

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	
)	
Daniel J. Moulton, an individual, also)	AWA Docket No. 19-0004
known as Dan Moulton, doing business)	
as Moulton Chinchilla Ranch,)	
)	
Respondent.)	

Conditions Order, to Monitor the Hearing

Appearances:

Rupa Chilukuri, Esq., and John V. Rodriguez, Esq., each with the Office of the General Counsel, United States Department of Agriculture, 1400 Independence Ave SW, Washington, DC 20250, for the Complainant. The Complainant is the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture (“APHIS” or Complainant); and

the Respondent Daniel J. Moulton, also known as Dan Moulton, representing himself.

1. The individuals identified in paragraph 4 have filed with the Hearing Clerk requests for access to the Hearing. The Hearing will be conducted by Dial-In Telephone Conference, and those who are granted access will be emailed the toll-free number to dial, and the participants’ code to enter, followed by #. Following, in paragraph 2, are the conditions that must be agreed to, to be granted access.

2. Order: I order that the individuals identified in paragraph 4 will agree to the following conditions, to be granted access to the Hearing. These conditions persist through the conclusion of the Hearing (now scheduled to end September 24 [Fri] 2021, but likely to go longer).

- a. I agree NOT to share the toll-free number and NOT to share the participants’ access code.
- b. I agree that my access to the Hearing is personal to me and not to be shared with others, even if the others are in my organization.
- c. I agree to use a handset or headset, NOT “speaker”. The Voice Over Internet Protocol (VOIP) used for Hearings by Dial-In Telephone Conference frequently produces impaired sound when speakerphones are connected.
- d. I agree to abide by the objective of the Exclusion Order filed July 22, 2021, by not disseminating evidence through the conclusion of the Hearing, except that which is already publicly available, as may be found on an APHIS website. Evidence consists of testimony and exhibits.
- e. I agree that I am not given access to exhibits. I may make a Freedom of Information Act (FOIA) request for exhibits that become part of the record (that is, exhibits that are admitted

into evidence by the Judge OR rejected by the Judge), which will be summarized by the Judge after conclusion of the Hearing.

f. I agree that monitoring the Hearing allows me to listen and to take notes but NOT TO RECORD OR BROADCAST. Recording is permitted only by the Court Reporter. Transcripts may be ordered by contacting the Court Reporter's company, Heritage Reporting Corporation. The Court Reporter will provide his company's contact information when the roll is called at the beginning each day.

g. I agree to identify myself when the roll is called, including my name, the organization I represent, that organization's main office city, state, and zip code, and an email address.

h. I agree to keep my microphone on "mute" when I am not speaking, to keep background noise to a minimum.

i. I agree that I am not permitted to question the witnesses. I am to be a silent observer, speaking only when called upon to speak.

j. I agree to use my discretion when I identify witnesses, mindful of preventing witness harassment.

This is an Order, for which good cause has been shown, that I call "Conditions Order".

3. This Conditions Order arises from Dial-In telephone conferences in Docket No. **19-0004**, the above-captioned matter, held on July 12 and July 19, 2021, each lasting about an hour. The three individuals shown above under "Appearances" participated in the conferences.

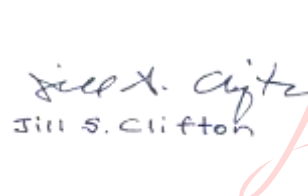
4. No additional access will be granted to the Hearing. Only the following individuals, each of whom has already filed with the Hearing Clerk a request for access to the Hearing, will be granted access, and only IF the individual files with the Hearing Clerk, copying marilyn.kennedy@usda.gov and erin.hoagland@usda.gov to state agreement with the conditions in paragraph 2 of this Conditions Order filed July 22, 2021.

the individuals who are listed on the Certificate of Service attached to the "Exclusion Order to Protect Hearing Integrity and to Prevent Witness Harassment" filed earlier today, July 22, 2021

5. Due to the corona virus pandemic and limited in-office staffing, filing via email with the Hearing Clerk at SM.OHA.HearingClerks@usda.gov is preferred. Or, use the FAX number for the Hearing Clerk, if you prefer. The Hearing Clerk receives FAXes sent to **1-844-325-6940** in an inbox on the computer, so coming into the office is not required to retrieve the FAXes.

Copies of this "Conditions Order, to Monitor the Hearing" shall be sent by the Hearing Clerk to each of the parties. The Hearing Clerk is requested to send copies also to those identified in paragraph 4.

Issued at Washington, D.C. this 22nd day of July 2021


Jill S. Clifton

Digitally signed by
JILL CLIFTON
Date: 2021.07.22
15:43:14 -04'00'

Jill S. Clifton
Administrative Law Judge

Hearing Clerk's Office
United States Department of Agriculture
South Building, Room 1031-S
1400 Independence Ave SW
Washington, DC 20250-9203

Phone: 1-202-720-4443
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CERTIFICATE OF SERVICE

Daniel J. Moulton, a/k/a Dan Moulton, d/b/a Moulton Chinchilla Ranch, Respondent
Docket: 19-0004

Having personal knowledge of the foregoing, I declare under penalty of perjury that the information herein is true and correct, and this is to certify that a copy of the CONDITIONS ORDER, TO MONITOR THE HEARING has been furnished and was served upon the following parties on July 22, 2021 by the following:

USDA (OGC) - Electronic Mail

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Respectfully Submitted,

Eliuth Morón, Assistant Hearing Clerk
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