

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

ELISA BRANDVIK,  
an individual,  
  
Respondent.

AWA Docket No. 24-J-0005

REC'D - USDA/OALJ/HCO  
2024 MAY 1 12:42 PM

**CONSENT DECISION AND ORDER**

Appearances:

*Sofia Nadri, Esq., Office of the General Counsel, United States Department of Agriculture, Washington, D.C., for the Complainant, the Administrator of the Animal and Plant Health Inspection Service (“APHIS”);*

*Elisa Brandvik, pro se Respondent.*

Before Tierney Carlos, Administrative Law Judge

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (“Act” or “AWA”), by a complaint and an amended complaint filed by the Administrator of the Animal and Plant Health Inspection Service (“Complainant”), alleging that the Respondent Elisa Brandvik (“Respondent”) violated the Act, and the regulations (9 C.F.R. §§ 1.1-2.153) (“Regulations”) and standards (9 C.F.R. §§ 3.1-3.168) (“Standards”) promulgated thereunder. Complainant and Respondent have agreed that this proceeding should be terminated by the entry of this Consent Decision and Order (“Consent Decision”), and have thereby agreed to the following stipulations:

Respondent admits the findings of fact, as set forth herein, and specifically admits that the Secretary has jurisdiction in this matter. Respondent neither admits nor denies the remaining allegations in the complaint or amended complaint; waives oral hearing and all further procedure; waives all rights to seek judicial review or otherwise challenge or contest the validity of this

decision, including waiving challenges to the Administrative Law Judge’s authority to enter this decision under the Administrative Procedure Act and the Constitution of the United States; waives any action against the United States Department of Agriculture (“USDA”) under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504), for fees and other expenses incurred by Respondent in connection with this proceeding; and waives any action against any USDA employee in his or her individual capacity.

The parties consent and agree to the entry of this Consent Decision for the purpose of settling this proceeding. This Consent Decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

#### FINDINGS OF FACT

1. Respondent Elisa Brandvik (“Respondent”) is an individual who resides and conducts business in the State of Arkansas. Respondent maintains a secure mailing address for matters pertaining to her business as follows: P.O. Box 153, Ozark, Arkansas 72949.

2. At all times material herein, Respondent was a “breeder,” as that term is defined in the Act and the Regulations and held AWA Class A “Breeder” License No. 71-A-1423.

3. From February 2023 through March 2024, Respondent surrendered the vast majority of dogs that remained on her premises (150+) to rescues. Respondent confirms that every dog or animal she has any interest in whatsoever is listed in Attachment A to this Consent Decision and that her intended purpose for maintaining each dog or animal is accurately described therein.

Respondent is not in possession or ownership of any dogs or other animal that she intends to, in commerce, for compensation or profit, sell or offer for sale, deliver for transport, transport or offer for transport, negotiate the purchase or sale of, or breed under circumstances regulated by the Act.

#### CONCLUSIONS OF LAW

Respondent having admitted the findings of fact as set forth herein and the parties having

agreed to the entry of this Consent Decision, such Consent Decision shall be entered.

### ORDER

1. Respondent, either individually or through her agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act, the Regulations, and/or the Standards.

2. AWA Class A “Breeder” License No. 71-A-1423 is hereby revoked. Respondent shall not apply for any other AWA license hereafter, whether in her own name or in any other manner (9 C.F.R. § 2.10(b)). Respondent shall permanently refrain from engaging in any activity requiring an AWA license, under any circumstances, whether on her behalf or on the behalf of another licensee (9 C.F.R. § 2.10(c)).

3. At a time that is mutually agreeable to the parties, and no later than twelve (12) weeks from the effective date of this Consent Decision, APHIS shall take an inventory of animals present on Respondent’s premises to confirm that there is no continued activity regulated under the Act. Respondent shall not unreasonably withhold her consent to a date and time for APHIS to conduct the inventory. An APHIS official shall contact Respondent when at the premises to notify Respondent of their arrival. Respondent shall document all sales, donations, and transfers of ownership and/or possession of animals, if applicable, from the effective date of this Consent Decision through the date of the agreed inventory and provide copies of those documents to APHIS prior to the start of the inventory.

4. Respondent is assessed a civil penalty in the amount of seven thousand eight hundred dollars (\$7,800) which is to be satisfied as follows:

- a. Two thousand eight hundred dollars (\$2,800) of the civil penalty assessment shall be paid outright. Respondent shall send a certified check or money order for two thousand eight hundred dollars (\$2,800), made payable to the “Treasurer of the

United States,” to USDA APHIS GENERAL, P.O. Box 979403, St. Louis, MO 63197-9000, within five (5) days of the effective date of this Consent Decision.

Respondent shall indicate on the certified check or money order that payment is in reference to AWA Docket No. 24-J-0005.

- b. Five thousand dollars (\$5,000) of the civil penalty assessment shall be held in abeyance. The abeyance period shall begin on the effective date of this Consent Decision and continue for a total of four (4) years. The five thousand dollars (\$5,000) shall be held in abeyance provided that Respondent complies with the terms of this order. If, at any time within the abeyance period, Respondent is found, after notice and opportunity for a hearing, to have violated the terms of this order, to include any violations of the Act, the Regulations, and/or the Standards, Respondent shall pay the five thousand dollars (\$5,000) held in abeyance. Respondent’s payment of the aforementioned civil penalty shall be in addition to any penalty found to be warranted for such future violation(s). If Respondent fully complies with the terms of this order during the abeyance period, the abeyance amount (\$5,000) assessed against Respondent shall terminate at the end of the abeyance period, without further procedure.

The terms of this Consent Decision shall become final and effective as of the date of signature by the Administrative Law Judge.

Copies of this Consent Decision shall be served on the parties.

**[SIGNATURES TO FOLLOW]**

BY: \_\_\_\_\_  
Sofia Nadri  
Attorney for Complainant

BY: \_\_\_\_\_  
Elisa Brandvik  
Respondent

Done at Washington, D.C.  
this \_\_\_1st day of May\_\_\_, 2024

Tierney<sup>v</sup>Carlos \_\_\_\_\_  
Administrative Law Judge

# ATTACHMENT A

REC'D - USDA/OALJ/HCO  
2024 MAY 1 12:42 PM

	<b>ID #</b>	<b>Name</b>	<b>Breed</b>	<b>Age/DOB</b>	<b>Sex</b>	<b>Intended Purpose</b>
1	N/A	Ronaldo Hendrix	Beagle	10/04/2023	M	Personal Pet (Intact)
2	N/A	Tater Tot	Black Mouth Cur Mix	Unknown	M	Personal Pet (Neutered)
3	605 819 037	Oliver	Old English Sheepdog	Unknown (Acquired 02/10/2015)	M	Personal Pet (Sterile)
4	605 786 570	Commander Clyde	Old English Sheepdog	12/24/2018	M	Personal Pet (Intact)
5	3878	Mighty Mason	St. Bernard	11/20/2020	M	Personal Pet (Intact and May Breed)
6	3875	Georgia Peach	St. Bernard	11/23/2020	F	Personal Pet (Intact and May Breed)
7	N/A	Sissy	Mastiff Pitbull Mix	Unknown	F	Guard Dog (Spayed)
8	N/A	Benz	Rhodesian Ridgeback	01/16/2023	M	Guard Dog (Intact)
9	N/A	Bailey	Brussels Griffon	05/30/2021	F	Re-homing to person in Ohio