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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 18-0076
)	18-0077
HENRY HAMPTON; an individual)	18-0078
doing business as THE FARM AT)	
WALNUT CREEK and LAZY 5 RANCH;)	
THE FARM AT WALNUT CREEK,)	
INC., an Ohio domestic corporation; and)	
LAZY 5 RANCH, INC., a North Carolina)	
domestic corporation,)	
)	
Respondents)	COMPLAINT

There is reason to believe that the Respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131, et seq.) (Act or AWA), and the regulations issued pursuant thereto (9 C.F.R. Parts 1, 2, and 3) (Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Henry Hampton is an individual doing business as The Farm at Walnut Creek and the Lazy 5 Ranch, and whose business mailing address is [REDACTED]. At all times mentioned herein, Respondent was a dealer and an exhibitor, as those terms are defined in the Act and the Regulations, and held AWA license number 55-B-0069. Respondent Hampton operates two exotic animal parks – The Farm at Walnut Creek (The Farm) located in Sugarcreek, Ohio, and the Lazy 5 Ranch (Lazy 5 Ranch) located in Mount Ulla, North Carolina.

2. The Farm at Walnut Creek, Inc., is an Ohio domestic corporation (#1448476)

whose registered agent is Henry Hampton, [REDACTED] As alleged herein, Respondent the Farm at Walnut Creek, Inc. (The Farm) was a dealer and an exhibitor, as those terms are defined in the Act and the Regulations, did not hold an AWA license, and together with Respondent Hampton, operated an animal park in Sugarcreek, Ohio.

3. Lazy 5 Ranch, Inc., is a North Carolina domestic corporation (#0448586) whose registered agent is Henry Hampton, [REDACTED] As alleged herein, Respondent Lazy 5 Ranch, Inc. (Lazy 5 Ranch) was a dealer and an exhibitor, as those terms are defined in the Act and the Regulations, did not hold an AWA license, and together with Respondent Hampton, operated an animal park in Mount Ulla, North Carolina.

ALLEGED VIOLATIONS AT THE FARM AT WALNUT CREEK

4. On or about, November 10, 2014, August 12, 2015, and May 18, 2016, Respondents failed to provide APHIS officials with access for inspection and/or to have a responsible adult available to accompany APHIS officials during inspection, in willful violation of the Act and the Regulations. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126.

5. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals, failing to establish and maintain programs of adequate veterinary care that included the availability of appropriate services and equipment and the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, failing to conduct daily observation of all animals, and failing to provide adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, and tranquilization:

a. October 22, 2013. A sheep (ear tag # 93624) had a pink flesh colored mass protruding from her vulva.

b. October 22, 2013. A Tahr goat was observed limping on its left rear leg.

- c. June 4, 2014. A male pygmy goat in the walk-through area had a cloudy right eye with white drainage from the eye, and had not been seen by a veterinarian.
- d. June 4, 2014. A black-faced Suffolk type sheep (#305) had overgrown hooves on its front feet that were beginning to cross, and had not been trimmed.
- e. June 4, 2014. A black-faced Suffolk type sheep (#310) had overgrown front feet such that its hooves were beginning to cross, and its feet had not been trimmed.
- f. June 4, 2014. A black-faced white Suffolk lamb (#160) in the production barn had a swollen and moist red mass between the digits of its front left foot.
- g. June 4, 2014. A fallow deer (#0895) in the drive-through area was found limping on its left front foot.
- h. June 30, 2014. A black and white Jacobs ewe was observed limping on its right front leg and holding its right foot off the ground intermittently when standing.
- i. November 12, 2014. A brown and white Boer goat (#154) in the dairy barn was observed coughing.
- j. November 12, 2014. A Suffolk sheep (#0596) in the dairy barn had two areas of hair loss and circular wounds on its left shoulder and flank area, and had not been seen by a veterinarian for these conditions.
- k. November 12, 2014. A Suffolk sheep (#326) in the dairy barn was limping on its right front leg, and had a noticeable head bob when using that foot, and had not been seen by a veterinarian.
- l. November 12, 2014. A black and white male sheep (#35) housed in an enclosure next to the production barn had a circular area of hair loss and an abrasion on his head, and had not been seen by a veterinarian for these conditions.

m. November 12, 2014. A male Tahr goat in the drive-through area was observed limping and appeared to be lame on his right rear leg, and had not been seen by a veterinarian for this condition.

n. November 12, 2014. An Aoudad sheep in the drive-through area had overgrown hooves, and had not been seen by a veterinarian for these conditions.

o. November 12, 2014. A blackbuck antelope in the drive-through area had overgrown hooves.

p. November 12, 2014. A red and white bohr type goat (#1131) housed in the dairy barn had a large firm mass in the upper neck area.

q. November 12, 2014. A red and white bohr type goat (#1120) housed in the dairy barn had a large firm mass in the upper neck area.

r. November 12, 2014. A black-faced Suffolk type sheep (ear tag # 5 and #6) in the Dawdy Barn had large amounts of clear nasal discharge with bedding and debris in the discharge, and had not been seen by a veterinarian.

s. November 12, 2014, March 2, 2015, April, 20, 2015, August 25, 2015, February 2, 2016, April 25, 2016, May 19, 2016, November 14, 2016, March 9, 2017, May 22, 2017, September 6, 2017, and December 4, 2017. Respondents willfully violated the Regulations by failing to establish programs of veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, and tranquilization, and specifically, Respondents' program of veterinary care authorized the use of succinylcholine without using anesthesia, analgesics, or respiratory support equipment.

t. April 20, August 25, and November 9, 2015. Respondents failed to

establish and maintain adequate programs of veterinary care that include adequate guidance to facility personnel involved in the tail docking and castration of various animals.

u. April 20, 2015. A black-faced Suffolk type ram (#1636) in the dairy barn had a golf ball sized mass on his chest that had a creamy discharge, and had not been seen by a veterinarian.

v. April 20, 2015. A black-faced Suffolk type lamb (#1406) had brown crusted material and discharge around both eyes and the nose.

w. April 20, 2015. A black-faced Suffolk type lamb (#1405) had brown crusted material around both eyes.

x. April 20, 2015. A white Southdown type lamb had dried discharge in the wool surrounding the right eye and brown crusted material around the left eye.

y. April 20, 2015. A black Suffolk type lamb (#1423) had brown crusted material around the right eye.

z. November 9, 2015. A male tricolor goat had a mass on his right flank region and had not been seen by a veterinarian.

aa. November 9, 2015. A female Nubian goat (#7000) had a wart-like growth on the right side of her mouth, and had not been seen by a veterinarian.

6. On April 20, 2015 and August 25, 2015, Respondents willfully violated the Regulations, 9 C.F.R. § 2.75(b), by failing to make, keep, and maintain records that fully and correctly disclose the acquisition and disposition of various animals.

7. On or about the following dates, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(d)(2), by failing to have a responsible, knowledgeable and readily identifiable employee or attendant present during periods of public contact:

a. October 22, 2013. In the drive-through area, Respondents permitted the public to feed animals from guests' vehicles without an attendant present. APHIS observed guests feeding a zebra from their car.

b. August 25, 2015. In the drive-through area, Respondents permitted the public to feed animals from guests' vehicles without an attendant present.

8. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum Standards:

a. October 22, 2013. Respondents failed to maintain outdoor housing facilities in good repair to protect the animals from injury and to contain the animals, 9 C.F.R. § 3.125(a), as follows:

i. The enclosure fencing for Nubian goats was unstable, and was not securely attached to structural support.

ii. There were loose tension wires in the cow enclosures.

b. October 22, 2013. Respondents housed Boer goats in a pasture that did not provide access to shelter and adequate shade. 9 C.F.R. § 3.127(a).

c. October 22, 2013. Respondents failed to provide potable accessible water, 9 C.F.R. § 3.130, as follows:

i. The water receptacles for goats, sheep, and miniature zebu were dirty.

ii. The water receptacle in the pasture for sheep was empty.

iii. The lemurs, kangaroos, and certain other animals in the drive-through area drank from ponds in their enclosures that were murky and had algae.

d. February 19, 2014. Respondents failed to provide potable accessible water

to animals in the drive-through area and specifically, there were limited water sources for animals in the drive-through area as several ponds were frozen. 9 C.F.R. § 3.130.

e. June 4, 2014. Respondents failed to provide potable accessible water to animals in the drive-through area and specifically, animals in the drive-through area drank from ponds in their enclosure that were murky and had algae. 9 C.F.R. § 3.130.

f. June 4, 2014. Respondents failed to maintain outdoor housing facilities in good repair to protect the animals from injury and to contain the animals, and specifically, a wooden piece of fencing was not attached to the primary enclosure fencing, allowing a pygmy goat to escape. 9 C.F.R. § 3.125(a).

g. November 12, 2014. Respondents failed to maintain outdoor housing facilities in good repair and specifically, an enclosure housing zebu cattle and sheep had portions of chicken wire fencing that were detached and hanging loose inside the enclosure. 9 C.F.R. § 3.125(a).

h. March 2, 2015. An enclosure housing Tahr goats had inadequate lighting and specifically, the goats were housed in complete darkness with no natural or artificial lighting. 9 C.F.R. § 3.126(c).

i. April 20, 2015. Respondents failed to maintain outdoor housing facilities in good repair to protect the animals from injury and to contain the animals, 9 C.F.R. § 3.125(a), as follows:

i. The pasture housing sheep had a gap between the fencing and the ground that was large enough to permit escape or cause injury.

ii. APHIS observed several loose metal wires hanging from a wooden fence partition separating two enclosures, and observed a lamb chewing on one of the wires.

j. August 25, 2015. Respondents failed to maintain outdoor housing facilities in good repair to protect the animals from injury and to contain the animals, 9 C.F.R. § 3.125(a), as follows:

- i. The pasture housing sheep had a gap between a metal gate panel and fencing and the ground that is large enough to permit escape or cause injury.
- ii. The miniature zebu pasture had a fence gate with loose wires and loose metal fencing near the ground.

ALLEGED VIOLATIONS AT LAZY 5 RANCH

9. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals, failing to establish and maintain programs of adequate veterinary care that included the availability of appropriate services and equipment and the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, failing to conduct daily observation of all animals, and failing to provide adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, and tranquilization:

a. March 17, 2015. Respondents failed to observe and obtain adequate veterinary care for a female Mouflon sheep in the drive-through area that had a head bob and an irregular gait, and was limping.

b. March 17, 2015. Respondents failed to obtain adequate veterinary care for a pregnant camel whose breathing was audible and labored, that had swelling in the facial area and feet, and that had reddened enlarged blood vessels in her left eye.

c. March 17, 2015, May 25, 2016, March 21, 2017, May 23, 2017, and August 23, 2017. Respondents willfully violated the Regulations by failing to establish programs of veterinary care that included adequate guidance to personnel involved in the care and

use of animals regarding handling, immobilization, anesthesia, analgesia, and tranquilization, and specifically, Respondents' program of veterinary care authorized the use of succinylcholine without using anesthesia or analgesics or respiratory support equipment.

d. May 25, 2016. Respondents failed to obtain adequate veterinary care for a female giraffe (Mary) with overgrown hooves.

e. May 23, 2017. Respondents failed to obtain adequate veterinary care for three Aoudad sheep noted to be limping.

f. May 23, 2017. Respondents failed to obtain veterinary care for a Sika deer with multiple wounds on the right side of its body.

g. August 23, 2017. Respondents failed to obtain veterinary care for a giraffe ("Mary") with overgrown, misshapen rear inside hooves.

10. On March 17, 2015 and August 23, 2017, Respondents willfully violated the Regulations, 9 C.F.R. § 2.75(b), by failing to make, keep, and maintain records that fully and correctly disclosed the acquisition and disposition of various animals.

11. On or about the following dates, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(d)(2), by failing to have a responsible, knowledgeable and readily identifiable employee or attendant present during periods of public contact:

a. May 25, 2016. In the drive-through area, Respondents permitted the public to feed animals from guests' vehicles without an attendant present. APHIS observed guests feeding animals through car windows.

b. May 23, 2017. In the drive-through area, Respondents permitted the public to feed animals from guests' vehicles without an attendant present. APHIS officials observed guests feeding animals from vehicles.

c. August 23, 2017. In the drive-through area, Respondents permitted the public to feed animals from guests' vehicles without an attendant present. APHIS officials observed guests feeding animals from vehicles.

12. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum Standards:


a. March 17, 2015. Respondents failed to provide enrichment to an individually housed lemur. 9 C.F.R. § 3.81(c)(4).

b. May 23, 2017. Respondents failed to provide natural or artificial shelter appropriate to the local climatic conditions for the species concerned for protection and to prevent discomfort to such animals, and specifically, there was an inadequate shelter from heavy rain in the walk-through area covering several sheep, goats, lambs and kids. 9 C.F.R. § 3.127(b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and the Regulations, this complaint shall be served upon Respondents. Respondents shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under

the circumstances.

Done at Washington, D.C.
this 6th day of Sept. 2018



Kevin Shea
Administrator
Animal and Plant Health Inspection Service

RUPA CHILUKURI
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2014 South Building
Washington, D.C. 20250-1400
202-720-4982
1-844-354-1115 (Fax)
rupa.chilukuri@ogc.usda.gov