

STIPULATION AGREEMENT

THIS AGREEMENT is entered into by the United States Department of Agriculture, Animal and Plant Health Inspection Service ("APHIS"), Animal Care, and Lonny D. Berry, with reference to the following facts:

I. At all times mentioned herein, Lonny D. Berry was a licensed dealer under the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) (the "AWA"), and held AWA license 48-A-1941, in connection with the animal facility located at 13851 NW 31 Highway, Garnett, KS 66032.

II. APHIS has documented evidence of Lonny D. Berry's non-compliance with the AWA and the regulations promulgated thereunder (9 C.F.R. § 1.1 *et seq.*), and specifically, has documented evidence of Lonny D. Berry's repeated failure to provide adequate veterinary care, as required by section 2.40 of the AWA regulations, and failure to comply with sections 3.1 through 3.19 of the AWA standards for the humane handling and treatment of dogs (9 C.F.R. §§ 3.1-3.19).

III. APHIS has not instituted an administrative enforcement action based on the findings described above in paragraph II.

IV. APHIS and Lonny D. Berry have determined to settle the issues related to the potential violations of the AWA and the regulations and standards issued thereunder, as described above.

NOW, THEREFORE, it is agreed as follows:

A. Lonny D. Berry admits that the Secretary has jurisdiction in this matter, and waives oral hearing and further procedure.

B. Lonny D. Berry consents and agrees to the following: As of October 7, 2011, AWA license 48-A-1941 is hereby revoked. Lonny D. Berry and any partnership, firm, corporation or other legal entity that he controls or in which he has a substantial interest, financial or otherwise, are permanently disqualified from (a) obtaining an Animal Welfare Act license, and (b) engaging in activities governed by the Animal Welfare Act (7 U.S.C. § 2131 *et seq.*) and regulations issued thereunder (9 C.F.R. § 1.1 *et seq.*), either directly or indirectly, on or off 13851 NW 31 Highway, Garnett, KS 66032.

C. Lonny D. Berry consents and agrees that his failure to comply with the terms of this Agreement shall automatically void paragraph D below, and that APHIS shall have the right to immediately institute enforcement proceedings against Lonny D. Berry based upon the non-compliant items documented at 13851 NW 31 Highway, Garnett, KS 66032, in connection with animal welfare investigation KS09029-AC, and any future violations, and to pursue any and all remedies available to APHIS under the AWA.

D. For and in consideration of Lonny D. Berry's agreements and actions described in paragraph B above, and the promises and admissions of Lonny D. Berry set forth herein, APHIS agrees not to institute an administrative or civil enforcement action against Lonny D. Berry in connection with the alleged AWA violations documented in animal welfare investigation KS09029-AC.

APHIS and Lonny D. Berry warrant and represent that their respective representatives, whose signatures appear below, have the authority to execute this Agreement and to bind each of the parties, respectively, to this Agreement.

LONNY D. BERRY



Date: 11/14/11

U.S. DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICES



Date: 3/18/12

Dr. Robert Gibbens
Director, Animal Care, Western Region
Animal and Plant Health Inspection Service
United States Department of Agriculture