

**Investigative and Enforcement Services**

# Settlement Agreement

USDA, APHIS, IES  
 4700 River Road, Unit 85  
 Riverdale, MD 20737  
 Phone: (301) 734-8684  
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**RESPONDENT:**  
**Allen & Mary Yoder**  
**DBA: Country Kennels**  
**Rt. 5 Box 1020**  
**Coalgate, OK 74538**

**CASE NUMBER** | **OK08016-AC**  
**DUE ON OR BEFORE** | February 28, 2011  
**CONTACT** | Ms. Roxanne Folk  
**PHONE** | (301) 734-5578

DATE	CITATION	DESCRIPTION
<p><b>(SEE ATTACHED PAGES)</b>  <b>Page 1 of 3</b></p>		

**PENALTY** \$ 37,893.      **TERMS**

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

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
23-OCT-2006	3.4(b)(3)	<b>Outdoor housing facilities. Shelter from the elements.</b> Respondents failed to provide outdoor housing facilities with wind breaks and rain breaks at the entrance. At the time of this inspection, six houses for 12 dogs needed wind/rain breaks.
08-MAY-2008	2.126(b)	<b>Access and Inspection of Records and Property.</b> Respondents failed to have a responsible adult available to facilitate inspection of premises and records by APHIS officials.
24-JUL-2008	2.40(b)	<b>Attending Veterinarian and Adequate Veterinary Care.</b> Respondents failed to establish and maintain adequate veterinary care. At the time of this inspection, a salt & pepper male schnauzer had an injury to its left hind leg with bones exposed. The lower part of the leg was swollen with missing flesh. The dog had been in this condition for seven days and was in need of immediate veterinary care. Cocker #292 had matted hair and excessive ticks, with irritated skin and sores. One adult Golden Retriever with no identification (named Lilly) had red raw flesh on her right ear and rump.
	3.6(a)(2)(i)	<b>Primary Enclosures.</b> Respondents failed to have primary enclosures constructed and maintained so there were no sharp points or edges that could potentially injure the animals housed within. Six dogs inside 4 enclosures of the brick building and 15 dogs inside three enclosures of the far East building had broken wire on the sides of each enclosures.
	3.6(a)(2)(iii)	<b>Primary Enclosures.</b> Respondents failed to provide primary enclosures that were constructed and maintained in good repair so that they adequately contained the animal housed within. At the time of this inspection, numerous wire enclosures inside the brick building had wire doors on the enclosures that did not close securely to keep the dogs from escaping and or possibly falling on the concrete floor below and causing injury.
24-JUL-2008	3.6(a)(2)(x)	<b>Primary Enclosures.</b> Respondents failed to have primary enclosure with a floor constructed in a manner to protect the dogs' feet and legs from injury. At the time of this inspection, APHIS officials observed 11 small puppies housed in enclosures that had wire flooring that was too big and allowed their feet to fall through the openings of the wire.
	3.10(a)	<b>Watering.</b> Respondents failed to have water receptacles that could be effectively cleaned and sanitized as required by the regulations. Water receptacles in the enclosure north of the house with 15 dogs had chewed around the tops to the point that they could no longer be effectively cleaned and sanitized. This was not corrected from the December 19, 2007, inspection.

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
24-JUL-2008	3.11(a)	<b>Cleaning, Sanitization, Housekeeping, and Pest Control.</b> Respondents failed to clean primary enclosures as required. At the time of this inspection, APHIS officials observed fecal matter smashed into the wire flooring of an enclosure housing 21 adult dogs. Respondents allowed fecal matter to accumulate at the back of the enclosures. The drains underneath the elevated enclosures in the brick building had an excessive accumulation of fecal matter and old feed standing inside the drain.
	3.11(b)	<b>Cleaning, Sanitization, Housekeeping, and Pest Control.</b> Respondents failed to sanitize primary enclosures and food and water receptacles as required. At the time of inspection, all of the feeding receptacles in all enclosures had caked on, dried, oily food particles, and needed to be cleaned and sanitized. Some of the receptacles had rough edges that prevented proper sanitization.
	3.11(c)	<b>Housekeeping of premises.</b> Respondents failed to keep facility clean and in good repair and control weeds/grasses. Weeds and grass had grown up into two outside pens housing five cockers. Respondents allowed weeds and grass to become overgrown on the outside portion of the East building of enclosures.
	3.11(d)	<b>Pest Control.</b> Respondents failed to implement and maintain an effective method for the control of pests, which includes insects, external parasites, birds, and mammals. APHIS officials observed five cockers with an excessive amount of ticks at the time of this inspection.
30-JUL-2008	2.40(b)	<b>Attending Veterinarian and Adequate Veterinary Care.</b> Respondents failed to establish and maintain adequate veterinary care. At the time of this inspection, Cocker #292 had excessively long toenails. The nails were beginning to curl around and grow back into the pads of its feet. The Golden Retriever (Lilly) still had red raw flesh on her right ear and rump.
09-JUN-2010	2.126(b)	<b>Access and Inspection of Records and Property.</b> Respondents failed to have a responsible adult available to facilitate inspection of premises and records by APHIS officials.