



18 AUG 20 PM 3: 32

RECEIVED

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

GERHARD FELTS, also known	)	AWA Docket 18-0671
as GARY FELTS, dba BLACK	)	
DIAMOND KENNEL,	)	
	)	
Respondent.	)	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 of the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture, alleging that Respondent Gerhard Felts (Respondent) willfully violated the Act and the regulations promulgated thereunder (9 C.F.R. Part 2 and 3) (Regulations). This decision is entered pursuant to the consent provision of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

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 oral hearing and further procedure, 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 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

Complainant agrees to the entry of this consent decision.

FINDINGS OF FACT

Respondent Gerhard Felts, also known as Gary Felts, is an individual doing business as Black Diamond Kennel, and whose mailing address is (b) (6) At all times mentioned in the complaint, Respondent was operating as a dealer, as that term is defined in the Act and the Regulations, and held AWA license number 42-A-0757.

CONCLUSIONS OF LAW

Respondent having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. Respondent, his agents and employees, successor and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and Regulations.
2. Animal Welfare Act license number 42-A-0757 is revoked, effective June 21, 2018.

This Order shall have the same force and effect as if entered after full hearing. The provisions of this Order shall become effective immediately. Copies of this decision shall be served upon the parties.

Done at Washington, D.C.

this 20 day of Aug, 2018

Administrative Law Judge

for  
Channing D. Strother  
Acting Chief  
Admin Law Judge

*G. Felts*  
X  
Gerhard Felts  
Respondent

*M. Scott Weiner*  
Matthew Scott Weiner  
Attorney for Complainant