

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket 21-J-0066
)
Daniel Gingerich, an individual,)
)
) CONSENT DECISION
Respondent.) AND ORDER

REC'D - USDA/OALJ/HCO
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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 on September 24, 2021, by the Administrator of the Animal and Plant Health Inspection Service, alleging that the Respondent Daniel Gingerich (hereinafter “Respondent”) violated the AWA and the regulations promulgated thereunder (9 C.F.R. § 1.1 *et seq.*)(Regulations). The Complainant and the Respondent have agreed that this proceeding should be terminated by entry of this Consent Decision, and have agreed to the following stipulations:

Respondent admits the jurisdictional allegations in the Complaint and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining allegations, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1908 (5 U.S.C. §§ 504 *et seq.*) for fee and other expenses incurred by Respondent 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 decision. 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). Complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent is an individual whose business mailing address is 3125 Davis Road Seymour, Iowa 52590.
2. At all times material herein, Respondent operated as a breeder as that term is defined in the Act and the Regulations and held AWA license number 42-A-1632.¹

Conclusions of Law

The Respondent has admitted to the jurisdictional facts and Findings of Fact and has agreed to the following Order in disposition of this proceeding; therefore, this Consent Decision will be issued.

Order

1. Respondent, either individually or through his 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. AWA license number 42-A-1632 is revoked. Respondent shall permanently refrain from any activity requiring an AWA license.

¹ 7 C.F.R. § 1.1 (“Class ‘A’ licensee (breeder) means a person subject to the licensing requirements under part 2 and meeting the definition of a “dealer” (§ 1.1), and whose business involving animals consists only of animals that are bred and raised on the premises in a closed or stable colony and those animals acquired for the sole purpose of maintaining or enhancing the breeding colony.”).

3. Respondent confirms that every dog he has any interest in whatsoever is listed in Attachment A of the federal Consent Decree in *USA v. Daniel Gingerich*, Case No. 4:21-cv-00283 (S.D. Iowa) (hereinafter “Federal Consent”). Respondent confirms that he legally owns the dogs identified in Attachment A and that no other person has any rights or interests in the dogs. Respondent agrees to immediately abandon his right, title, and interest in the dogs listed in Attachment A. Respondent understands that, once the Animal Rescue League of Iowa takes possession of the dogs, title to the dogs and their offspring may vest in anyone. Respondent permanently relinquishes any right to direct or control to whom title vests and has no intention of resuming or reasserting title to the dogs and their offspring.

4. Respondent is assessed a civil penalty of five hundred thousand dollars (\$500,000.00). The civil penalty shall be paid by December 31, 2021, by a certified check or money order made payable to the Treasurer of the United States, indicating that the payment is in reference to AWA Docket No. 21-J-0066, and sent to the following address via certified mail:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

5. The civil penalty shall be held in abeyance until November 30, 2021. After that, the civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and mailed to the above address; unless, before November 30, 2021, the Animal Plant and Health Inspection Service (APHIS) files a statement attesting to its receipt that Respondent has surrendered all of the dogs listed in the Federal Consent. Upon APHIS filing such a statement, the civil penalty shall be abrogated.

The provisions of this order shall become effective immediately upon entry of this Order.
Copies of this decision shall be served upon the parties. This agreement may be executed in counterparts.

Daniel Gingerich
Respondent

Michael G. Byrne
Attorney for Respondent

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Attorney for Complainant

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Danielle Park
Attorney for Complainant

Done at Washington, D.C.,
this 29th day of October 2021

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STROTHER

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Chief Administrative Law Judge