

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO
2023 JUL 24 8:30 AM

In re:

April Cicchelli, an individual, and
Ryan Cicchelli, an individual, both
doing business as Second Chance
Rescue and Exotics,

Respondents.

AWA Docket No. 22-J-0055

AWA Docket No. 22-J-0056

In re:

April Cicchelli, an individual, and
Ryan Cicchelli, an individual, both
doing business as Second Chance
Rescue and Exotics,

Respondents.

AWA Docket No. 23-J-0025

AWA Docket No. 23-J-0026

CONSENT DECISION AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (AWA or Act), by a Complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), alleging that the Respondents violated the Act and the Regulations issued pursuant to the Act (9 C.F.R. § 1.1 *et seq.*) (Regulations). This Consent Decision and Order (Consent Decision) is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents April Cicchelli and Ryan Cicchelli both doing business as Second Chance Rescue and Exotics admit to the Findings of Fact, as set forth herein and specifically admit that the Secretary of the USDA has jurisdiction in this matter, neither admit nor deny the remaining allegations in the Complaint, waive oral hearing and all further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this Consent Decision,

including waiving challenges to the Administrative Law Judge's authority to enter this Consent Decision under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the USDA under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by the Respondents in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this Consent Decision.

FINDINGS OF FACT

1. Respondents are individuals who reside in Michigan.
2. Respondents' mailing address was not provided in the Complaint to protect their personal privacy, but was provided to the Hearing Clerk's Office, United States Department of Agriculture, for the purpose of serving the Complaint and future documents.
3. At all times material herein, the Respondents did business as Second Chance Rescue and Exotics.
4. At all times material herein, the Respondents operated as an exhibitor, as that term is defined in the Act and Regulations, and held AWA license 34-C-0440.

CONCLUSIONS OF LAW

Respondents, having admitted the Findings of Fact, as set forth herein, and the parties having agreed to the entry of this Consent Decision, such Consent Decision will be entered.

ORDER


1. Respondents, either individually or through their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act, the Regulations, and/or the Standards.


2. AWA license 34-C-0440 is hereby revoked. Respondents shall permanently refrain from any activity requiring an AWA license.


3. Complainants' Order to Show Cause Why AWA License 34-C-0440 Should Not Be Terminated in AWA Docket Nos. 22-J-0055 & 22-J-0056 is dismissed as moot.

4. This Consent Decision resolves all other violations of the Act, the Regulations, and/or the Standards that the Administrator, APHIS, has alleged or might allege that the Respondents have committed, up to and including the effective date of this Consent Decision.


The provisions of this Consent Decision shall become effective immediately. Copies of this Consent Decision shall be served upon the parties.

By: 
April Cicchelli doing business
as Second Chance Rescue and Exotics
Respondent

By: 
Ryan Cicchelli doing business
as Second Chance Rescue and Exotics
Respondent

By: 
Charles E. Dunn, Esq.
Attorney for the Respondents

By: LEMNIQUE WAFER
Digitally signed by
LEMNIQUE WAFER
Date: 2023.07.21 15:29:22
-04'00'
Dr. Leminque Wafer
Agency Representative

By: 
John Rodriguez
Olivia Depasquale
Attorneys for the Complainant

Done at Washington, D.C.,
this 24 day of July 2023

Digitally signed by Jill S Clifton
Date: 2023.07.24 07:35:02 -04'00'
By: 
Jill S. Clifton
Administrative Law Judge