

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
) AWA Docket No. 23-J-0007  
Jimmy Wayne Hammonds, an individual, )  
doing business as The Monkey Whisperer )  
LLC, )  
) CONSENT DECISION  
) AND ORDER  
Respondent. )

REC'D - USDA/OALJ/HCO  
2022 DEC 21 4:24 PM

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

The Respondent admits the findings of fact, as set forth herein, and specifically admits that the Secretary has jurisdiction in this matter, waives oral hearing and all further procedure, waives all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge’s authority to enter this Consent Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waives any action against the United States Department of Agriculture (“USDA”) under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by the Petitioner in connection with this proceeding or any action against any USDA employee in their individual capacity in connection with this proceeding.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this decision and order.

#### FINDINGS OF FACT

1. Respondent is an individual who resides in the State of Florida.
2. Respondent's mailing address was not provided in the Complaint to protect the Respondent's personal privacy but was provided to the Hearing Clerk, USDA, for the purpose of service of the Complaint and future documents.
3. Respondent was properly served the Complaint.
4. Respondent holds AWA license 58-B-0614.
5. The AWA is a remedial statute enacted to "insure that animals . . . are provided humane care and treatment." Section 2.12 of the Regulations, through the bases enumerated in section 2.11, authorizes the Department to terminate any license issued to a person who:

"Has made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled *nolo contendere* (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act." 9 C.F.R. § 2.11(a)(7).

6. On or about March 2, 2022, in case 8:20-cr-00401-WFJ-AAS, in the United States District Court, Middle District of Florida, Tampa Division, the Respondent was found to have violated the Lacey Act, the Endangered Species Act ("ESA"), both federal laws, and State, or local laws or regulations all pertaining to the transportation, ownership or welfare of animals as follows:
  - a. On or about September 28, 2017, continuing through on or about February 15, 2018, the Respondent knowingly conspired with others, both known and unknown to the grand jury, to commit offenses against the United States, in violation of 16 U.S.C. §§ 3372(a)(2) and

3373(d)(1)(B), to wit: to knowingly engage in conduct that involved the sale, intent to sell, purchase, and intent to purchase of wildlife with a market value in excess of \$350, that is, a capuchin monkey, and knowingly transport, sell, receive, acquire, and purchase this wildlife in interstate commerce, knowing that this wildlife was possessed and transported in violation of the laws and regulations of any state, that is, Fla. Admin. Code R. 68A-6.0023(7) (2018), Cal. Code Regs. tit. 14, § 671, and Calif. Fish & Game Code § 2118.

b. On or about March 10, 2016, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, that is, a cotton-top tamarin, to an individual residing in Wisconsin, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

c. On or about April 7, 2017, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, that is, a cotton-top tamarin, to an individual residing in Alabama, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

d. On or about October 24, 2017, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, that is, two cotton-top tamarins, to an individual residing in South Carolina, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

7. Permitting the Respondent to continue to hold an AWA license would be contrary to the Act's purpose of ensuring humane treatment of animals because the Respondent has been found to have violated the Lacey Act, the ESA, and State, or local laws or regulations all pertaining to the transportation, ownership or welfare of animals. Respondent's actions constitute an abuse of the licensure privileges of the AWA. As a result, the Administrator has determined that the

renewal or continuation of the Respondent's license would be contrary to the purposes of the Act, and that said license should be terminated.

CONCLUSIONS OF LAW

Respondent has admitted to the findings of fact, as set forth herein, has specifically admitted that the Secretary has jurisdiction in this matter, and the parties have agreed to the entry of this decision and order, this Decision and Order will be issued.

ORDER

1. Respondent, either individually or through his 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. AWA license number 58-B-0614 is terminated. Respondent, is disqualified for one (1) year, beginning December 21, 2022, from becoming licensed under the AWA, or otherwise from obtaining, holding, or using an AWA license, directly or indirectly through any corporate or other device or person. Respondent may apply for an AWA license on or after December 22, 2023.

3. Respondent's late answer and request for an extension of time are moot.

The provisions of this order shall become effective immediately. Copies of this decision shall be provided to the Respondent and the Complainant.

By   
Jimmy Wayne Hammonds  
Respondent

By   
John V. Rodriguez  
Attorney for Complainant

IT IS SO ORDERED

Done at Washington, D.C.,  
this \_\_\_\_\_ day of December 2022

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Channing Strother  
Chief Administrative Law Judge