

**UNITED STATES  
DEPARTMENT OF AGRICULTURE**

2322

REC'D - USDA/OALJ/HCO'  
2021 NOV 2 3:55 PM'

In re: )  
)  
DANIEL J. MOULTON, an ) AWA Docket No. 19-0004  
individual, also known as DAN )  
MOULTON, doing business as )  
MOULTON CHINCHILLA RANCH, )  
)  
Respondent. )

Pages: 2322 through 2452

Place: Washington, D.C.

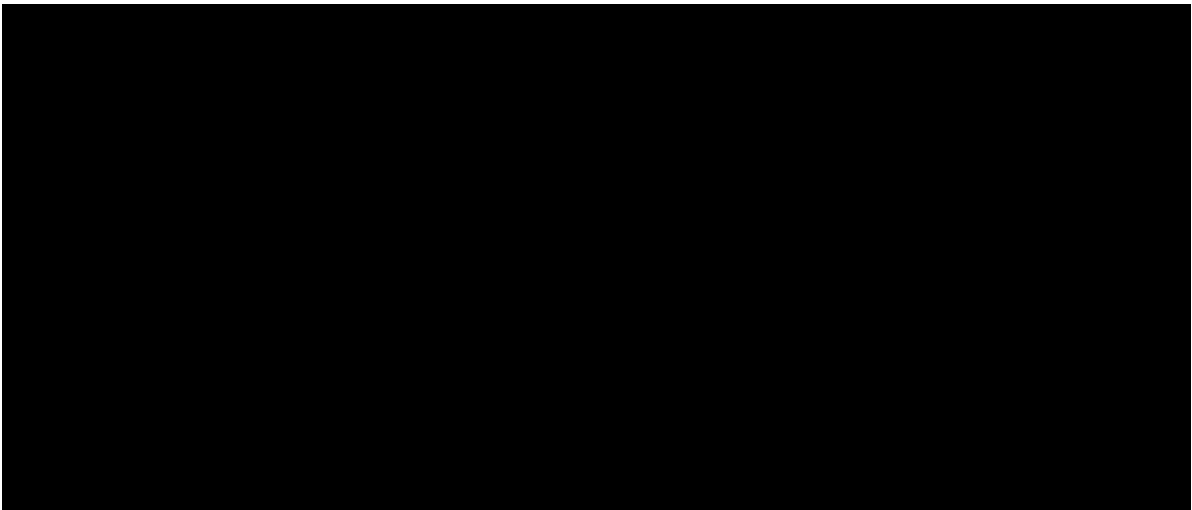
Date: October 8, 2021

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**HERITAGE REPORTING CORPORATION**

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Now, I'm going to have to go a little bit slowly because I'm piecing it together. I first of all am incorporating into this decision and order some documents that had been filed recently. One of them is the attachment A that reminds both parties how to file an appeal of my decision with the hearing clerk. This is an appeal to the judicial officer. It's part of the rules of practice, but I always try to make both parties have a copy of it handy, and it is an attachment to something I filed recently. I incorporate that attachment A into this decision and order.

I also incorporate into this decision and order the filing today of record witnesses identified and the filing today of Moulton record exhibits identified and I will be accomplishing sometime this weekend sending to the hearing clerk the APHIS record exhibits identified, which also will be incorporated into this decision and order.

1 Now, I'm going to go a little bit in reverse in that I'm  
2 going to start with my order and then I am going to go back  
3 to my findings of fact and conclusions, so let me start  
4 first with my order.

5 My first paragraph of my order is a paragraph  
6 that we call cease and desist order. It is routinely  
7 included in my Animal Welfare Act decisions, and Dr. Rhyner  
8 need not have recommended it, but it is one of the elements  
9 of the order that I know that he would expect to be  
10 included, and so I tell you, Mr. Moulton, as part of my  
11 order that you and your agents, employees, successors and  
12 assigns, directly or indirectly, through any corporate or  
13 other device, are ordered to cease and desist from  
14 violations of the Animal Welfare Act and the regulations,  
15 and in particular any of the violations that were alleged  
16 in the complaint.

17 And in addition to that -- one moment -- you are  
18 not to violate the provisions of the Act and regulations  
19 that would prevent you from regulated activities under the  
20 Animal Welfare Act without holding the appropriate USDA  
21 Animal Welfare Act breeder license, or any other license.  
22 What I'm saying there is one of the things you're to cease  
23 and desist from in the future would be participating in any  
24 activity that is regulated under the Animal Welfare Act  
25 without having the appropriate USDA Animal Welfare Act

1 license.

2 The next portion of my order is that your Animal  
3 Welfare Act license is revoked. That is a permanent  
4 remedy, and you are permanently disqualified, that is  
5 banned, from applying for, being considered for and being  
6 granted an Animal Welfare Act license. I agree totally  
7 with Dr. Rhyner's conclusions that you are unfit to be a  
8 licensee. Now, I don't know exactly why you have been  
9 unable to understand the requirements of the Animal Welfare  
10 Act. I believe it is more from disinterest than anything  
11 else. You clearly have the intelligence. I know you've  
12 had health problems, but I do find that you've been unable  
13 to achieve compliance and are not suitable to be a  
14 licensee.

15 I was particularly shocked when you objected to a  
16 subject that in this hearing as irrelevant because it dealt  
17 with how much of APHIS's time has been spent with your non-  
18 compliances, and the fact that detracts from your ability  
19 to manage all the other licensees and registrants, and you  
20 objected that that was irrelevant, and I thought how on  
21 Earth could you have missed the point, and not understood  
22 that would be true. I order that you are permanently  
23 disqualified, that is banned, from applying for, being  
24 considered for and being granted an Animal Welfare Act  
25 license.

1           Now, with regard to civil penalties. I had a  
2 little sticker shock myself, Mr. Moulton, and I don't  
3 believe even though 10 percent of all the penalties that  
4 could be imposed if maximum penalties were imposed for  
5 every violation sounds like a small number, but the number  
6 is too large. My remedy for you with regard to civil  
7 penalties is that you shall pay a civil penalty totaling  
8 \$18,000 in installments of not less than \$300 a month until  
9 paid in full beginning within 60 days after this decision  
10 and order becomes final and effective, and you shall pay  
11 that -- let me look at a different document here.

12           I'm now looking at the document that was filed  
13 today that is the proposed decision and order of APHIS, and  
14 I'm looking for the address to send payments, and I'm  
15 reading from the proposed order on page 20 of that document  
16 that the civil penalties shall be made by check made  
17 payable to the Treasurer of the United States, and remitted  
18 either by U.S. Mail addressed to USDA, APHIS,  
19 Miscellaneous, P.O. Box 979043, St. Louis, Missouri, 63197-  
20 9000, or by overnight delivery addressed to U.S. Bank,  
21 Attention Government Lockbox 979043, 1005 Convention Plaza,  
22 St. Louis, Missouri, 63101. I should have mentioned when I  
23 said that your license is revoked, the license number is  
24 41-B as in Boy, that's a capital B, -0239.

25           Now, the issue of when this decision becomes

1 final and effective, for the next 30 days, it's not because  
2 each side has 30 days to appeal. If what I have just  
3 ordered is appealed, then there's an automatic stay until  
4 the judicial officer can review it, so what I am telling  
5 you the order is, is final and effective when the final  
6 order of the Secretary has been achieved. If that is from  
7 the judicial officer, and if, Mr. Moulton, you decide to  
8 appeal judicial officer's decision to the U.S. Court  
9 system, you must specifically ask for a stay in order to  
10 avoid immediate effect.

11 All right. I told you I'm working backwards.  
12 Now I've left the order portion of my decision, and I'm  
13 going into findings of fact. Mr. Moulton, I'm worried  
14 about your perceptions, your judgments. It's the way you  
15 view things. You just nibbled away with tiny little  
16 details with regard to the allegations against you, and I'm  
17 finding that every violation alleged in the complaint filed  
18 November 20, 2018, has been supported and proved by the  
19 evidence presented here, so my findings of fact can be  
20 found in that complaint.

21 They begin on page 1 under alleged violations,  
22 but now what they are is proven violations, and so they  
23 start there and they go for pages and pages and pages and  
24 pages and pages until for eternity pages and they end on  
25 page 17 of that complaint. Those are my findings of fact.

1 They also, very conveniently, include the citations for  
2 where in the regulations those particular non-compliances  
3 are spelled out, and in some of them the Act itself is  
4 cited, so that's where you'll find my findings of fact.  
5 It's every single violation alleged in the Complaint.

6 Now, with regard to my conclusions, I'm going  
7 back to the proposed decision and order filed today by  
8 APHIS, and I'm starting with the proposed findings of fact  
9 on page 2, but now I'm in my conclusions section, so in the  
10 conclusions section of my decision and order, I begin with  
11 the Secretary of Agriculture has jurisdiction over the  
12 parties and the subject matter, and then I include the  
13 citation to the United States code that is included on page  
14 3 at the top of the proposed decision and order, and that  
15 is 7 United States Code Section 2149(a), (b).

16 My next conclusion is that -- are contained in  
17 this proposed decision and order. It's on page 3. It's  
18 shown as a paragraph 2, and it reads as follows.  
19 Respondent, Daniel J. Moulton, an individual, also known as  
20 Dan Moulton, doing business as Moulton Chinchilla Ranch has  
21 an address in the state of Minnesota. At all times  
22 mentioned in the decision, Respondent Moulton was a dealer  
23 as that term is defined in the Act and regulations, and  
24 held Animal Welfare Act license number 41-B-0239.

25 My next conclusion is that there were 213

1 violations found in the findings of fact. My next  
2 conclusion is that Mr. Moulton's business dealing animals  
3 is large. My next conclusion is that the gravity of  
4 violations is great and includes repeated instances. Now,  
5 Mr. Moulton, I find that each one of your violations or  
6 your non-compliances is willful. Willful has a peculiar  
7 meaning in administrative law, and it's been interpreted in  
8 numerous cases involving the Animal Welfare Act life,  
9 Animal Welfare Act. It does not mean willful in the sense  
10 that it's used, for example, in criminal law, not at all.  
11 It's an entirely different meaning, but I do find that each  
12 one of your failures to comply with the Animal Welfare Act  
13 and regulations was willful.

14 Now, the failure to provide access for inspection  
15 in itself would have been enough for me to revoke your  
16 license, you did not have to be there every time. You  
17 merely needed to have made provisions so that APHIS would  
18 have someone to take them through your facility on these  
19 unannounced inspections, and not only did you fail to do  
20 it, you repeatedly failed to do it. Now, I realize one of  
21 those times you were in the hospital, but had there been an  
22 alternative source, you wouldn't have had a violation.

23 I realize that you were disappointed when people  
24 other than yourself walked inspectors through your  
25 facility, and I understand that, but I don't understand



1 your non-business-like approach to dealing with these less  
2 than perfect solutions. You choosing to do everything by  
3 yourself has been partly why your downfall is being  
4 expressed by me in this decision and order. It's a sad  
5 thing for me, Mr. Moulton. I don't know why you so  
6 stubbornly cling to your certain way of doing things.

7           You still don't understand what is required of  
8 you to provide adequate veterinary care. It's irrelevant  
9 that your veterinarian was there the day before. What you  
10 need to have done is locate animals that need help  
11 medically or in some other way, and use the protocol that's  
12 set up for that kind of problem if you've already  
13 encountered it before, and if you've changed the protocol,  
14 you need to change your plan. You need to be so proactive  
15 with this, especially when you have repeated problems with  
16 a very difficult bacterium, this streptococcus -- I'm just  
17 going to call it streptococcus equi, the one that is  
18 mentioned in so many of these reports.

19           Your failure to truly inspect, for example, in  
20 your answer you said four times a day you inspect the  
21 animals. Well, I think that means you walk through once  
22 and then you walk through again and feed them, and in the  
23 evening you walk through and then you walk through and feed  
24 them. With these many animals, you actually have to do  
25 more analysis. You might have to take them out of the cage

1 and feel them. I don't know what you have to do, but you  
2 failed to adequately determine what care was needed, and  
3 then communicate that care with your veterinarian, even if  
4 it's you telling them I've got three of these animals, and  
5 I treated them the way we decided, and I'll let you know  
6 how it comes out.

7 As we talked during the hearing, you know, you  
8 can text, you can call them, you can leave messages. Yes,  
9 veterinarians are busy. I understand all that, but you  
10 still don't get what it takes. You think just having a  
11 schedule of a once a month visit, and I believe with Dr.  
12 Peeters was only able to do about three of those visits in  
13 about seven months. I'm not entirely sure about that, but  
14 the once a month visit is not -- you have not yet found a  
15 total solution, and as I indicated to you during the  
16 hearing, I don't think Dr. Peeters has time to be your  
17 attending veterinarian. It's just my observations from the  
18 hearing.

19 All right. I enjoyed so much, Mr. Moulton, the  
20 expert witnesses you brought. Both Dr. Feldman and Dr.  
21 Wuenschmann. I think it's wonderful how you have attracted  
22 people willing to help you. You're obviously a very  
23 personable man. A number of people have gone out of their  
24 way to give you very valid information. All right. With  
25 regard to your good faith, I know you don't want me to find

1 that you did not show good faith. That would be  
2 devastating especially since you practice law. I am on the  
3 fence about that.

4 As I've already indicated, I think there's  
5 something wrong with your perceptions and your judgment. I  
6 think you had a propensity that was wrong-headed even  
7 before your strokes, but I don't think your strokes and  
8 your heat attack and your diabetes have made your situation  
9 better. I think you're not entirely well, and that also  
10 makes me sad. All right. Now, with regard to the history  
11 of violations, it is astounding how much history of  
12 violations there is, absolutely astounding. That may be  
13 the most important factor in my finding that civil money  
14 penalties are appropriate, and I know my civil money  
15 penalties may not reflect the seriousness of your  
16 violations, but I nevertheless settled on that amount.  
17 When I said I expect both parties to appeal, I do.

18 All right. That is my decision and order. Ms.  
19 Chilukuri, is there any clarification that you would ask  
20 for off the top of your head. I said I'm not going to  
21 change this after today. Rather, the parties should appeal  
22 any error to the judicial officer, but, Ms. Chilukuri, is  
23 there anything that glares in need of clarification that  
24 you noticed?

25 MS. CHILUKURI: No, Your Honor. I did want to

1 confirm though that your decision is completely oral in the  
2 sense that we will have to look to the transcript to see it  
3 again. Is that correct?

4 JUDGE CLIFTON: Yes, you'll have to wait for the  
5 transcript. If anybody wants to ask the court reporter for  
6 an expedited transcript, of that portion of it, you're  
7 welcome to do that. I don't know if the court reporter  
8 will do that, but you could ask, but the only parts that  
9 are otherwise accessible are those that already in the  
10 hearing clerk's file, such as going to the complaint to  
11 find my findings of fact and the like.

12 MS. CHILUKURI: Then other than that, I have no  
13 additional questions. Thank you.

14 JUDGE CLIFTON: You're welcome. Mr. Rodriguez,  
15 anything that you would like clarification on while we're  
16 still on the record?

17 MR. RODRIGUEZ: No, Your Honor.

18 JUDGE CLIFTON: And, Mr. Moulton, is there  
19 anything you'd like clarification of while we're still o  
20 the record?

21 MR. MOULTON: Your Honor, if I -- during the next  
22 30 days if I had an opportunity to sell the animals, would  
23 the Court view that as being a violation of your order?

24 JUDGE CLIFTON: No, because the order is not  
25 final and effective during the 30 days that begin today,

1 but actually -- actually, the way it reads, and you'll see  
2 this in that appendix A, the order is final and effective  
3 in 35 days if it hasn't been appealed by a party to the  
4 case within 30 days, but it's the 30 days where you're  
5 safe.

6 MR. MOULTON: And I'm assuming that I'm going to  
7 be precluded from slipping to Canada or Europe or something  
8 like that for USDA purposes, regulations?

9 JUDGE CLIFTON: I do not know the answer to that.  
10 I would think so long as you reside in the United States,  
11 and as long as your concern is in the United States, you  
12 have to be governed by the United States Department of  
13 Agriculture's requirements. If you're asking me should you  
14 sell your farm and move to Canada? I'm not sure whether  
15 they're accepting United States people because of the  
16 virus. I don't know.

17 MR. MOULTON: Your Honor, I thank you very much.  
18 I was hoping that the Court would not ban me for life, but  
19 if the Court would modify that?

20 JUDGE CLIFTON: I will not modify that.

21 MR. MOULTON: And I have enjoyed dealing with  
22 you.

23 JUDGE CLIFTON: Thank you, Mr. Moulton. This has  
24 been a difficult hearing. I'm glad we must come to the end  
25 of it, and I am sorry that it took this many years for me

1 to get to this complaint, which was filed November 29,  
2 2018. It should not have taken this long for us to get to  
3 this point. We had some government shutdowns, some  
4 viruses, some other difficulties, and it all added up to a  
5 very, very long delay, and so here we are. All right. Mr.  
6 Court Reporter, do you need any clarification?

7 THE REPORTER: No, ma'am. I'm all caught up.  
8 Thank you.

9 JUDGE CLIFTON: All right. Excellent. Thank you  
10 for your service. This ends the hearing and I'm hanging  
11 up.

12 THE REPORTER: Thank you.

13 JUDGE CLIFTON: You're welcome.

14 (Whereupon, at 4:01 p.m., the hearing in the  
15 above-entitled matter was adjourned.)

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**APPENDIX A**

**7 C.F.R.:**

**TITLE 7—AGRICULTURE**

**SUBTITLE A—OFFICE OF THE SECRETARY OF AGRICULTURE**

**PART 1—ADMINISTRATIVE REGULATIONS**

....

**SUBPART H—RULES OF PRACTICE GOVERNING FORMAL**

**ADJUDICATORY PROCEEDINGS INSTITUTED BY THE SECRETARY UNDER**

**VARIOUS STATUTES**

...

**§ 1.145 Appeal to Judicial Officer.**

(a) *Filing of petition.* Within 30 days after receiving service of the Judge's decision, if the decision is a written decision, or within 30 days after issuance of the Judge's decision, if the decision is an oral decision, a party who disagrees with the decision, any part of the decision, or any ruling by the Judge or who alleges any deprivation of rights, may appeal the decision to the Judicial Officer by filing an appeal petition with the Hearing Clerk. As provided in § 1.141(h)(2), objections regarding evidence or a limitation regarding examination or cross-examination or other ruling made before the Judge may be relied upon in an appeal. Each issue set forth in the appeal petition and the arguments regarding each issue shall be separately numbered; shall be plainly and concisely stated; and shall contain detailed citations to the record, statutes, regulations, or authorities being relied upon in support of each argument. A brief may be filed in support of the appeal simultaneously with the appeal petition.

(b) *Response to appeal petition.* Within 20 days after the service of a copy of an appeal petition and any brief in support thereof, filed by a party to the proceeding, any other party may file with the Hearing Clerk a response in support of or in opposition to the appeal and in such response any relevant issue, not presented in the appeal petition, may be raised.

(c) *Transmittal of record.* Whenever an appeal of a Judge's decision is filed and a response thereto has been filed or time for filing a response has expired, the Hearing Clerk shall transmit to the Judicial Officer the record of the proceeding. Such record shall include: the pleadings; motions and requests filed and rulings thereon; the transcript or recording of the testimony taken at the hearing, together with the exhibits filed in connection therewith; any documents or papers filed in connection with a pre-hearing conference; such proposed findings of fact, conclusions, and orders, and briefs in support thereof, as may have been filed in connection with the proceeding; the Judge's decision; such exceptions, statements of objections and briefs in support thereof as may have been filed in the proceeding; and the appeal petition, and such briefs in support thereof and responses thereto as may have been filed in the proceeding.

(d) *Oral argument.* A party bringing an appeal may request, within the prescribed time

for filing such appeal, an opportunity for oral argument before the Judicial Officer. Within the time allowed for filing a response, appellee may file a request in writing for opportunity for such an oral argument. Failure to make such request in writing, within the prescribed time period, shall be deemed a waiver of oral argument. The Judicial Officer may grant, refuse, or limit any request for oral argument. Oral argument shall not be transcribed unless so ordered in advance by the Judicial Officer for good cause shown upon request of a party or upon the Judicial Officer's own motion.

(e) *Scope of argument.* Argument to be heard on appeal, whether oral or on brief, shall be limited to the issues raised in the appeal or in the response to the appeal, except that if the Judicial Officer determines that additional issues should be argued, the parties shall be given reasonable notice of such determination, so as to permit preparation of adequate arguments on all issues to be argued.

(f) *Notice of argument; postponement.* The Hearing Clerk shall advise all parties of the time and place at which oral argument will be heard. A request for postponement of the argument must be made by motion filed a reasonable amount of time in advance of the date fixed for argument.

(g) *Order of argument.* The appellant is entitled to open and conclude the argument.

(h) *Submission on briefs.* By agreement of the parties, an appeal may be submitted for decision on the briefs, but the Judicial Officer may direct that the appeal be argued orally.

(i) *Decision of the [J]udicial [O]fficer on appeal.* As soon as practicable after the receipt of the record from the Hearing Clerk, or, in case oral argument was had, as soon as practicable thereafter, the Judicial Officer, upon the basis of and after due consideration of the record and any matter of which official notice is taken, shall rule on the appeal. If the Judicial Officer decides that no change or modification of the Judge's decision is warranted, the Judicial Officer may adopt the Judge's decision as the final order in the proceeding, preserving any right of the party bringing the appeal to seek judicial review of such decision in the proper forum. A final order issued by the Judicial Officer shall be filed with the Hearing Clerk. Such order may be regarded by the respondent as final for purposes of judicial review without filing a petition for rehearing, reargument, or reconsideration of the decision of the Judicial Officer.

[42 FR 743, Jan. 4, 1977, as amended at 60 FR 8456, Feb. 14, 1995; 68 FR 6341, Feb. 7, 2003]

7 C.F.R. § 1.145



UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
)  
Daniel J. Moulton, an individual, also ) AWA Docket No. **19-0004**  
known as Dan Moulton, doing business )  
as Moulton Chinchilla Ranch, )  
)  
Respondent. )

**RECORD Witnesses Identified**

Appearances:

*Rupa Chilukuri, Esq., and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or Complainant); and*

*the Respondent Daniel J. Moulton, also known as Dan Moulton, representing himself.*

1. Through 17 days of Hearing (through October 7, 2021) in Docket No. **19-0004** regarding the Respondent Daniel J. Moulton, an individual, also known as Dan Moulton, doing business as Moulton Chinchilla Ranch, the following WITNESSES had testified.

**Complainant APHIS Witnesses**

Amy Hammer July 26, 2021

Brenton Cox July 26, 27, 28, 2021

Debra Sime, DVM July 29, 2021

Scott Welch, DVM July 30, August 9, 10, 11, 12, 2021

Laurie Gage, DVM, DACZM August 12, 13, October 7, 2021

Aaron Rhyner, DVM October 7, 2021

**[see next page]**

## Respondent Dan Moulton Witnesses

NOT Keith Curlee: Mr. Moulton called him as a witness; I did not permit him to testify, finding the subject matter not relevant. September 20, 2021.

Susan Moulton September 20, 2021.

Martha “Marty” Holmes September 20, 2021.

Sanford Feldman, DVM, PhD September 21, 22, 2021.

Wayne Ode, DVM September 22, 2021.

Lawrence Predmore, DVM September 22, 2021.

Henry James “Hank” Peeters, DVM September 22, 2021.

Daniel Moulton, September 22, 23, 24, October 5, 7

Gary Opperud, September 23, 2021


Arno Wuenschmann, DVM September 23, 2021

Judith Large, September 23, 24, 2021, October 5.

2. Due to the corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at [SM.OHA.HearingClerks@usda.gov](mailto:SM.OHA.HearingClerks@usda.gov) is preferred. Or, use the FAX number for the Hearing Clerk, if you prefer. The Hearing Clerk receives FAXES sent to **1-844-325-6940** in an inbox on the computer, so coming into the office is not required to retrieve the FAXes.

Copies of this order “RECORD Witnesses Identified” shall be sent by the Hearing Clerk to each of the parties; and to only the 3 non-party observers already granted access to the Hearing, that is, Ms. Wadman, Ms. Maron, and Mr. Mead.

Issued at Washington, D.C. this 8th day of October 2021

 Digitally signed  
by JILL CLIFTON  
Date: 2021.10.08  
09:37:35 -04'00'

Jill S. Clifton  
Administrative Law Judge

Hearing Clerk's Office  
United States Department of Agriculture  
South Building, Room 1031-S  
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Washington, DC 20250-9203

Phone: 1-202-720-4443

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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
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Daniel J. Moulton, an individual, also ) AWA Docket No. **19-0004**  
known as Dan Moulton, doing business )  
as Moulton Chinchilla Ranch, )  
)  
Respondent. )

**Moulton RECORD Exhibits Identified**

Appearances:

*Rupa Chilukuri, Esq., and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or Complainant); and*

*the Respondent Daniel J. Moulton, also known as Dan Moulton, representing himself.*

1. Through 17 days of Hearing in Docket No. **19-0004** regarding the Respondent Daniel J. Moulton, an individual, also known as Dan Moulton, doing business as Moulton Chinchilla Ranch, the following Moulton Exhibits became part of the Record, as they were ADMITTED into evidence, or REJECTED.

**Respondent Exhibits (Dan Moulton) ADMITTED INTO EVIDENCE**

RX-1, RX-2, RX-3, RX-4, RX-5, RX-6, RX-7, RX-8, RX-9, RX-10, RX-11, RX-12, RX-13, RX-15, RX-16, RX-17, RX-18, RX-19, RX-20, RX-23, RX 24, RX-25 (over objection), RX-26, RX-27, RX-28, RX-30 (over objection), RX-31, RX-32, RX-34, RX-35, RX-36, RX-37, RX-40, RX-41, RX-42, RX-43, RX-44, RX-45, RX-46, RX-47, RX-48, RX-49, RX-50, RX-51, RX-52, RX-53, RX-54, RX-55, RX-56 (over objection), RX-57, RX-58, RX-59, RX-60, RX-61

**Respondent Exhibits (Dan Moulton) REJECTED**

RX-21, RX-22

2. Due to the corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at [SM.OHA.HearingClerks@usda.gov](mailto:SM.OHA.HearingClerks@usda.gov) is preferred. Or, use the FAX number for the Hearing Clerk, if you prefer. The Hearing Clerk receives FAXES sent to **1-844-325-6940** in an inbox on the computer, so coming into the office is not required to retrieve the FAXes.

Copies of this order “Moulton RECORD Exhibits Identified” shall be sent by the Hearing Clerk to each of the parties; and to only the 3 non-party observers already granted access to the Hearing, that is, Ms. Wadman, Ms. Maron, and Mr. Mead.

Issued at Washington, D.C. this 7th day of October 2021

  
Jill S. Clifton

Digitally signed  
by JILL CLIFTON  
Date: 2021.10.07  
18:18:45 -04'00'

Jill S. Clifton  
Administrative Law Judge

Hearing Clerk's Office  
United States Department of Agriculture  
South Building, Room 1031-S  
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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
)  
Daniel J. Moulton, an individual, also ) AWA Docket No. **19-0004**  
known as Dan Moulton, doing business )  
as Moulton Chinchilla Ranch, )  
)  
Respondent. )

**APHIS RECORD Exhibits Identified**

Appearances:

*Rupa Chilukuri, Esq., and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or Complainant); and*

*the Respondent Daniel J. Moulton, also known as Dan Moulton, representing himself.*

1. Through 17 days of Hearing in Docket No. **19-0004** regarding the Respondent Daniel J. Moulton, an individual, also known as Dan Moulton, doing business as Moulton Chinchilla Ranch, the following APHIS Exhibits became part of the Record, as they were ADMITTED into evidence.

**Complainant APHIS Exhibits ADMITTED INTO EVIDENCE**

CX-1, CX-2, CX-3, CX-4, CX-5, CX-6, CX-7,  
CX-9, CX-10, CX-11, CX-12, CX-13, CX-14, CX-15, CX-16, CX-17, CX-18, CX-19, CX-20, CX-21, CX-22, CX-23, CX-24, CX-25, CX-26, CX-27, CX-28, CX-29, CX-30, CX-31, CX-32, CX-33, CX-34, CX-35, CX-36, CX-37, CX-38, CX-39, CX-40, CX-41, CX-42, CX-43, CX-44, CX-45, CX-46, CX-47, CX-48, CX-49, CX-50, CX-51, CX-52, CX-53, CX-54, CX-55, CX-56, CX-57, CX-58, CX-59 (over objection), CX-60 (over objection), CX-61 (over objection), CX-62 (over objection), CX-63 (over objection), CX-64 (over objection), CX-65 (over objection), CX-66 (over objection), CX-67 (over objection), CX-68 (over objection), CX-69 (over objection), CX-70 (over objection) CX-71 (over objection), CX-72 (over objection), CX-73 (over objection), CX-74 (over objection), CX-75 (over objection), CX-76 (over objection), CX-77 (over objection), CX-78 (over objection), CX-79 (over objection), CX-80 (over objection), CX-81 (over objection), CX-82 (over objection), CX-83 (over objection), CX-84 (over objection), CX-85 (over objection), CX-86 (over objection), CX-87, CX-88, CX-89, CX-90, CX-91,


CX-94, CX-95, CX-96, CX-97, CX-98, CX-99, CX-100, CX-101, CX-102, CX-103, CX-104, CX-105, CX-106, CX-107, CX-108, CX-109, CX-110, CX-111, CX-112, CX-113, CX-114, CX-115, CX-116, CX-117, CX-118, CX-119, CX-120, CX-121, CX-122, CX-123, CX-124, CX-125, CX-126, CX-127, CX-128, CX-129, CX-130, CX-131, CX-132, CX-133, CX-134, CX-135, CX-136, CX-137, CX-138, CX-139, CX-140, CX-141, CX-142, CX-143, CX-144, CX-145, CX-146, CX-147, CX-148, CX-149, CX-150, CX-151, CX-152, CX-153, CX-154, CX-155, CX-156, CX-157, CX-158, CX-159, CX-160, CX-161, CX-162, CX-163, CX-164, CX-165, CX-166, CX-167, CX-168, CX-169, CX-170, CX-171, CX-173, CX-174, CX-175, CX-176, CX-177, CX-178, CX-179, CX-180, CX-182, CX-183, CX-184, CX-185, CX-186, CX-187, CX-188, CX-189, CX-190, CX-191, CX-192, CX-193, CX-194, CX-195, CX-196, CX-197, CX-198, CX-199, CX-200, CX-201, CX-202, CX-203, CX-204, CX-205, CX-207, CX-208, CX-209, CX-210, CX-211, CX-212, CX-213, CX-214, CX-215, CX-216, CX-217, CX-218, CX-219, CX-220, CX-221, CX-222, CX-223, CX-224, CX-225, CX-226, CX-227, CX-228, CX-229, CX-230, CX-231, CX-232, CX-233, CX-234, CX-235, CX-236, CX-237, CX-238, CX-239, CX-240, CX-241, CX-242, CX-243, CX-244, CX-245, CX-246, CX-247, CX-248, CX-249, CX-250, CX-251, CX-252, CX-253, CX-254, CX-255, CX-256, CX-257, CX-258, CX-259, CX-260, CX-261, CX-262, CX-263, CX-264, CX-265, CX-266, CX-267, CX-268, CX-269, CX-270, CX-271, CX-272, CX-273, CX-279, CX-280, CX-287, CX-288, CX-289, CX-290, CX-291, CX-292, CX-293, CX-294, CX-295, CX-296, CX-297 (over objection), CX-298 (over objection), CX-299 (over objection)

[The following Complainant APHIS Exhibits were NOT ADMITTED INTO EVIDENCE and are NOT part of the Record. By Stipulation, CX-274, CX-275, CX-276, CX-277, CX-278 AND CX-281, CX-282, CX-283, CX-284, CX-285, CX-286 were NOT ADMITTED into evidence, in exchange for RX-28 being admitted into evidence.]

2. Due to the corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at [SM.OHA.HearingClerks@usda.gov](mailto:SM.OHA.HearingClerks@usda.gov) is preferred. Or, use the FAX number for the Hearing Clerk, if you prefer. The Hearing Clerk receives FAXES sent to **1-844-325-6940** in an inbox on the computer, so coming into the office is not required to retrieve the FAXes.

Copies of this order “APHIS RECORD Exhibits Identified” shall be sent by the Hearing Clerk to each of the parties; and to only the 3 non-party observers already granted access to the Hearing, that is, Ms. Wadman, Ms. Maron, and Mr. Mead.

Issued at Washington, D.C. this 10th day of October 2021

 Digitally signed by  
JILL CLIFTON  
Date: 2021.10.10  
18:50:50 -04'00'

Jill S. Clifton  
Administrative Law Judge

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