

CERTIFIED RECEIPT REQUESTED

88	D		
ACE			
AS1			
AS2	WMC		
A	B	C	D

C/C 12-8 km  
Lyons

Attractions Hawaii  
dba Sea Life Park  
Makapuu Point  
Waimanalo, HI 96795

DEC 1 - 1994

Gentlemen:

**Our investigation shows that you violated Federal Regulations** as described on the enclosed Civil Penalty Stipulation Agreement form. These regulations provide for criminal penalties up to \$2,500 and/or 1 year in jail or civil penalties up to \$2,500 for each violation.

The Secretary of Agriculture may assess a civil penalty for such violations after notice and an opportunity for a hearing. However, you may waive your right to a hearing and settle this matter by paying \$500 and completing Section II of the agreement form. You may voluntarily enter this agreement to avoid further action.

Please pay the civil penalty by certified check or money order made payable to the Treasurer of the United States. Write the Case Number (HI94113) on your check or money order and mail it with the signed agreement form to:

Regulatory Enforcement (HI94113)  
USDA, APHIS, REAC  
Federal Building, Room 564  
6505 Belcrest Road  
Hyattsville, Maryland 20782  
Telephone No. (301) 436-8684

Upon receipt, we will send you a copy of the stipulation marked paid. If we do not receive your signed stipulation agreement and payment within 20 days of receipt of this letter, we will seek higher civil or criminal penalties for each violation.

Sincerely,

/s/ Alan R. Christian

Alan R. Christian  
Director  
Regulatory Enforcement Staff

Enclosure

cc:  
REAC-AC, Sacramento, CA ✓  
REAC-RE, Sacramento, CA

APHIS:REAC:JLBrown:jlb:436-8759:11-30-94



**U.S. DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE**

**CIVIL PENALTY STIPULATION AGREEMENT**

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**SECTION 1 - FOR USE BY REAC PERSONNEL (PLEASE PRINT)**

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<b>1. Case Number:</b>	<b>2. Name of Alleged Violator:</b>	<b>3. Address of Violator:</b>
HI94113-AW	Attractions Hawaii dba Sea Life Park USDA License No. 95-C-11	Makapuu Point Waimanalo, HI 96795

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<b>4. Violation Date</b>	<b>9CFR Section Violated</b>	<b>Description of Violation -</b>
04-JUN-94	2.131(a)(1)	Handling of Animals - drain left open causing injury to dorsal fin of whale.

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**5. Civil Penalty assessed for this Violation(s):**

\$500.00

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**6. Remarks:**

One previous violation (HI94022), May 94

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**SECTION II - ALLEGED VIOLATOR**

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Section 19 of the Animal Welfare Act (7 U.S.C. & 2131 et seq.), authorizes the Secretary of Agriculture to assess a civil penalty of not more than \$2,500 for each violation and to suspend or revoke the license of any dealer, exhibitor, or operator of an auction sale subject to section 12 of the Act, after notice and opportunity for a hearing.

You may waive the hearing and agree to pay the specified civil penalty in settlement of this matter. If you do not wish to pay the specified civil penalty to waive hearing, a complaint may be issued charging you with the violation(s) and affording you an opportunity for a hearing. However, the civil penalty offered to settle this matter at this time shall not be relevant in any respect to the civil penalty which may be assessed after a hearing.

I acknowledge that I have been given an opportunity for a hearing and waive such hearing; and as a civil penalty in full settlement of this matter, I agree to pay the sum of \$500.00.

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**7. Signature:**

**8. Date:**

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**SECTION III - FOR USE BY REGULATORY PERSONNEL**

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**9. Type of Payment:**

Certified Check  Money Order  Personal Check  Other

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**10. Amount Received:**

**11. Signature of Receiver:**

**12. Date:**

\$ \_\_\_\_\_