

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF AGRICULTURE**

In The Matter Of:

**Kennel License of Samuel F. King :
d/b/a Country Lane Kennel**

CONSENT ORDER AND AGREEMENT

This Consent Order and Agreement is entered into this 22 day of JANUARY 2008, by and between the Commonwealth of Pennsylvania, Department of Agriculture (“Department”) and Samuel F. King.

The Department has found and determined the following:

A. The Department is the agency with the duty and authority to administer and enforce the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, 3 P.S. § 459-101 et. Seq. (“Dog Law”).

B. Samuel King was the holder of K5 Kennel license No. 02281 n 2007 for Country Lane Kennel.

C. On June 4, 2007, June 19, 2007, July 30, 2007, and November 14, 2007, State Dog Wardens performed inspections of Country Lane Kennel, as authorized by the Dog Law.

D. The inspections revealed that Samuel King failed to comply with the kennel regulations promulgated under the authority of the Dog Law, specifically 7 Pa. Code §§ 21.21(a), 21.21(b), 21.23(a), 21.23(b), 21.24(a), 21.24(d), 21.29(a), 21.29(b), and 21.29(c).

E. On December 17, 2007, Samuel King made an application to the Department for a 2008 Pennsylvania state kennel license for Country Lane Kennel.

F. Pursuant to 3 P.S. § 459-211(a)(4), the Department has the authority to refuse Samuel King's 2008 license application for failure to comply with the regulations enumerated in paragraph D.

G. The parties have engaged in negotiations regarding the Samuel King's 2008 kennel license application. Samuel King has expended substantial funds to renovate parts of his kennel and desires an opportunity to correct his violations. The Department desires punitive sanctions against Samuel King and desires to ensure the safety and welfare of the future dogs at Country Lane Kennel.

After full and complete negotiation of all matters set forth in this Consent Order and Agreement and upon mutual exchange of covenants contained herein, the parties desiring to avoid litigation and intending to be legally bound, it is hereby ORDERED by the Department and AGREED to by Samuel King as follows:

1. Authority. This Consent Order and Agreement is an Order of the Department authorized and issued pursuant to the Dog Law, Act of December 7, 1982, P.L. 784, No. 225, 3 P.S. § 459-101, et seq.

2. Findings.

- a) Samuel King agrees that the findings in Paragraphs A-G are true and correct and, in any matter or proceeding involving Samuel King and the Department of Agriculture, Samuel King may not challenge the accuracy or validity of these findings.
- b) The parties do not authorize any person, other than the parties hereto; to utilize the findings in this Consent Order and Agreement in any matter or proceeding.

3. Corrective Action

- a) Samuel King will ensure that someone is available at all times to allow State Dog Wardens access to the kennel for the purposes of conducting unannounced inspections of Country Kennel.
- b) Samuel King consents to multiple inspections during the term of this agreement.
- c) Samuel King will ensure that the primary enclosures of the kennel are sanitized on a daily basis, and that excreta is removed from all areas of the kennel on a daily basis.
- d) Samuel King will removed the whelping area from the kennel and construct a new whelping area within six months of the date of this agreement.
- e) Samuel King will limit the number of dogs in the kennel and on his premises to a total of 400 at any one time..

f) Samuel King agrees to pay an administrative penalty to the Commonwealth of Pennsylvania, Dog Law Restricted Account in the amount of ~~five thousand~~ ^{four thousand} ~~(\$5,000)~~ ^{4,000}, payable in equal installments during the months of this agreement.

Checks should be made payable to the Commonwealth of Pennsylvania and mailed

to:

Pennsylvania Department of Agriculture
Bureau of Dog Law Enforcement
2301 N. Cameron Street
Harrisburg, PA 17110
ATTN: Jan Frushone-Gibas

g) In addition to any other remedy of law, any violation of this agreement, the Dog Law, the regulations promulgated under the authority of the Dog Law, or any law related to Cruelty to Animals by Samuel King will be grounds for a revocation of his kennel license and refusal of any future kennel license application.

h) In consideration for this agreement, the Bureau agrees to grant Samuel King's 2008 kennel license application for Country Lane Kennel.

i) This agreement shall continue until December 31, 2009.

4. Additional Remedies.

a). In the event Samuel King fails to comply with any provision of this Consent Order and Agreement, the Department may, in addition to the remedies prescribed herein, pursue any remedy available for a violation of an Order of the Department, including an action to enforce this Consent Order and Agreement.

b). The remedies provided by this paragraph are cumulative and the exercise of one does not preclude the exercise of any other. The failure of the Department to pursue any remedy shall not be deemed to be a waiver of that remedy.

c) Reservation of Rights. The Department reserves the right to require additional measures to achieve compliance with applicable law. Samuel King reserves the right to challenge any action which the Department may take to require those measures.

d) Liability of Operator. Samuel King shall be liable for any violations of the Consent Order and Agreement, including those caused by, contributed to, or allowed by his officer's agents, employees, or contractors.

e) Correspondence with Department. All correspondence with the Department concerning this Consent Order and Agreement shall be addressed to:

Jessie L. Smith
Deputy Secretary
Department of Agriculture
2301 N. Cameron St.
Harrisburg, PA 17110

f) Correspondence with Samuel King. All correspondence with Samuel King concerning this Consent Order and Agreement shall be addressed to:

Cory J. Miller, Esq.

731 North Duke St.

LANCASTER, PA 17602

5. Severability. The paragraphs of this Consent Order and Agreement shall be severable and should any part hereof be declared invalid or unenforceable, the remainder shall continue in full force and effect between the parties.

6. Entire Agreement. This Consent Order and Agreement shall constitute the entire integrated agreement of the parties. No prior or contemporaneous communications or prior drafts shall be relevant or admissible for purposes of determining the meaning or extent of any provisions herein in any litigation or any other proceeding.

7. Attorney Fees. The parties shall bear their respective attorney fees, expenses and other costs in the prosecution or defense of this matter or any related matters, arising prior to execution of this Consent Order and Agreement.

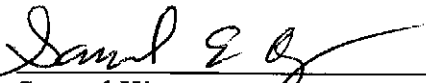
8. Modifications. No changes, additions, modifications, or amendments of this Consent Order and Agreement shall be effective unless they are set out in writing and signed by the parties hereto.

9. Titles. A title used at the beginning of any paragraph of this Consent Order and Agreement may be used to aid in the construction of that paragraph, but shall not be treated as controlling.

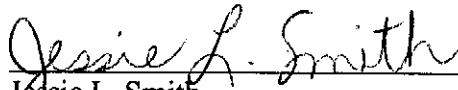
IN WITNESS WHEREOF, the parties hereto have caused this Consent Order and Agreement to be executed by. Samuel King certifies that he consents to the entry of this Consent Order and Agreement as a final ORDER of the Department; and that he hereby knowingly waives his right to appeal this Consent Order and Agreement and to challenge its content or validity, which rights may be available under 3 Pa.C.S.A. § 6718, which provides for an appeals process, or any other provisions of law. (Signature by Samuel King's attorney, if any, certifies only that the agreement has been signed after consulting with counsel.)

FOR SAMUEL KING

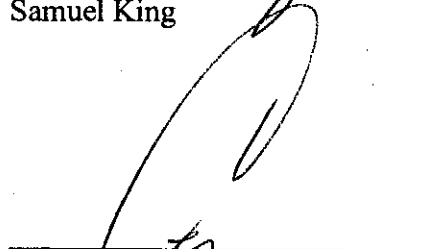
FOR THE COMMONWEALTH OF
PENNSYLVANIA, DEPARTMENT
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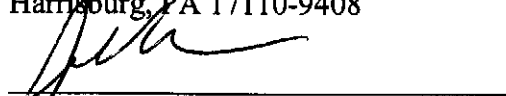
Samuel King



Jessie L. Smith
Deputy Secretary
Department of Agriculture
2301 North Cameron Street
Harrisburg, PA 17110-9408



Cory Miller, Esq.
Smoker, Gard, and Mersky, LLP
731 N. Duke St.
Lancaster, PA 17602



Jeffrey M. Paladina
Assistant Counsel
Office of Chief Counsel
Department of Agriculture
2301 North Cameron Street, Room 201
Harrisburg, PA 17110-9408