

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D- USDA/OALJ/HCO
2024 MAR 15 11:47 AM

In re:

Angela Weaver, an individual,

Respondent.

AWA Docket No. 24-J-0025

AMENDED COMPLAINT

There is reason to believe that the Respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), and the regulations (9 C.F.R. Part 2) (Regulations) and the standards (9 C.F.R. Part 3) (Standards) issued thereunder. Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this amended complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Angela Weaver is an individual who resides in the State of Oklahoma.
2. Respondent's mailing address will not be provided in the amended complaint to protect her personal privacy, but will be provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of serving this amended complaint and future documents.
3. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held a USDA Class A "Breeder" license number 73-A-2819.

ALLEGED VIOLATIONS

4. On or about December 16, 2022, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible

adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

5. On or about February 16, 2023, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

6. On or about March 31, 2023, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

7. On or about May 10, 2023, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

8. On or about July 7, 2023, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

9. On or about November 1, 2023, Respondent willfully violated the Regulations (9 C.F.R. § 2.126) by failing to provide APHIS with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

10. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.40(b)) by failing to provide adequate veterinary care for animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent,

control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows:

a. A Corgi with no microchip number was limping on its left front leg. The dog had a red, swollen toe on the left front paw. Respondent stated that she had been treating the foot by applying peroxide, but the condition had not improved. 9 C.F.R. § 2.40(b)(2).

b. A litter of six (6) West Highland Terrier puppies had ocular and nasal discharge, pale gums, and fecal crusting around their anuses and tails. 9 C.F.R. § 2.40(b)(2).

11. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:

a. A Corgi in Pen 5 put its muzzle through the fence into Pen 4 of the south side of the building. A West Highland Terrier latched onto and shook the Corgi's muzzle. 9 C.F.R. § 3.6(a)(2)(ii).

b. Five (5) West Highland Terriers grouped in Pen 1 began growling, showing teeth, and biting at each other. Respondent entered the dog pen and grabbed two (2) dogs and removed them from the group. The dogs were still trying to fight while she held them. 9 C.F.R. § 3.6(c)(2).

12. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.1(b)(2)(i)) by exceeding the number of dogs on hand as specified on her AWA license. 9 C.F.R. § 2.1(b)(2)(i).

13. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.40(b)) by failing to provide adequate veterinary care for animals, as follows: 13 West Highland Terriers had matted haircoats. 9 C.F.R. § 2.40(b)(2).

14. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. §

2.50(a)) by failing to identify dogs as required. Specifically, 21 adult dogs and 18 puppies did not have any official form of identification. 9 C.F.R. § 2.50(a).

15. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.75(a)(1)) by failing to make, keep, and/or maintain records or forms which fully and correctly disclose the acquisition and disposition of dogs. There was a variety of information missing from Respondent's acquisition record for dogs on hand (APHIS Form 7005). Numerous dogs were missing their identification numbers. Multiple dogs lacked birth dates and the location from which they were acquired. In addition, the number of adult dogs listed on the 7005 forms did not correspond with the number of adult dogs on the premises. 9 C.F.R. § 2.75(a)(1).

16. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.75(a)(2)) by failing to use Record of Disposition of Dogs and Cats (APHIS Form 7006) to make, keep, and maintain the required information. Specifically, Respondent was not using APHIS Form 7006 to document the required disposition information for dogs that have left the property since Respondent became licensed. 9 C.F.R. § 2.75(a)(2).

17. On or about February 1, 2024, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows:

a. The shelter building for four (4) Huskies had a hole big enough for the front end of one of the dogs to fit through. 9 C.F.R. § 3.1(a).

b. On the inside of the building, insulation was falling out of the ceiling into Pen 2 and Pen 3. 9 C.F.R. § 3.1(a).

c. Dogs kept in the exercise yard had free access to the interior of the kennel building, which was full of storage items, cleaning supplies, and other material. The dogs could also make nose to nose contact with dogs housed along both sides of the building. 9

C.F.R. § 3.1(b).

d. The bottom wall of the outdoor section of the primary enclosures located on both the north and south sides of the main dog building was rusted. In most of the kennels the rusted metal resulted in jagged and sharp points. 9 C.F.R. § 3.1(c)(1).

e. Pen 3 on the south side of the main dog building had a broken metal door frame with jagged edges. The door frame was heavily rusted. 9 C.F.R. § 3.1(c)(1).

f. The drainage system for the facility was not operating correctly, resulting in the accumulation of pools of waste next to the building on the east side. This drainage pool was adjacent to the exercise yard outdoor run. There was a backup of waste, debris, and stagnant water in the drainage ditch that ran along the northern side of the kennel. The interior ground drain that runs along the middle of the floor had a buildup of debris, standing water, and algae growth. 9 C.F.R. § 3.1(f).

g. Two (2) groups of West Highland Terrier puppies kept in cages on the porch had no shelter structures. The porch had a roof over the puppies, but there was nothing to prevent wind or rain from the sides. 9 C.F.R. § 3.4(b).

h. The outdoor portion of an enclosure was muddy. Respondent placed pallets down as flooring. The feet and legs of the dogs fell through the openings in the pallet flooring. 9 C.F.R. § 3.6(a)(2)(x).

i. The plastic water receptacles in south sides Pen 4 and Pen 7, north side Pen 5, and north side Pen 6 had been excessively chewed by the dogs to the point that dirt and grime were embedded in the plastic. 9 C.F.R. § 3.10(c).

j. Dog feces were not being removed from the enclosures on a daily basis. An outdoor enclosure containing Huskies and another outdoor enclosure containing small dogs

had a heavy buildup of old and fresh feces. A sheltered enclosure containing Husky puppies and their dam had a buildup of feces in the outside run. The puppies were unable to walk around in the outdoor portion without stepping in feces. In Pen 8, which housed Huskies, there was a buildup of dirt and organic debris on the exterior wall and on the exterior of the doggie door. 9 C.F.R. § 3.11(a).

k. Rodent droppings were present in two (2) different areas of the indoor part of the kennel, a dead partially chewed mouse carcass was found in the outside run of the 8th kennel housing Huskies on the north side of the facility, and there was a bird's nest in the rafters of the inside area, directly over a large black water tub. There was nest-like debris in the water of the tub. 9 C.F.R. § 3.11(d).

l. Respondent failed to have enough employees to carry out the required level of husbandry practices and care, and failed to ensure that the employees who provide for husbandry and care, or handle animals, are supervised by an individual with the knowledge, background, and experience in proper husbandry and care of dogs to supervise others. Specifically, Respondent allowed one part time employee to care for the dogs without supervision. Additionally, there was an accumulation of organic matter on outdoor floors in the dogs' primary enclosures; many of the dogs had matted coats; there was an accumulation of trash and junk with signs of pests present and chemicals being stored where dogs were housed inside the main dog building; there was a buildup of fecal material water in the washouts; there was an overall accumulation of stuff and trash throughout the property; and Respondent stated that she did not know how to care for bottle puppies and did not notice that the six (6) three-week-old puppies were sick. 9 C.F.R. § 3.12.

m. The medical records did not include findings/results for the most recent

annual physical examination. 9 C.F.R. § 3.13(b)(4).

18. On or about February 8, 2024, Respondent violated the Regulations (9 C.F.R. § 2.100(a)) by failing to meet the Standards, as follows: West Highland Terrier puppies housed on the porch had food bowls with shavings in their feed. 9 C.F.R. § 3.9(b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has, in fact, violated the Act and regulations promulgated thereunder, this amended complaint shall be served upon Respondent. Respondent shall have twenty (20) days after service of this amended complaint in which to file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-1400, in accordance with the applicable Rules of Practice (7 C.F.R. §§ 1.130-1.151) (“Rules of Practice”). Failure to deny or otherwise respond to any allegation in this amended complaint shall constitute an admission of the allegation. Failure to file an answer within the prescribed time shall constitute an admission of the allegations in this amended complaint and a waiver of hearing. Complainant requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149), as warranted under the circumstances.

Done at Washington, D.C.
this ____ day of _____ 2024

DONNA LALLI Digitally signed by DONNA LALLI
Date: 2024.03.15 10:57:23 -04'00'

Dr. Michael Watson
Acting Administrator
Animal and Plant Health Inspection Service

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