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UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 19- <b>J-6077</b>
	)	
HUGO T. LIEBEL, an individual	)	
doing business as	)	
GREAT AMERICAN FAMILY	)	ORDER TO SHOW CAUSE WHY
CIRCUS, LLC, FLORIDA STATE	)	ANIMAL WELFARE ACT LICENSE
FAMILY CIRCUS, LIEBLING	)	58-C-0288 SHOULD NOT BE
BROTHERS CIRCUS, and	)	TERMINATED
LIEBLING BROTHERS FAMILY	)	
CIRCUS,	)	
	)	
Respondents.	)	

Pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act or AWA) and the regulations issued thereunder (9 C.F.R. § 1.1 et seq.) (Regulations), the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this Order to Show Cause<sup>1</sup> why AWA license 58-C-0288 should not be terminated, and alleges as follows:

- Respondent Hugo T. Liebel is an individual whose mailing address is (b) (6)  
(b) (6) Respondent Liebel has done business as Great American Family Circus, LLC, Florida State Family Circus, Liebling Brothers Circus, and Liebling Brothers Family Circus. Respondent Liebel is licensed as an exhibitor, as that term is defined in the Act and the Regulations, and holds Animal Welfare Act license 58-C-0288.

<sup>1</sup> 7 C.F.R. § 1.132 (“complaint” defined as, *inter alia*, an order to show cause).

2. The AWA is a remedial statute enacted to “insure that animals ... are provided humane care and treatment.” Section 2.12 of the Regulations, through section 2.11, authorizes the Department to terminate any license issued to a person who:

“[h]as made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled *nolo contendere* (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.” 9 C.F.R. § 2.11(a)(6).

3. Respondent previously exhibited a female African elephant named “Nosey.”

4. On June 16, 2017, the Florida Fish and Wildlife Conservation Commission, denied Hugo Liebel and Franciska Liebel’s application for a License to Possess Class I and/or Class II Wildlife for Exhibition or Public Sale because the Florida Fish and Wildlife Conservation Commission alleged that the Liebels had withheld itinerary information and submitted materially false information on its application. *See* Exhibit A. Respondent challenged the Commission’s Notice of Denial on July 4, 2017 but withdrew the challenge and the underlying application on February 20, 2018, the day before a scheduled hearing.

5. On November 3, 2017, APHIS inspectors conducted an inspection of Nosey while the circus was away from home, in Cullman, Alabama. The APHIS inspectors observed that Nosey had excessive accumulations of dead skin over her forehead and over her back area. The condition of Nosey’s skin demonstrates Respondents’ failure to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, in violation of 9 C.F.R. § 2.40(b)(2).

6. While Respondent was travelling with Nosey and four miniature ponies in Moulton, Alabama, on November 8, 2017, the Lawrence County Animal Control Officer (“ACO”) filed a Complaint for Writ of Seizure in the District Court of Lawrence County, Alabama against Hugo Tomi Liebel and Franciszka A. Liebel Rebisz, *et al.* See Exhibit B. The ACO alleged that the elephant (“Nosey”) was chained by her legs, unable to move, standing in her own feces without adequate food, water, or shelter; that the animals were being transported in a cargo trailer that was out of compliance and in no way sufficient to transport the animals; that the State of Florida license had been revoked; that the defendant “is clearly unable to adequately provide for the animals”; and that “[b]ased on the forgoing information, the Plaintiff believes and alleges that the above-described animals<sup>2</sup> are being neglected and are subject to further harm unless they are removed immediately.” *Id.*

7. The District Court of Lawrence County, Alabama, signed the Writ of Seizure for Nosey on November 8, 2017, held an initial hearing on November 9, 2017, continued the Writ of Seizure, and granted the ACO the authority to make arrangements for housing and care of the animals.

8. The ACO made arrangements for the transfer of Nosey to The Elephant Sanctuary in Tennessee. Nosey arrived in the morning on November 10, 2017 and, upon information and belief, has been housed there ever since.

9. The District Court held a trial on December 15, 2017 and issued a Final Order on January 22, 2017, finding that “[t]he Plaintiff has met its burden to sustain the Writ of Seizure as to the elephant in this cause” and vesting custody of Nosey<sup>3</sup> to the ACO

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<sup>2</sup> Referring to the elephant and four miniature ponies

<sup>3</sup> Pursuant to an agreement between the parties, the miniature ponies were returned to the Defendants on December 16, 2017.



of Lawrence County, Alabama. *See Exhibit C.* The defendants appealed on February 5, 2018 and, upon information and belief, the case is currently pending before the Circuit Court of Lawrence County, Alabama.

10. During the December 15, 2017 trial, a veterinarian from the Elephant Sanctuary in Tennessee described Nosey's condition on November 10, 2017, when Nosey arrived at the sanctuary. Her testimony of Nosey's condition included the following:

- a. Nosey was suffering from severe hyperkeratosis, a skin condition that is caused by too many cells present, and that can develop a bacterial infection.
- b. Nosey was suffering from a bacterial urinary tract infection.
- c. Nosey was suffering from osteoarthritis and had lameness and discomfort in multiple limbs and bones.
- d. Nosey was suffering from a roundworm infection.
- e. Nosey's gastrointestinal tract was empty; it takes food 30-50 hours to pass through an elephant.
- f. Nosey had a foamy discharge in her eyes.

11. On December 16, 2017, the State of Alabama prosecuted respondent and his wife, charging them with cruelty to animals pursuant to ALA. CODE § 13A-011-014 for their treatment of Nosey on or about November 8, 2017. *See Exhibit D.* On April 3, 2018, the criminal case was placed upon the Court's Administrative Docket pending the outcome of the Circuit Court civil case.

12. Permitting respondent to continue to hold an AWA license would be contrary to the Act's purpose of ensuring humane treatment of animals because the respondent has failed to establish and maintain programs of adequate veterinary care for Nosey that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries; and the respondent was found incapable of caring for the elephant such that the District Court of Lawrence County, Alabama, seized the elephant and vested custody in the animal control officer of the same county. Respondent's actions, and lack thereof,

demonstrate he is unfit to hold an AWA license and continued licensure of respondent jeopardizes the integrity USDA's administration of the AWA. The Administrator has determined that the renewal or continuation of respondent's license would be contrary to the purposes of the Act, and that said license should be terminated.

WHEREFORE, APHIS requests that for the purpose of determining whether Animal Welfare Act license 58-C-0288 should be terminated in accordance with the Act and the Regulations issued under the Act, this Order to Show Cause shall be served upon the respondent, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this Order to Show Cause. APHIS requests that unless respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this Order to Show Cause, that this proceeding be decided by summary judgment; or, alternatively, following an oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and the Regulations and warranted under the circumstances.

Done at Washington, D.C.  
this 1<sup>st</sup> day of May 2019

(b) (6)

Administrator  
Animal and Plant Health Inspection Service

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