



VIA: USPS Certified Mail
Shipping Event: 1st

May 10, 2012

Michael Henry McClelland
d/b/a McClelland's Critters, LLC
P.O. Box 1340
Troy, AL 36081

SETTLEMENT AGREEMENT

Dear Sir or Madam:

Why You Are Receiving This Letter

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What You Need To Do Immediately

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

- If you agree to waive your right to a hearing and pay the penalty, then do the following:
 - Pay the amount due, \$3,286, by **June 25, 2012**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **June 25, 2012**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **June 25, 2012**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.
- If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **June 25, 2012**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

If We Do Not Hear From You

If we do not receive a payment or hearing request from you by **June 25, 2012**, we will forward this matter to our Office of the General Counsel for litigation.

What To Do If You Need Help

If you have any questions concerning this letter, contact Kelly Briscoe at (301) 851-2755, or call our main office at (301) 851-2948.

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: October 15, 2008

9 C.F.R. § 2.126(b) Access and inspection of records and property. Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials the use of a room, table, or other facilities necessary for the proper examination of the records and inspection of the property or animals.

You failed to have a responsible adult available to accompany APHIS officials during the inspection process.

Date of Violation: December 11, 2008

9 C.F.R. § 2.126(b) Access and inspection of records and property. Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials the use of a room, table, or other facilities necessary for the proper examination of the records and inspection of property or animals.



You failed to have a responsible adult available to accompany APHIS officials during the inspection process.

Date of Violation: February 2, 2009

9 C.F.R. § 2.131(c)(1) Handling of animals. During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

You failed to properly handle a leopard who reached through the fence and clawed a minor boy. This resulted in injury and stitches.

Date of Violation: November 3, 2010

9 C.F.R. § 2.126(b) Access and inspection of records and property. Each dealer, exhibitor, intermediate handler, or carrier, shall, during business hours, allow APHIS officials to enter its place of business.

You failed to have a responsible adult available to accompany APHIS officials during the inspection process.



How To Pay The Penalty

You may pay your penalty immediately through secure online transactions or phone using American Express, Discover, Diners Club, Master Card, and Visa, or by U.S. Mail using a check, cashier's check, or money order.

Online. Pay.gov allows you to make deferred and recurring credit card payments through secure online payments. To submit your credit card payment online:

1. Log on to <https://www.pay.gov>.
2. Click on Agency List.
3. Click on "A" in Index.
4. Click on Agriculture Department.
5. Click on Department of Agriculture.
6. Click on Animal and Plant Health Inspection Service – APHIS Customers (2nd listing).
7. Complete the required information and submit the form.
8. Enter payment information and submit your payment.
9. Print confirmation screen as your receipt.

Phone. To make a credit card payment by phone:

1. Call (612) 336-3253 and speak to a Debt Management Specialist.
2. State your Reference Number AL09008-AC.
3. Submit your credit card information.

U.S. Mail. To make a payment by check, cashier's check, or money order:

1. Make the check, cashier's check, or money order payable to the Treasurer of the United States.
2. Write the Reference Number AL09008-AC on your check, cashier's check, or money order.
3. Mail your payment to:
USDA – APHIS – GENERAL AL09008-AC
P.O. Box 979043
St. Louis, MO 63197-9000

If You Are Unable To Pay In Full

Complete the attached form and return it to our office to request a payment plan. Please be prepared to provide us with copies of your most recent federal tax return so that we may determine whether you are eligible for a payment plan.



**AGREEMENT TO PAY AND
REQUEST FOR PAYMENT PLAN**

If you agree with the terms in this Settlement Agreement but cannot pay the penalty in full at this time, select one of the options below, sign the form, and return it to the following address prior to the due date of **June 25, 2012**:

USDA, APHIS, IES (General) AL09008-AC
4700 River Road, Unit 85
Riverdale, MD 20737

I understand that by signing this Settlement Agreement, I waive my right to a hearing. I agree to pay the penalty of \$3,286, but I am requesting a payment plan because of financial hardship. I have enclosed a copy of my most recent federal tax return. I have indicated below if I have enclosed other documents to show financial hardship:

_____ Bankruptcy filing

_____ Other (describe): _____

Signature: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip code: _____