

June 29, 2017

Bernadette Juarez
 Deputy Administrator, Animal Care
 Animal and Plant Health Inspection Service
 U.S. Department of Agriculture

Via e-mail: bernadette.r.juarez@aphis.usda.gov

Dear Ms. Juarez,

I'm writing on behalf of People for the Ethical Treatment of Animals (PETA) to notify you that Hugo Liebel (license number 58-C-0288), who exhibits the elephant Nosey, no longer holds a captive wildlife permit in his home state of Florida. We urge the USDA to terminate his federal license and ensure that Nosey is placed in a sanctuary environment where she'll receive appropriate palliative care.

According to the enclosed letter, dated June 16, 2017, the Florida Fish and Wildlife Conservation Commission (FWC) denied Liebel's application to renew his permit to possess elephants on the grounds that he "withheld itinerary information" and "submitted materially false information" to the agency. Specifically, Liebel lied to the FWC by telling it that he didn't have a current itinerary to include in his permit application. The FWC confirmed the lie by obtaining itineraries that Liebel had submitted to the USDA. The letter advises that he is no longer allowed to possess Nosey in the state of Florida.¹

Under the AWA's implementing regulations, the USDA may terminate a license for any reason that would require it to deny an initial license, including if the licensee "[h]as made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies ... or is otherwise unfit to be licensed[.]" 9 C.F.R. §§ 2.12, 2.11(a)(1)(6). Liebel provided false, fraudulent information to a government agency, which is ample grounds to terminate his license—particularly since refusing to provide itineraries allows him to evade inspections and hinders an agency's ability to inspect and otherwise ensure the welfare and safety of animals. Liebel also has a well-documented history of failing to submit required itineraries to the USDA.

The USDA also has ample reason to terminate Liebel's license on the grounds that he's "unfit to be licensed." Because he's no longer allowed to possess elephants in Florida, Liebel has no permanent facility to return to in the event that Nosey needs rest, care, or shelter. Nosey's only "shelter" is the hot, cramped converted horse trailer—which is barely larger than her own body and prevents her from lying

¹However, Liebel was not in Florida at the time that the FWC denied his permit renewal—he was in Indiana—and likely has no plans to return with her to Florida for the foreseeable future, as he typically remains on the road through October or November.

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down or turning around—and her primary "enclosure" is either chains or a small pen that Liebel sets up at gigs.

The USDA repeatedly cited Liebel for permanently confining Nosey under virtually identical conditions when his home site in Florida didn't have a barn, including in the following instances:

- Liebel was cited when Nosey was "housed in the travel truck compartment during cold weather or when unsupervised. Otherwise, she [wa]s chained in the yard." USDA, Inspection Report of Hugo Liebel 3 (Jan. 2, 2004).
- Inspectors found that "[t]he elephant was chained outdoors to a dead tree trunk and a tree. ... She was chained so that she could not take a full stride. She swayed stereotypically from side to side." USDA Inspection Report of Hugo Liebel 1–2 (Nov. 23, 2004).
- Nosey was "housed in the trailer's transport compartment when at home and on tour" and in good weather was "chained between two trees beside the travel trailer." USDA Inspection Report of Hugo Liebel 3 (Feb. 28, 2002).
- "The elephant was in an outdoor corral, but there is no shelter available there. ... For shelter during cold, the elephant is placed inside the travel trailer. However, the travel trailer is too small a space to provide freedom of movement." USDA Inspection Report of Hugo Liebel 2 (Jan. 23, 2001).

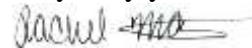
Liebel's inability to return to Florida with Nosey will also jeopardize her already-fragile physical condition. The intensive confinement will lead to soreness, stiffness, and general discomfort and will exacerbate Nosey's long-standing gait problems. Moreover, Liebel's attending veterinarian is located in Florida, which means that Nosey will not have access to the care that she needs.

Finally, the USDA may terminate a license if an exhibitor "would be operating in violation or circumvention of any Federal, State, or local laws." 9 C.F.R. §§ 2.12, 2.11(a)(1)(5). Allowing Liebel to operate outside Florida under a federal license with a Florida address on it would circumvent the state's permit decision and has the potential to mislead state and local regulators. It's also allowed him to transport and exhibit Nosey outside Florida, thus evading the FWC's reach.

Please immediately initiate an action to terminate Liebel's license and ensure that Nosey is placed in an accredited sanctuary. Liebel is expected to be in Rock Creek, Ohio, at the Great Lakes Medieval Faire from July 8 to August 13, and he may already be in that state—PETA has received reports that he was exhibiting Nosey in the parking lot of a Tractor Supply store in Findlay, Ohio, on Tuesday, June 27, while his broken-down truck was being repaired.

Thank you for your attention to this important matter.

Very truly yours,



Rachel Mathews, Esq.

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