

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO  
2024 JUL 89 2:13 PM

In re:

Mary Moore, an individual, doing  
business as D&M Kennel and Mary's  
Precious Puppies

Respondent.

AWA Docket No. 24-J-0070

CONSENT DECISION AND ORDER

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, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), alleging that the Respondent violated the Act and the Regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.) (Regulations). This Consent Decision and Order is entered pursuant to the consent decision provisions of the Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes (7 C.F.R. § 1.130 et seq.) (Rules of Practice) applicable to this proceeding (7 C.F.R. §1.138).

The Respondent, Mary Moore, doing business as D&M Kennel and Mary's Precious Puppies ("Respondent") admits to the findings of fact, as set forth herein, and specifically admits that the Secretary of the USDA has jurisdiction in this matter. The Respondent neither admits nor denies the remaining allegations in the Complaint. The parties agree to the issuance of the following Consent Decision and Order without further procedure or hearing. The Respondent specifically waives her right to any further process or procedure in this proceeding. The Respondent further waives all rights to seek judicial review and otherwise challenge or contest the validity of this Consent Decision and Order, 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 USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 et seq.) for fees and other expenses incurred by the 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 Consent Decision and Order as set forth herein. Therefore, this Consent Decision and Order is entered without further procedure or hearing 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 Mary Moore ("Respondent") is an individual whose address is in the State of Kansas. The Respondent's address was not provided in the Complaint to protect the Respondent's personal privacy but was provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of the Complaint and future documents.

2. At all times material herein, Respondent did business as "D&M Kennel" or "Mary's Precious Puppies."

3. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held AWA Class A "Breeder" license No. 48-A-1155.

4. Respondent's license was cancelled on August 14, 2023.

#### 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 and Order, such Consent Decision and Order will be entered.

ORDER

1. Respondent, either individually or through her agents and employees, successor 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. 48-A-1153 is hereby revoked. Respondent shall permanently refrain from any activity requiring an AWA license.

3. This Consent Decision and Order shall have the same force and effect as if entered after a full hearing. The provisions of this Consent Decision and Order shall be binding and become effective immediately. Copies of this Consent Decision and Order shall be served upon the parties.

By

[Redacted Signature]

date: 7/28/2024

Mary Moore, doing business as  
D&M Kennel and Mary's Precious Puppies  
Respondent

By:

[Redacted Signature]

date: 7/29/2024

Olivia DePasquale  
Attorney for the Complainant

Done at Washington, D.C.,

This 29th day of July, 2024

[Redacted Signature]

Chief Administrative Law Judge