

Investigative & Enforcement Services  
USDA, APHIS, IES  
May 19, 2011  
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the matter was still under investigation and he would be informed when the investigation was completed.]

Many months passed, and then he received your certified mail letter dated April 19, 2011. He had long since ceased all sales of rabbits and had no plans to re-engage in marketing rabbits in the future. The terms of the proposed Settlement Agreement are unacceptable to Mr. Dollarhite and he will not be forwarding payment of the requested \$90,643.00. If your office would choose to modify the Settlement Proposal to remove the penalty provision, and instead recite simply that he shall cease and desist from engaging in any sales of regulated animals in violation of 9 C.F.R. Sec. 2.1(a)(1), that would be an agreement he could voluntarily enter. Since that has not been an option offered:

He does request a hearing.

I cannot imagine that the actions of Mr. Dollarhite would merit a fine or penalty that would be 272 times larger than what the "average" fine (\$ 333) collected by the USDA, IES, APHIS would be, under the circumstances of this case, and would certainly hope that a reasonable hearing examiner would agree.

(b)(6),(b)(7)(C)

Richard L. Anderson  
RLA/ja

cc: John Dollarhite  
Sarah L. Conant, Chief, IES