failing to hold dogs for at least five full days as required by the regulations;

(i) failing to provide or make available to buyers of dogs certifications that contained information required by the regulations;

(j) failing to provide primary enclosures to transport live animals that are large enough to ensure that each animal contained in the primary enclosure had enough space to turn

about normally while standing, to stand and sit erect, and to lie in a natural position.

2. Animal Welfare Act license number 43-B-3631, is hereby revoked. Respondents are permanently disqualified from obtaining a license.

The provisions of this order shall become effective on the May 1, 2015.

Copies of this decision shall be served upon the parties.


Anthony L. Schachtele
Respondent


Rebecca Jo Schachtele
Respondent


Sharlene Deskins
Attorney for Complainant

Done at Washington, D.C.
this 13 day of MAY, 2015


Jill Clifton
Administrative Law Judge