

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 12-0536
)	
SANTA CRUZ BIOTECHNOLOGY, INC.,)	
)	
Respondent.)	
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In re:)	AWA Docket No. 15-0023
)	
SANTA CRUZ BIOTECHNOLOGY, INC.,)	
)	
Respondent.)	
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In re:)	AWA Docket No. 15-0165
)	
SANTA CRUZ BIOTECHNOLOGY, INC.,)	
)	
Respondent.)	CONSENT DECISION AND ORDER

These proceedings were instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, on July 19, 2012, November 4, 2014, and August 7, 2015, respectively, alleging that respondent Santa Cruz Biotechnology, Inc., willfully violated the regulations promulgated pursuant to the Act (9 C.F.R. § 1.1 et seq.)(Regulations). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138). As used herein, the term “animal” has the meaning set forth in section 2132(g) of the Act (7 U.S.C. § 2132(g)), and in section 1.1 of the Regulations (9 C.F.R. § 1.1).

Respondent admits the jurisdictional allegations in the complaints and specifically admits that the Secretary has jurisdiction in this matter, neither admits nor denies the remaining

allegations, waives oral hearing and further procedure, and consents and agrees to the entry of this decision for the purpose of settling these proceedings. The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. Respondent Santa Cruz Biotechnology, Inc., is a Delaware corporation (No. 2267992) whose agent for service of process is United Corporate Services, Inc., 874 Walker Road, Suite C, Dover, Delaware 19904. Said respondent is registered in California (No. C1696010) and its agent for service of process is Matt Mullin, 2145 Delaware Avenue, Santa Cruz, California 95060.

2. At all times mentioned in the complaints, respondent was a research facility, as that term is defined in the Act and the Regulations, and held AWA registration number 93-R-0380.

3. At all times mentioned in the complaints, respondent was a dealer, as that term is defined in the Act and the Regulations, and held AWA license number 93-B-0192.

CONCLUSIONS OF LAW

Respondent having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will 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.

2. Respondent is assessed a civil penalty of \$3,500,000, to be paid no later than May 31, 2016, by wire transfer or by check made payable to the Treasurer of the United States.

3. AWA license number 93-B-0192 is revoked effective December 31, 2016.

4. Respondent warrants that it possesses an inventory of blood and serum obtained from its live animals on or before August 21, 2015, and has produced and could produce antibodies and other materials and products derived from such blood and serum (The 8/21/15 Inventory). Between May 20, 2016, and December 31, 2016, respondent shall not, in commerce, deliver for transportation, transport, sell, or negotiate the sale of any blood, serum, antibodies, materials, or products obtained or derived from respondent's live animals other than the blood, serum, antibodies, materials, or products in The 8/21/15 Inventory.

5. By May 31, 2016, respondent shall cease activities and operations as a "research facility," as that term is defined in the Act and the Regulations, and by written request to APHIS shall request the cancellation of research facility registration 93-R-0380.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

SANTA CRUZ BIOTECHNOLOGY, INC.,
a Delaware corporation

By _____

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Covington & Burling LLP
One CityCenter
850 Tenth Street, N.W.
Washington, D.C. 20001-4956

Attorney for Respondent

Colleen A. Carroll
Samuel D. Jockel
Attorneys for Complainant

Done at Washington, D.C.,
this ____ day of May 2016

~~Janice K. Bradford~~ *CALT* ✓
Administrative Law Judge