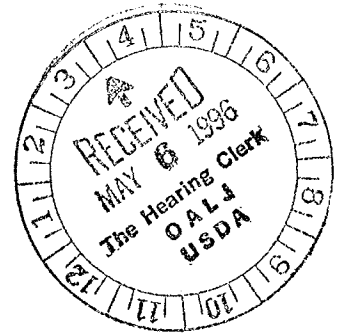


UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE



In re: ) AWA Docket No. 96-46  
 )  
SUN JET INTERNATIONAL )  
AIRLINES, a Delaware )  
corporation, )  
 )  
Respondent. ) COMPLAINT

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), and the regulations and standards issued pursuant thereto (9 C.F.R. § 1.1 et seq.)(the "Regulations" and the "Standards"). The Administrator of the Animal and Plant Health Inspection Service therefore issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

Respondent Sun Jet International Airlines is a Delaware corporation whose business address is 11701 Belcher Road, Suite 130, Largo, Florida 34643. At all times mentioned herein, said respondent was registered as a carrier, as that term is defined in the Act and the Regulations.

ALLEGED VIOLATIONS

A. On July 31, 1994, respondent Sun Jet International Airlines transported a live dog from Newark, New Jersey, to Long Beach, California, and willfully violated the Regulations and Standards as follows:

1. Respondent Sun Jet International Airlines failed to handle the animal so as not to cause overheating, physical harm, or unnecessary discomfort, in violation of section 2.131(a)(1) of the Regulations (9 C.F.R. § 2.131(a)(1));

2. Respondent Sun Jet International Airlines failed to maintain its animal cargo space so as to protect the health and well-being of the animal transported in it and ensure the animal's safety and comfort, and failed to maintain an ambient temperature in the cargo area that ensured the health and well-being of the animal, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.15(a), (b), and (d) of the Standards (9 C.F.R. § 3.15(a), (b) and (d));

3. Respondent Sun Jet International Airlines failed to handle the animal so as not to cause overheating, physical harm, or unnecessary discomfort, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.140(a) of the Standards (9 C.F.R. § 3.140(a)); and

4. Respondent Sun Jet International Airlines accepted a dog for transportation without receiving the required written certification and instructions concerning food and water for the animal, in violation of section 2.100(b) of the Regulations (9 C.F.R. § 2.100(b)), and section 3.13(c) of the Standards (9 C.F.R. § 3.13(c)).

B. Since approximately July 11, 1995, respondent Sun Jet International Airlines has failed and refused, and continues to

fail and refuse, to furnish to APHIS information concerning the transportation by the respondent on July 31, 1994, of a live dog from Newark, New Jersey, to Long Beach, California, in violation of section 2.125 of the Regulations (9 C.F.R. § 2.125).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent. The respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint.

The Animal and Plant Health Inspection Service requests:

1. That unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and

2. That such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order:

(a) Requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder;

(b) Suspending or revoking the respondent's license under the Act; and

(c) Assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.  
this 3rd day of May, 1996

  
Acting Administrator  
Animal and Plant Health  
Inspection Service

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