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UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

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Docket No. 11-0224

In re: G. Frederic Keating, an individual;
Loki Clan Wolf Refuge, Inc.,
a New Hampshire corporation, and
Myrtle Clapp, an individual

Respondent

Order

This matter is before the Administrative Law Judge upon the Request of the Complainant to lodge a Superseding Consent Decision as to Loki Clan Wolf Refuge, Inc and Myrtle Clapp.

Being sufficiently advised, the request is granted and the Superseding Consent Decision will be filed of record.

Copies of this Order will be served upon the parties by the Hearing Clerk.

October 11, 2012


Peter M. Davenport
Chief Administrative Law Judge

Copies to: Colleen A. Carroll, Esquire
Judith Reardon, Esquire

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UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 11-0224
)	
G. FREDERIC KEATING, an individual;)	
LOKI CLAN WOLF REFUGE, INC.,)	
a New Hampshire corporation; and)	CONSENT DECISION AND
MYRTLE CLAPP, an individual,)	ORDER AS TO RESPONDENTS
)	LOKI CLAN WOLF REFUGE,
Respondents.)	INC., AND MYRTLE CLAPP

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the regulations and standards 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).

Respondent Loki Clan Wolf Refuge, Inc., admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, admits the remaining allegations as set forth herein as findings of fact and conclusions of law, waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision.

Respondent Myrtle Clapp admits the jurisdictional allegations in the complaint, 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. Loki Clan Wolf Refuge, Inc., is a New Hampshire corporation whose registered agent for service of process is respondent G. Frederic Keating, and whose mailing address is Box, 1186, Conway, New Hampshire, 03818. At all times mentioned herein, respondent Loki Clan Wolf Refuge, Inc., was operating as an exhibitor, as that term is used in the Act and the Regulations, but did not hold a valid Animal Welfare Act license. Myrtle Clapp is an individual whose mailing address is 278 Robbins Hill Road, Chatham, New Hampshire 03813. Respondent Clapp is and since 1999 has been the vice president and secretary of respondent Loki Clan Wolf Refuge, Inc., and was acting for or employed by respondent Loki Clan Wolf Refuge, Inc.

2. From March 11, 2005, through October 10, 2009, respondent Loki Clan Wolf Refuge, Inc., continuously operated as an exhibitor without having been licensed by the Secretary to do so, and specifically exhibited animals to the public and operated as a zoo (giving approximately 300 to 500 tours in 2009) including on or about the following dates:

- a. January 31, 2008
- b. May 23, 2008
- c. August 23, 2008
- d. September 19, 2008
- e. October 8, 2009
- f. October 9, 2009
- g. October 10, 2009

3. On July 17, 2007, respondent Loki Clan Wolf Refuge, Inc., failed to permit APHIS officials to photograph the facilities, property and animals.

4. On or about February 7, February 20, and May 5, 2009, and February 12, 2010, respondent Loki Clan Wolf Refuge, Inc., failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and specifically, had no record of having obtained rabies vaccinations and providing other medical care for the wolves and wolf-dog hybrids in its custody.

Conclusions of Law

1. From March 11, 2005, through October 10, 2009, respondent Loki Clan Wolf Refuge, Inc., continuously operated as an exhibitor without having been licensed by the Secretary to do so, and specifically exhibited animals to the public and operated as a zoo (giving approximately 300 to 500 tours in 2009) including on or about the following dates, in willful violation of the Regulations (9 C.F.R. § 2.1(a)(1)):

- a. January 31, 2008
- b. May 23, 2008
- c. August 23, 2008
- d. September 19, 2008
- e. October 8, 2009
- f. October 9, 2009
- g. October 10, 2009

2. On July 17, 2007, respondent Loki Clan Wolf Refuge, Inc., failed to permit APHIS officials to photograph the facilities, property and animals, in willful violation of the Act and the Regulations. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(a)(4).

3. On or about February 7, February 20, and May 5, 2009, and February 12, 2010,

respondent Loki Clan Wolf Refuge, Inc., failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and specifically, had no record of having obtained rabies vaccinations and providing other medical care for the wolves and wolf-dog hybrids in its custody, in willful violation of the Regulations (9 C.F.R. § 2.40(b)(2)).

4. Respondent Loki Clan Wolf Refuge, Inc., has admitted the facts set forth above and the parties have agreed to the entry of this decision. Therefore, such decision will be entered.

Order

1. Respondent Loki Clan Wolf Refuge, Inc., 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.

2. In the event that respondent Loki Clan Wolf Refuge, Inc., desires to operate as an exhibitor, as that term is defined in the Act and the Regulations, it shall have obtained an AWA exhibitor's license in advance of any such exhibition activity.

3. The period of time between the filing of this consent decision and order and August 15, 2014, shall be referred to herein as the "probation period." Respondent Loki Clan Wolf Refuge, Inc., agrees that during the suspension period, it will not engage in activities for which an Animal Welfare Act license is required, if such a license has not previously been obtained, and that if during the said suspension period APHIS notifies respondent that it has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), upon receipt of such notice and supporting documentation, respondent Loki Clan Wolf Refuge, Inc., shall be assessed a civil penalty of \$5,000 without further procedure. Respondent Loki Clan Wolf Refuge, Inc., further agrees to a prospective

waiver of its right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties agree that said respondent may seek further review or injunctive, declaratory or other appropriate relief in the district court in the district where said respondent has its place of business.

4. This consent decision and order shall automatically become null and void in the event that respondent Loki Clan Wolf Refuge, Inc., employs respondent G. Frederic Keating in any capacity, permits respondent G. Frederic Keating to serve as an officer, director or agent, or allows respondent G. Frederic Keating to perform work for respondent Loki Clan Wolf Refuge, Inc., with or without compensation.

The provisions of this order shall become effective upon service. Copies of this decision shall be served upon the parties.

LOKI CLAN WOLF REFUGE, INC.
a New Hampshire corporation
Respondent

By

[Redacted signature]

Attorney for Complainant

M

Respondent

Done at Washington, D.C. *October*
this 11th day of ~~August~~, 2012

[Redacted signature]
Peter M. Davenport
Chief Administrative Law Judge