

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

USDA
CALIFORNIA
335 072 23 711 4: 11
RECEIVED

In re:) AWA Docket No. 04-0027
)
THE UNIVERSITY OF CALIFORNIA)
SAN FRANCISCO,)
a public educational institution,)
)
Respondent.) CONSENT DECISION AND
ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondent violated the Act and the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.) (the "Regulations" and "Standards"). 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).

Respondent admits the jurisdictional allegations in the complaint, and neither admits nor denies the remaining allegations, waives oral hearing and further procedure, and consents and agrees to the entry of this decision. Complainant agrees to the entry of this decision.

Findings of Fact

Respondent University of California, San Francisco is a campus of the University of California system, owned and operated by The Regents of the University of California ("The Regents"). The Regents is a California constitutional corporation organized under Article IX, Section 9 of the California constitution and governed by the Board of The Regents. The General Counsel to The Regents is James E. Holst, whose address is the Office of the General Counsel of The Regents, University of California, 1111 Franklin St., Oakland, CA 94607. At all times mentioned in the second amended complaint, respondent was registered and operating as a research facility under the Act, and was assigned registration number 93-R-0440.

Conclusion

The respondent having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondent, its 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. Respondent is assessed a civil penalty of \$92,500, which shall be paid by check made payable to the Treasurer of United States.

The provisions of this Order shall become effective immediately. Copies of this decision shall be served upon the parties.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,
On behalf of its UNIVERSITY OF CALIFORNIA, SAN FRANCISCO CAMPUS

By Jeannie Perron
Jeannie Perron
Attorney for Respondent

Colleen A. Carroll
Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 23 day of September, 2005

Victor W. Palmer

Victor W. Palmer
Administrative Law Judge