

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In Re:

DANIEL J. MOULTON, an individual,
also known as DAN MOULTON,
doing business as MOULTON
CHINCHILLA RANCH

AWA Docket No. 19-0004

ANSWER

The Respondent does hereby submit this Answer in response to the Complaint of the Petitioner as follows:

1. The Respondent does deny each and every allegation of the Complaint as alleged, unless otherwise admitted or qualified.
2. That Respondent admits paragraph 1 in part but denies that his personal privacy will be or has been protected in the past or in the future. That Respondent further notes the business is a small business that has between approximately 500 to 900 animals at a time and does not generate larges sums of revenue.
3. That Respondent denies paragraph 2 in part because Respondent was available on December 3, 2013, available on Mary 5, 2015, available part of June 6, 2016, and available August 2, 2016 for USDA inspections. That Respondent was not available on May 6, 2015 because of being in Court, not available on July 17, 2015 because of being in Court in Fillmore County, being in Mankato on July 21, 2016 for a CLE and unavailable on May 16, 2017 due to a client business inspection in the morning. That the Respondent was not available on another date as well when he was in surgery as a patient and the inspectors arrived for an inspection. That Respondent has handled all inspections due to the conduct of the last three inspectors, which generally have been appealed after completion of the inspections.
4. That the Respondent denies the allegations in paragraph 3. That the Respondent has obtained the assistance of at least 7 different vets during the time that chinchillas have been raised by the Respondent. That on one inspection, the inspectors cited the Respondent for lack of vet care when (b) (6) had been on the premises the day before inspecting the chinchillas. The inspectors had set up a meeting to meet with (b) (6) the day after an inspection and canceled

the meeting without adequate notice to cancel (b) (6) from being on site. That there are routine inspections with (b) (6) at least every six months if not sooner. That animals are also taken to the vet. That Respondent has paid at least (b) (6) to (b) (6) alone for vet services as well as using other vet services. That Respondent has also obtained assistance with problems with the Diagnostic Lab at the University of Minnesota and (b) (6). That Respondent refused to take 2 animals to the vet that had nothing wrong with them, due to lack of knowledge by the inspectors of chinchillas.

5. That Respondent denies paragraph 4 in its entirety. There is structure integrity in the cages and the cages are inspected on a weekly basis for breaks in wire and the wire is replaced if needed. That cages are cleaned routinely and debris under the cages is removed on a daily or every other day basis. That assertions of the USDA deal with matters that routinely occur with chinchillas and occur frequently. It is impossible to catch everything despite viewing the animals at least 4 times a day.
6. That Respondent denies the allegations in paragraph 5 and notes that a wide variety of cages have been used seeking the most efficient way to raise chinchillas. Modifications continually are being used to adapt cages and replace them if they don't work. That animals are not allowed to remain in cages if they have expired and, are removed when discovered.
7. That the Respondent asserts the following defenses:
 - a) That the 3 inspectors lacked the knowledge, training and experience regarding chinchillas.
 - b) That the inspectors have always been provided information requested by the inspector.
 - c) That the inspectors have suggested reducing the size of the chinchillas herd, leading the Respondent to believe the inspectors want to force the Respondent out of business with the inspector interpretations of the rules of the AWA.
 - d) That the inspectors failed to treat the Respondent as other chinchilla ranchers in the US on an equal basis.
 - e) That the inspectors refused to recognize any improvements to the facility in their report, claiming they were unable to do so with their rules.
 - f) That the inspectors refuse to make suggestions to assist the Respondent to improve.
 - g) That the USDA refuses to make announced appointments for inspections.
 - h) That the USDA refuses to allow well qualified inspectors to inspect.
 - i) That the USDA hires inspectors that have been terminated from other animal positions

because of their inability to care for animals and manage facilities properly.

j) That the USDA hires inspectors that publish reports to others, who purchase animals from Respondent, as well as to other private parties

k) That Respondent's equal protection rights have been violated.

l) That Respondent's rights to due process have been violated.

m) That Respondent has been required to undertake actions that are unnecessary, cumbersome and costly, by the USDA and their inspectors.

n) That the USDA has become overzealous with its prosecution of some animal vendors throughout the US, including the Respondent.

o) That on the last inspection, the woman inspector advised me in front of several people that that inspection was to get me more in compliance and able to continue. Another inspection was scheduled and I had to cancel it because of my legal practice. That another date was never scheduled, I didn't refuse to do another inspection.

p) That the last reported conduct in the complaint was May 25, 2017.

q) That there have not been any recurrences with the same animals except with 3.68 in December 22, 2014 and March 12, 2015.

Wherefore, the Respondent requests that the entire matter be dismissed.

Dated: April 10, 2019

(b) (6)

Dan Moulton
Moulton Chinchilla Ranch

(b) (6)

(b) (6)

(b) (6)