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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:	)	AWA Docket No. 07-0 <u>169</u>
	)	
ZOOLOGICAL SUBDISTRICT OF THE	)	
METROPOLITAN ZOOLOGICAL	)	
PARK AND MUSEUM DISTRICT, a	)	
statutorily created political subdivision of	)	
the state of Missouri	)	
doing business as ST. LOUIS	)	
ZOOLOGICAL PARK,	)	
	)	CONSENT DECISION AND
Respondent.	)	ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent willfully violated the Act and the regulations issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

The respondent admits the jurisdictional allegations in the complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision.

The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Zoological Subdistrict of the Metropolitan Zoological Park and Museum District (hereinafter "respondent"), is a statutorily created political subdivision of the state of Missouri doing business as the St. Louis Zoological Park, and whose agent for service of

process is Donna G. Knight, Secretary, Metropolitan Zoological Park and Museum District, 7733 Forsyth Boulevard, Suite 550, St. Louis, Missouri 63105, (*see* MO. REV. STAT. § 184.870).

2. At all material times alleged in the complaint, respondent was operating as an exhibitor as that term is defined in the Act and the Regulations, and held Animal Welfare Act license number 43-C-0032, issued to "ST. LOUIS ZOOLOGICAL PARK."

#### Conclusions

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

#### Order

1. Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder, and in particular, shall cease and desist from:

- (a) failing to use appropriate methods to prevent and control diseases and injuries;
- (b) failing to handle animals as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort;
- (c) failing to ensure that the attending veterinarian has appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use; and
- (d) failing to remove trash and other debris from animal enclosures as often as necessary to minimize health and disease hazards.


2. Respondent is assessed a civil penalty in the amount of \$7,500, which shall be paid by a certified check or money order made payable to the Treasurer of United States and sent


to:

Bernadette Juarez  
United States Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW, Mail Stop 1417  
Room 2343-South Building  
Washington, DC 20250-1417


The provisions of this order shall become effective on the first day after service of this decision on the respondent. Copies of this decision shall be served upon the parties.

ZOOLOGICAL SUBDISTRICT OF THE METROPOLITAN ZOOLOGICAL PARK AND  
MUSEUM DISTRICT  
Respondent

by   
its SR. VP, DIRECTOR OF ZOOLOGICAL OPERATIONS

  
Bernadette Juarez  
Attorney for Complainant

Done at Washington, D.C.  
this 10th day of August, 2007

  
Administrative Law Judge