

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 11-0072  
)  
Lee Marvin Greenly, an individual; )  
Sandy Greenly, an individual; Crystal )  
Greenly, an individual; and Minnesota )  
Wildlife Connection, Inc., a Minnesota )  
corporation, )  
)  
Respondents )

**Order Lifting Stay Order as to Lee Marvin Greenly and  
Minnesota Wildlife Connection, Inc.**

I issued *Greenly* (Decision as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc.), No. 11-0072, 2013 WL 8213615 (U.S.D.A. Aug. 5, 2013): (1) ordering Lee Marvin Greenly and Minnesota Wildlife Connection, Inc., to cease and desist from violations of Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159) [the Animal Welfare Act] and the regulations and standards issued under the Animal Welfare Act (9 C.F.R. §§ 1.1-3.142) [Regulations]; (2) revoking Mr. Greenly’s Animal Welfare Act license; and (3) assessing Mr. Greenly and Minnesota Wildlife Connection, Inc., jointly and severally, a \$11,725 civil penalty. On August 27, 2013, Mr. Greenly and Minnesota Wildlife Connection, Inc., filed a “Motion for Stay of Order Pending Judicial Review” [Motion for Stay] seeking a stay of the Order in *Greenly* (Decision as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc.), No. 11-0072, 2013 WL 8213615 (U.S.D.A. Aug. 5, 2013), pending the outcome of proceedings for judicial

review. On September 19, 2013, I granted Mr. Greenly and Minnesota Wildlife Connection, Inc.'s Motion for Stay.<sup>1</sup>

On November 24, 2014, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, filed Complainant's Motion to Lift Stay Order stating proceedings for judicial review are concluded and requesting that I lift the September 19, 2013, Stay Order as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc. Neither Mr. Greenly nor Minnesota Wildlife Connection, Inc., filed a response to Complainant's Motion to Lift Stay Order.

As proceedings for judicial review have concluded, the September 19, 2013, Stay Order as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc., is lifted and the Order in *Greenly* (Decision as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc.), No. 11-0072, 2013 WL 8213615 (U.S.D.A. Aug. 5, 2013), is effective, as follows.

### **ORDER**

1. Lee Marvin Greenly and Minnesota Wildlife Connection, Inc., their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Animal Welfare Act and the Regulations and, in particular, shall cease and desist from:

- a. failing to handle animals as carefully as possible in a manner that does not cause trauma or physical harm;
- b. failing to handle animals, during public exhibition, so there is minimal risk of

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<sup>1</sup>Greenly (Stay Order as to Lee Marvin Greenly and Minnesota Wildlife Connection, Inc.), No. 11-0072, 2013 WL 8213623 (U.S.D.A. Sept. 19, 2013).

harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public;

- c. failing to construct housing facilities so that the housing facilities are structurally sound;
- d. failing to maintain housing facilities in good repair;
- e. failing to enclose outdoor housing facilities for animals with adequate perimeter fences;
- f. failing to store food in a manner that adequately protects the food from contamination;
- g. failing to make, keep, and maintain adequate records of the acquisition and disposition of animals; and
- h. failing to allow Animal and Plant Health Inspection Service officials to inspect their facilities, property, animals, and records, during normal business hours.

Paragraph one of this Order shall become effective upon service of this Order on Lee Marvin Greenly and Minnesota Wildlife Connection, Inc.

2. Mr. Greenly's Animal Welfare Act license (Animal Welfare Act license number 41-C-0122) is revoked.

Paragraph two of this Order shall become effective 60 days after service of this Order on Lee Marvin Greenly.

3. Lee Marvin Greenly and Minnesota Wildlife Connection, Inc., are assessed, jointly and severally, a \$11,725 civil penalty. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

Colleen A. Carroll  
United States Department of Agriculture  
Office of the General Counsel  
Marketing, Regulatory, and Food Safety Division  
1400 Independence Avenue, SW  
Room 2343-South Building  
Washington, DC 20250-1417

Payment of the civil penalty shall be sent to, and received by, Ms. Carroll within 60 days after service of this Order on Lee Marvin Greenly and Minnesota Wildlife Connection, Inc. Lee Marvin Greenly and Minnesota Wildlife Connection, Inc., shall state on the certified check or money order that payment is in reference to AWA Docket No. 11-0072.

Done at Washington, DC

February 10, 2015

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William G. Jenson  
Judicial Officer