

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Janice Eminger, an individual
d/b/a C&J's Happy Tails,

Respondent.

AWA Docket No. 23-J-0029

CONSENT DECISION AND
ORDER

REC'D - USDA/OALJ/HCO
2023 JUN 21 9:44 AM

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(AWA or Act), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service on February 15, 2023, alleging that the Respondent Janice Eminger, an individual d/b/a C&J's Happy Tails, violated the AWA and the regulations promulgated thereunder (9 C.F.R. § 1.1 *et seq.*)(Regulations). Complainant and Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

Respondent admits the findings of fact, as set forth herein, and specifically admits that the Secretary of the United States Department of Agriculture has jurisdiction in this matter, neither admits nor denies the remaining allegations in the Complaint, waives oral hearing and all further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1908 (5 U.S.C. §§ 504 *et seq.*) for fees and other expenses incurred by Respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this decision. 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). Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Janice Eminger is an individual d/b/a C&J's Happy Tails, an unincorporated association, in the State of Missouri.
2. At all times material herein, Respondent operated as a dealer as that term is defined in the Act and the Regulations without a valid license.
3. Respondent's AWA license (43-A-3745) was voluntarily terminated on or about December 3, 2009.

Conclusions of Law

Respondent has admitted to the jurisdictional facts and Findings of Fact and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

1. Respondent, 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.
2. AWA license number 43-A-3745 is hereby revoked.
3. Respondent is assessed a civil penalty of four thousand dollars (\$4,000). Respondent shall send payment for four thousand dollars (\$4,000) according to one of the payment procedures provided in Appendix A to this Order, payable within thirty (30) days from the

effective date of this Order. Respondent should make and keep a copy of this payment for their records.

The provisions of this Order shall become effective on the day this Consent Decision and Order is issued.

Copies of this Decision and Order shall be served upon the parties.

Janice Eminger ✓

Danielle Park
Attorney for Complainant

Done at Washington, D.C.
this 21 day of June 2023

Administrative Law Judge