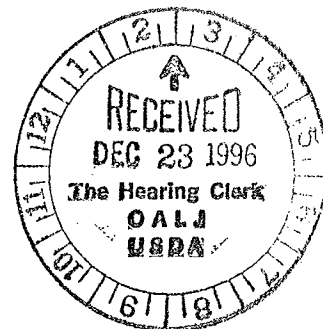


UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 96-46
)
SUN JET INTERNATIONAL)
AIRLINES, a Delaware)
corporation,)
)
Respondent) 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 willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.)(the "Regulations"). 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 set forth in the complaint and included herein as finding of fact No. 1, and specifically admits that the Secretary has jurisdiction in this matter. Except as set forth below, respondent neither admits nor denies the remaining allegations in the complaint. Respondent waives oral hearing and further procedure, and consents and agrees, for the purpose of settling this proceeding and for such purpose only, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Respondent Sun Jet International Airlines is a Delaware corporation whose business address is 11701 Belcher Road, Suite 130, Largo, Florida 34643.
2. On July 31, 1994, respondent transported a live dog from Newark, New Jersey, to Long Beach, California.

2. On July 31, 1994, respondent transported a live dog from Newark, New Jersey, to Long Beach, California.

3. On August 24, 1994, respondent registered as a carrier under the Act.

Conclusions of Law

1. On July 31, 1994, respondent transported a live dog without having registered as a carrier under the Act, in violation of section 2.25(a) of the regulations (9 C.F.R. § 2.25(a)).

2. The respondent has admitted the facts set forth above, the parties have agreed to the entry of this decision, and this decision will therefore 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 issued thereunder, and in particular, shall cease and desist from failing to:

a) handle animals in transportation so as not to cause overheating, physical harm, or unnecessary discomfort;

b) maintain its animal cargo space so as to protect the health and well-being of animals transported in it and ensure their safety and comfort, and to maintain an ambient temperature in the cargo area that ensures the health and well-being of animals;

c) accept animals for transportation without receiving the required written certification and instructions concerning food and water for the animal;

d) furnish to APHIS, upon request, information concerning the transportation of regulated animals.

2. Respondent is assessed a civil penalty of \$5000, which shall be paid by certified check or money order made payable to the Treasurer of the United States.

The provisions of this order shall become effective on December 1, 1996. Copies of this decision shall be served upon the parties.

SUN JET INTERNATIONAL AIRLINES

By *John McNamee*
Its *Vice President*

Colleen A. Carroll
Colleen A. Carroll
Attorney for Complainant

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

Victor W. Palmer
Victor W. Palmer
Chief Administrative Law Judge