

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

LEROY FHLUG, an individual, d/b/a  
Wisconsin Puppy Patch, LLC,

Respondent.

AWA Docket No. 23-J-0034

CONSENT DECISION  
AND ORDER

REC'D - USDA/OALJ/HCO  
2023 JUL 7 10:45 AM

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) (“Act” or “AWA”), by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service (“Complainant”), alleging that the Respondent Leroy Fhlug (“Respondent”) violated the Act, and the regulations (9 C.F.R. §§ 1.1-2.153) (“Regulations”) 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 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 is an individual doing business in the State of Wisconsin.

Respondent's mailing address was not provided in the complaint, to protect his personal privacy, but was provided to the Office of the Hearing Clerk, United States Department of Agriculture, for the purpose of service of the complaint and future documents in this proceeding.

2. At all times material to the complaint, Respondent operated as a "dealer," as that term is defined in the Act and the Regulations, without a valid license.

#### 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 his agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and/or the Regulations, and, in particular, shall cease and desist from operating as a dealer without a valid license from the Secretary to do so.

2. Respondent is assessed a civil penalty in the amount of three thousand three hundred dollars (\$3,300.00). Respondent shall send a certified check or money order for three thousand three hundred dollars (\$3,300.00), made payable to the "Treasurer of the United States," to USDA APHIS GENERAL, P.O. Box 979043, St. Louis, MO 63197-9000, within ten (10) days from 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. 23-J-0034.

The terms of this order shall become effective on the day upon which this Consent Decision is entered by the Court.

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

BY:

[Redacted]  
Sofia Nadri  
Attorney for Complainant

BY:

[Redacted]  
Terence P. Fox  
Attorney for Respondent

Done at Washington, D.C.  
this 7<sup>th</sup> day of July, 2023

Chief

CHANNING  
STROTHER

Administrative Law Judge

Digitally signed by CHANNING  
STROTHER  
Date: 2023.07.07 10:43:02 -04'00'