

Investigative and Enforcement Services

USDA, APHIS, IES
 4700 River Road, Unit 85
 Riverdale, MD 20737
 Phone: (301) 734-8684
 Fax: (301) 734-4328

Settlement Agreement

RESPONDENT:
Phyllis Schultz
2965 Inman Rd.
Neodesha, KS 66757

CASE NUMBER | KS11001-AC
DUE ON OR BEFORE | April 1, 2011
CONTACT | Tyrese Coleman
PHONE | 301-734-0888

DATE	CITATION	DESCRIPTION
(SEE ATTACHED PAGES)		

PENALTY \$ 5,143

TERM

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture, after providing notice and opportunity for a hearing, to impose civil penalties and other sanctions to resolve violations.

Prior to the issuance of a formal complaint seeking sanctions under the Act, The Department may enter into a stipulation to resolve the above-described violations. Your payment constitutes a waiver of your right to a hearing, a finding that the violations of law have occurred, and settlement of such violations.

If you do not pay the specified penalty within the designated time or wish to exercise your right to a hearing, this matter will be forwarded to the Office of the General Counsel for litigation. The penalty offered in this stipulation is not relevant to the sanctions the Department may seek, or that will be assessed, upon issuance of a formal complaint.

Signature of Respondent: _____ **Date:** _____

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

DATE	CITATION	DESCRIPTION
23-AUG-2010	9 CFR 3.1(a)	<p>Housing facilities, general. (a) Structure; construction. Housing facilities for dogs and cats must be designed and constructed so that they are structurally sound. They must be kept in good repair, and they must protect the animals from injury, contain the animals securely, and restrict other animals from entering.</p>
	9 CFR 3.4(c)	<p>Respondent failed to maintain the housing facilities in good repair. Respondent allowed the wood housing foundation for the outside runs and whelping pens to rot and fall into a state of disrepair.</p> <p>Outdoor housing facilities. (c) Construction. Building surfaces in contact with animals in outdoor housing facilities must be impervious to moisture. Surfaces of outdoor housing facilities--including houses, dens, etc.--that cannot be readily cleaned and sanitized must be replaced when worn or soiled.</p>
	9 CFR 3.11(a)	<p>Respondent failed to maintain and/or replace worn housing facilities and surfaces with materials impervious to moisture and that are readily able to be cleaned and sanitized. Respondent allowed the shelters in the boxer pens to deteriorate to the extent that they were no longer impervious to moisture and could not be readily cleaned and sanitized.</p> <p>Cleaning, sanitization, housekeeping, and pest control. (a) Cleaning of primary enclosures. Excreta and food waste must be removed from primary enclosures daily.</p> <p>Respondent failed to clean primary enclosures on a daily basis and allowed fecal matter, dirt and grime to accumulate on the dog doors and walls within the enclosures.</p>