

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Office of General Counsel, Region 4
1130 North Westcott Road, Schenectady, NY 12306-2014
P: (518) 357-2048 | F: (518) 357-2087
www.dec.ny.gov

CERTIFIED - RETURN RECEIPT REQUESTED
7013 1090 0002 3365 4929

August 10, 2015

Aaron B. Bloom
8 Hemstreet Ave.
Mechanicville, NY 12118

Re: Order of Consent
R4-2015-0722-90

Dear Mr. Bloom:

Enclosed please find a copy of the fully executed Order on Consent referenced above.

This will also acknowledge receipt of \$100 the civil penalty pursuant to Paragraph I.

Sincerely,



Karen S. Lavery
Assistant Regional Attorney
Region 4

Enclosure

ec: B. Canzeri, ECO



Department of
Environmental
Conservation

STATE OF NEW YORK
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

In the Matter of Violations of Article 11 of the Environmental Conservation Law ("ECL") of the State of New York and Title 6 of the Official Compilation of Codes, Rules and Regulations of the State of New York ("NYCRR")

ORDER ON CONSENT
R4-2015-0722-90

-by-

Aaron B. Bloom
8 Hemstreet Ave
Mechanicville, NY 12118

Respondent

WHEREAS:

1. The New York State Department of Environmental Conservation (the "Department") is authorized pursuant to Article 11, Title 5, of the Environmental Conservation Law ("ECL") to regulate the possession of wild animals as pets in the State of New York. This Order is issued pursuant to the Department's enforcement authority under Article 71 of the ECL.
2. Pursuant to Article 3, Title 3 of the ECL, the Commissioner of the Department has the power to promote and coordinate management of water, land, fish, wildlife and air resources to assure their protection, enhancement, provisions, allocation and balanced utilization consistent with the environmental policy of the State.
3. Respondent possesses, through New York State Department of Environmental Conservation Special Licenses Unit, a license (Endangered/Threatened Species - Education/Exhibition #97 Effective 10/2/14 through 10/1/15) which authorizes Respondent to possess 11 American Alligators. Respondent is in possession of six American Alligators.
4. On July 6, 2015, Department staff inspected the site located at 8 Hemstreet Ave, Mechanicville, New York, and observed 6 American Alligators and one pot bellied pig. The American Alligators were being housed in inadequately sized containers and in unsanitary conditions. The pot bellied pig had overgrown tusks and hoofs and was living in unsanitary conditions.

Violation

5. License condition #8 provides “**Live Animal – Providing Care for Animal(s)** *The licensee shall provide food, water, care and caging facilities to ensure the physiological and psychological well-being of the listed animal(s).*”
6. Regulations at 6 NYCRR 175.5 (a) provide that “*Licenses or permits may be revoked by the department for a period of time it deems appropriate, after taking into consideration all relevant circumstances. The grounds for revocation include:*
(2) failure by the licensee or permittee to comply with any terms or conditions of the license or permit”
7. Respondent violated his license condition by failing to provide adequate care and caging facilities to the 6 American Alligators and the pot bellied pig, which is a violation of regulations at 6 NYCRR 175.5 (a).
8. ECL §71-0925 provides for a civil penalty of up to \$500 per day and an additional penalty of up to \$500 for each day during which each such violation occurs.
9. Respondent affirmatively waives his right to notice and hearing in the manner provided by law, consents to the issuance of this Order, agrees to be bound by the terms, provisions and conditions contained in this Order, and agrees not to appeal this Order.

NOW, having considered this matter and being duly advised, it is **ORDERED** that:

- I. In respect of the aforesaid alleged violations, a civil penalty in the amount of ONE HUNDRED DOLLARS (\$100) which shall be payable to the New York State Department of Environmental Conservation by money order, or certified check at the time this Order is signed, notarized and returned to the Department.
- II. The provisions of this Order shall be deemed to bind Respondent, his agents, employees, and all persons, firms, corporations acting under or for it.
- III. The terms of this Order shall not be construed to prohibit the Commissioner or his duly authorized representative from exercising any summary abatement powers, either at common law or as granted pursuant to statute or regulation.
- IV. Respondent shall indemnify and hold harmless the Department, the State of New York, and their representatives and employees for all claims, suits, actions, damages and costs of every name and description arising out of or resulting from the fulfillment or attempted fulfillment of the provisions hereof by Respondent, his directors, officers, employees, servants, agents, successors or assigns.
- V. No change in this Order shall be made or become effective except as set forth by a written order of the Commissioner or the Commissioner’s designee.

VI. The Schedule of Compliance is incorporated into the Order and is enforceable thereunder.

VII. All communications except where otherwise specifically directed should be sent to:

For Department:
Regional Natural Resources Engineer
New York State Department
of Environmental Conservation
Region 4
1130 N. Westcott Road
Schenectady, New York 12306

VIII. This Order is deemed effective on the date signed by the Department.

IX. Except as specifically provided in this Order, nothing contained in this Order shall be construed as barring, diminishing, adjudicating or in any way affecting:

A. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against Respondent for any other violations of the ECL, rules or regulations promulgated thereunder or permits issued thereunder;

B. Any legal or equitable rights or claims, actions, proceedings, suits, causes of action or demands whatsoever that the State may have against anyone other than Respondent, his agents, his servants, his employees, his successors and his assigns; and

C. Respondent's right to assert all available defenses to any claims, actions, proceedings, suits, causes of actions or demands made or commenced by the State, the Department, or any third party, provided, however, that Respondent waives all legal or equitable rights claims, actions, proceedings, appeals, suits, causes of action, defenses or demands whatsoever that he may have to a judicial review of the validity and binding effect of this Order and whether or not this Order has been entered into voluntarily by Respondent.

X. Compliance with the terms and conditions of this Order, including the Schedule of Compliance, shall be in full civil settlement of the violations cited in this Order.

XI. This Order is made strictly for the purposes of the Department and the State and is not intended for use by any third party.

DATED: *August 10*, 2015
Rotterdam, New York

Marc Gerstman
Acting Commissioner
New York State Department of
Environmental Conservation

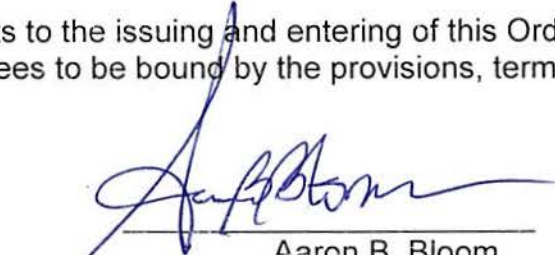
BY:



Keith Goertz
Regional Director
Region 4

CONSENT BY RESPONDENT

Respondent hereby consents to the issuing and entering of this Order, waives his right to a hearing herein, and agrees to be bound by the provisions, terms and conditions contained herein.



Aaron B. Bloom

DATE: 08/21/15

STATE OF NEW YORK)
) ss.:

COUNTY OF Saratoga

On the 20th day of August in the year 2015, before me, the undersigned, personally appeared Aaron B. Bloom, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her capacity, and that by his/her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.


Notary Public, State of New York

RENE MARIE GIAMBONA
NOTARY PUBLIC-STATE OF NEW YORK
No. 01G16260001
Qualified in Saratoga County,
My Commission Expires April 16, 16

SCHEDULE OF COMPLIANCE

1. Upon the effective date of this Order, Respondent relinquishes any and all licenses issued by DEC, to own/possess any wild animals, as defined by ECL 11-0103(6)(e), in New York State.