

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO
2023 JUL 7 11:07 AM

In re:

Troy Hyde, an individual, d/b/a Animals
of Montana, Inc.

AWA Docket No. [23-J-0071](#)

ORDER TO SHOW CAUSE WHY
ANIMAL WELFARE ACT
LICENSE 81-C-0055 SHOULD NOT
BE TERMINATED

Respondent.

Pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (“Act or AWA”) and the regulations promulgated thereunder (9 C.F.R. § 1.1 et seq.) (“Regulations”), the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this Order to Show Cause¹ why AWA license 81-C-0055 should not be terminated, and alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. Respondent Troy Hyde (“Respondent”) is an individual doing business as Animals of Montana, Inc. (“AOM”).
2. AOM is a Montana corporation whose registered address is 170 Nixon Peak Road, Bozeman, Montana 59715-9713.
3. At all material times mentioned in this Order to Show Cause, Respondent Troy Hyde owned and operated AOM, and was its responsible corporate officer.
4. Respondent was, at all material times mentioned in this Order to Show Cause, operating as an exhibitor, as defined in the Act and the Regulations, and held AWA license number 81-C-0055.

¹ 7 C.F.R. § 1.132 (“complaint” defined as, *inter alia*, an order to show cause).

BASIS FOR TERMINATION

5. The AWA is a remedial statute enacted to “insure that animals...are provided humane care and treatment.” Section 2.12 of the Regulations, through section 2.11, authorizes the Department to terminate any license issued to a person who:

“Is or would be operating in violation or circumvention of any Federal, State, or Local laws; or” “...has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.” 9 C.F.R. § 2.11(a)(6)-(7).²

6. On August 31, 2017, the Montana Department of Fish, Wildlife, and Parks (“FWP”) Hearing Officer Andres Haladay issued Findings of Fact, Conclusions of Law, and a Proposed Order determining that AOM committed 22 violations of Montana rules and regulations, which included violations pertaining to the transportation, ownership, neglect, or welfare of animals, and revoked Respondent’s permit (No. 13042809111) without right of renewal.

7. On July 31, 2018, FWP Director Martha Williams issued a final agency Order revoking Respondent’s menagerie permit without opportunity for renewal.

8. On January 17, 2020, following Respondent’s filing of a petition for appeal, the First Judicial District Court, Lewis and Clark County, District Court Judge Michael F. McMahon, issued an order affirming the FWP’s final decision to revoke the Respondent’s permit, ordering that the “permit is revoked and cannot be renewed.”³

9. On May 25, 2021, the Supreme Court of the State of Montana affirmed the District Court decision to revoke Respondent’s FWP permit in *Animals of Mont., Inc., Troy Hyde v. State*

² The final version of sections 2.11 and 2.12 of the Regulations was published in the Federal Register on July 14, 2004 (69 Fed. Reg. 42,089 (July 14, 2004)). Sections 2.11 and 2.12 of the Regulations became effective on August 14, 2004 (69 Fed. Reg. 42089 (July 14, 2004)).

³ Docket No. BDV-2015-999.

*of Montana, Department of Fish, Wildlife, and Parks.*⁴

10. The Respondent's state menagerie license has been revoked based on 22 established violations of Montana state rules and regulations. Respondent's actions render Respondent unfit to hold an AWA license as Respondent 1) would be operating in violation or circumvention of state or local laws; and 2) has been found to have violated state or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals. The Administrator has determined that the Respondent's continuous possession of an AWA license would be contrary to the purposes of the Act, and that said license should be terminated.

WHEREFORE, it is hereby ordered/requested that for the purpose of determining whether Animal Welfare Act license 81-C-0055 should be terminated in accordance with the Act and the Regulations issued under the Act, this Order to Show Cause shall be served upon Respondent. Respondent shall file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R §1.130 *et seq.*). Failure to file a timely answer shall constitute an admission of all the material allegations of this Order to Show Cause. APHIS requests that unless Respondent fails to file an answer within the time allowed therefore, or file an answer admitting all the material allegations of this Order to Show Cause, that this proceeding be decided based upon the written record, or by summary judgment; or, alternatively, following an oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

⁴ Docket No. DA 20-0065.

Done at Washington, D.C.
this ____ day of _____ 2023

MICHAEL WATSON Digitally signed by MICHAEL
WATSON
Date: 2023.07.06 16:11:05 -04'00'

Dr. Michael Watson
Acting Administrator
Animal and Plant Health Inspection Service

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