

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:

ELISA BRANDVIK,
an individual,

Respondent.

AWA Docket No. 24-J-0005

COMPLAINT

REC'D- USDA/OALJ/HCO
2023 OCT 19 3:16 PM

There is reason to believe that the respondent named herein has violated the regulations (9 C.F.R. §§ 1.1-2.153) (“Regulations”) and the standards (9 C.F.R. §§ 3.1-3.168) (“Standards”) promulgated under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (“Act”). Therefore, the Administrator of the Animal and Plant Health Inspection Service (“APHIS”) (“Complainant”) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Elisa Brandvik (“Respondent”) is an individual who resides and conducts business in the State of Arkansas.
2. Respondent maintains a secure mailing address for service of this complaint and future documents in this proceeding: P.O. Box 153, Ozark, Arkansas 72949.
3. At all times material herein, Respondent was a “dealer,” as that term is defined in the Act and the Regulations and held AWA Class A “Breeder” License No. 71-A-1423.

ALLEGED VIOLATIONS

4. On or about August 1, 2022, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:
 - a. primary enclosures had pieces of broken glass on the ground or sharp edges (9 C.F.R. § 3.6(a)(2)(ii)).

- b. primary enclosure had only a portion of its dirt floor left intact and the remaining portion open to an exposed wire grate (9 C.F.R. § 3.6(a)(2)(x)).
 - c. dogs had no water available or water buckets with dirty/discolored water (9 C.F.R. § 3.10(a)).
 - d. primary enclosure had an accumulation of feces, and drainage areas, near and/or under primary enclosures, had accumulated hair, waste, and maggots/insect larvae (9 C.F.R. § 3.11(a)).
 - e. outdoor housing facility had an overgrowth of grass and weeds (9 C.F.R. § 3.11(c)).
5. On or about August 11, 2022, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows: primary enclosure had an accumulation of feces, and drainage areas near and/or under primary enclosures had accumulated hair, waste, and maggots/insect larvae (9 C.F.R. § 3.11(a)).
6. On or about November 7, 2022, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:
- a. outdoor housing facility lacked adequate drainage resulting in animal enclosures with muddied dirt floors and dogs caked in mud (9 C.F.R. § 3.1(f)).
 - b. several outdoor housing facilities lacked adequate shelter structures (9 C.F.R. § 3.4(b)).
 - c. same primary enclosure housed dogs that were incompatible (9 C.F.R. § 3.7).
 - d. several primary enclosures had an accumulation of feces (9 C.F.R. § 3.11(a)).

7. On or about February 13, 2023, Respondent violated the Regulations (9 C.F.R. § 2.1(b)(2)(i)) by failing to maintain the authorized number of animals or failing to obtain a new license to account for the increase in the number of animals on hand.

8. On or about February 13, 2023, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:

- a. outdoor housing facility lacked adequate drainage resulting in animal enclosures with standing puddles of muddy water and dogs with restricted access to the entire enclosure area (9 C.F.R. § 3.1(f)).
- b. several outdoor housing facilities lacked adequate shelter structures (9 C.F.R. § 3.4(b)).
- c. dogs had no water available (9 C.F.R. § 3.10(a)).
- d. several primary enclosures had an accumulation of feces and/or food waste (9 C.F.R. § 3.11(a)).

9. On or about August 16, 2023, Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS officials access to her place of business and to her records during business hours and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

10. On or about August 16, 2023, Respondent violated the Regulations (9 C.F.R. § 2.4) by interfering with, threatening, abusing, and/or harassing an APHIS official who was in the course of carrying out his duties.

WHEREFORE, it is hereby ordered that, for the purpose of determining whether Respondent has in fact violated the Regulations and the Standards promulgated under the Act, this complaint shall be served upon Respondent. Respondent shall have twenty (20) days after

service of this complaint in which to file an answer with the Hearing Clerk’s Office, United States Department of Agriculture, 1400 Independence Avenue, S.W., South Building, Room 1031, Washington, D.C. 20250, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151) (“Rules of Practice”). Failure to deny or otherwise respond to any allegation in this complaint shall constitute an admission of the allegation. Failure to file an answer within the prescribed time per the applicable rule (7 C.F.R. § 1.136) shall constitute an admission of the allegations in this complaint and a waiver of hearing. APHIS requests that this matter proceed in accordance with the Rules of Practice, and that such order or orders be issued, as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington, D.C.
this ___ day of _____, 2023

**MICHAEL
WATSON**

Digitally signed by MICHAEL
WATSON
Date: 2023.10.19 14:31:43
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Dr. Michael Watson, Acting Administrator
Animal and Plant Health Inspection Service

SOFIA NADRI
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
South Building, Room 2318
Washington, D.C. 20250
Phone: (771) 215-9331
Email: sofia.nadri@usda.gov