

August 6, 2019

Tameka Depitte, Animal Permit Analyst  
Office of Veterinary Public Health Services  
NYC Department of Health and Mental Hygiene  
CN 66, 125 Worth Street  
New York, NY 10013

**Via regular mail and electronic submission:** [REDACTED]

Re: Request to Investigate Grant Kemmerer dba Wild World of  
Animals for apparent violations of the NYC Health Code

Dear Ms. Depitte,

I am writing on behalf of PETA to request that the New York City Department of Health and Mental Hygiene (DOHMH) investigate Grant Kemmerer dba Wild World of Animals for violating the conditions of his animal exhibit permits, and for providing false information on the applications for those permits.

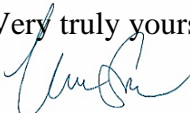
Kemmerer sought and obtained permits from the DOHMH for at least eleven animal exhibits on a variety of talk shows from January through May. All eleven of these permits prohibited (1) public contact with the exhibited animals, and (2) handling of the animals by anyone other than Kemmerer or his authorized employees. Compliance with these conditions are mandatory. NYC Health Code. § 5.13(a). As evidenced by video footage catalogued in the attached Appendix, Kemmerer appears to have violated both of these restrictions for animal exhibits he provided for the following talk shows:

- The Tonight Show Starring Jimmy Fallon (5 shows);
- The Rachel Ray Show (2 shows);
- The Wendy Williams Show (2 shows);
- Good Morning America (1 show); and
- Fox and Friends (1 show)

Kemmerer also provided “false, untrue or misleading statement[s]” on the permit applications for many of these shows in violation of NYC Health Code § 3.19(a). “Willful or continued violation[s] of [the NYC Health Code]” or “making a false or misleading statement to [DOHMH]” are grounds to revoke a license, *id.* § 5.17(a), and provide a basis to deny future permit requests. *Id.* § 5.05(e).

Please investigate these apparent violations, and hold Kemmerer fully accountable for any illegal conduct, including assessing the maximum fines and refusing to issue Kemmerer any more permits as he has demonstrated that he will not comply with the applicable law.

Very truly yours,



Michelle Sinnott  
Counsel, Captive Animal Law Enforcement  
[REDACTED]

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS  
FOUNDATION

Washington, D.C.  
1536 16th St. N.W.  
Washington, DC 20036  
202-483-PETA

Los Angeles  
2154 W. Sunset Blvd.  
Los Angeles, CA 90026  
323-644-PETA

Norfolk  
501 Front St.  
Norfolk, VA 23510  
757-622-PETA

Berkeley  
2855 Telegraph Ave.  
Ste. 301  
Berkeley, CA 94705  
510-763-PETA

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- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

## Appendix:

Any person or business who “propose[s] to exhibit or display” wild animals for television “must obtain a permit” issued by the DOHMH. NYC Health Code § 161.01(a)(2). The [animal exhibit permit application](#) requests basic information about the proposed exhibit, including a description of “measures to be taken to protect the public, such as caging, h[old]ing pens, restraints, fencing/barriers, and security.” It is illegal to “make a false, untrue or misleading statement” on any application “required to be submitted” to the DOHMH. *Id.* § 3.19(a). When issuing an animal exhibit permit, the DOHMH may “impose reasonable conditions . . . on such exhibitions,” *id.* § 161.01(a)(2)(A), and these conditions are mandatory. *Id.* § 5.13(a) (“A person holding a permit. . . shall comply with the conditions contained in his/her permit”). “[A]ny person who is determined to have violated [the NYC Health Code] . . . shall . . . be subject to a fine, penalty and forfeiture of not less than two-hundred and not more than two thousand dollars for each violation . . .” *Id.* § 3.11(a).

In addition to fines and penalties, DOHMH “*shall not* issue a new or renewal permit unless. . . [DOHMH] is satisfied that the provisions of this Code or other applicable law enforced by the Department will be met.” *Id.* § 5.05(e)(emphasis added). Repeated violations of mandatory permit conditions is evidence that an applicant is unlikely to comply with applicable law, which precludes DOHMH from being “satisfied” that the law will be followed. Indeed, because a permittee may lose their license for (1) “[w]illful or continued violation[s] of [the NYC Health Code]” or (2) “making a false or misleading statement to [DOHMH],” *id.* § 5.17(a), these also provide a basis for DOHMH to deny a license.

Grant Kemmerer is a United States Department of Agriculture licensed exhibitor based in Pennsylvania that routinely exhibits animals [on television shows](#). From January through May, Kemmerer sought and obtained permits from the DOHMH for at least eleven animal exhibits on a variety of different talk shows. Ex. A (Good Morning America, Permit No. 2019019); Ex. B (The Tonight Show Starring Jimmy Fallon (hereinafter “The Tonight Show”), Permit No. 2019020); Ex. C (The Rachel Ray Show, Permit No. 2019021); Ex. D (The Tonight Show, Permit No. 2019042); Ex. E (The Wendy Williams Show, Permit No. 2019049); Ex. F (Fox and Friends, Permit No. 2019068); Ex. G (The Rachel Ray Show, Permit No. 2019082); Ex. H (The Tonight Show, Permit No. 2019083); Ex. I (The Tonight Show, Permit No. 2019102); Ex. J (The Tonight Show, Permit No. 2019130); Ex. K (The Wendy Williams Show, Permit No. 2019141<sup>1</sup>). All eleven permits contained the same two restrictions: (1) “There should be no contact between the animals and the public;” and (2) “Only the approved exhibitor and their authorized employees may handle the animals.” *Id.* Kemmerer appears to have violated both of these restrictions.<sup>2</sup>

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<sup>1</sup> This permit appears to incorrectly list the exhibit location as The Tonight Show with Jimmy Fallon. The corresponding permit application states that the exhibit location will be The Wendy Williams Show, and the video of a May 29, 2019 Wendy Williams Show contains the same animals listed on Permit No. 2019141 (with the exception of the spotted leopard cubs). Ex. K.

<sup>2</sup> Kemmerer has previously violated New York state prohibitions on direct contact with exhibited animals. *See* Ex. L (2018 Consent Order for violations of state law prohibiting direct contact with big cats).

During the shows identified below, someone other than Mr. Kemmerer or his employees handled the exhibited animals. Not only did unauthorized individuals handle the animals, but Mr. Kemmerer failed to disclose that information to the DOHMH on the majority of the subject permit applications.

- Good Morning America (1/23/19): Bindi Irwin handled the crocodile and sloth. [Video 1](#) starting at 1:28. Kemmerer’s permit application falsely claimed that only trainers would handle the crocodile and sloth. Ex. A at 2.
- The Tonight Show (1/23/19): Robert Irwin, a minor, handled the sugar glider, roaches, camel, and servals. [Video 2](#) starting at 32:14. Kemmerer’s application falsely claimed that only trainers would handle the roaches and servals. Ex. B at 2.
- Rachel Ray (1/24/19, aired 2/4/19): Jarod Miller handled the sloth and tortoise. *See* Ex. C (application refers to Miller as a guest, and does not disclose that he will handle the animals); [Video 3](#).
- The Tonight Show (2/15/19, aired 2/25/19): Robert Irwin handled the alligator and Asian water monitor. [Video 4](#) at 0:44 (alligator) and at 3:47 (Asian water monitor). Kemmerer’s application falsely claimed that only trainers would handle the alligator and water monitor. Ex. D at 2.
- The Wendy Williams Show (3/5/19): Evan Antin handled the mandrill, tamandua, and alligator snapping turtle. [Video 5](#). Kemmerer’s application falsely claimed that trainers would handle the animals. Ex. E at 3.
- Fox and Friends (3/31/19): One of the show hosts handled the smaller python during the entire segment. [Video 6](#).<sup>3</sup>
- The Rachel Ray Show (4/11/19, aired 4/16/19): Jarod Miller handled the bear. [Video 7](#). Kemmerer’s application falsely claimed that a trainer would handle the bear. Ex. G at 3.
- The Tonight Show (4/30/19): Robert Irwin handled the millipede, miniature horse, and mandrill. [Video 8](#). Kemmerer’s application falsely claimed that a trainer would handle the horse and mandrill. Ex. I at 3. While the application stated that Robert Irwin would hold the millipede, Irwin was not an approved exhibitor listed on the permit. *Id.*
- The Wendy Williams Show (5/29/19): David Mizejewski exhibits the black bear cub, kangaroo, armadillo, and camel. [Video 9](#). Kemmerer’s application falsely states that a trainer will handle the bear. Ex. K at 3.

None of the individuals who handled that animals on the shows listed above appear to be “authorized employees” of Wild World of Animals—the approved exhibitor. *See e.g.*, Ex. C (describing Mr. Miller as a “guest”—and not an employee or trainer). [Bindi Irwin](#) and [Robert Irwin](#) work at the Australia Zoo. [Jarod Miller](#) appears to be a self-employed zoologist. [Evan Antin](#) is a veterinarian at the Conejo Valley Veterinary Hospital in Thousand Oaks, California. [David Mizejewski](#) works for the National Wildlife Foundation. By allowing individuals other than his “authorized employees” to handle these animals, Kemmerer violated the mandatory conditions of his permit for each of these shows.

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<sup>3</sup> Kemmerer’s permit for this show only authorized one reticulated python. Ex. F. at 1.

During these same shows, Kemmerer also violated the terms of his permit because the hosts—and in some cases other guests—were encouraged and allowed to have contact with the exhibited animals. The hosts of these shows are members of “the public” and are not authorized to have such contact. Exs. A-K (permits do not authorize the hosts or other guests to have contact with animals).

- Good Morning America (1/23/19): The hosts touch the crocodile and sloth. [Video 1](#) at 2:19 (crocodile), at 2:45 (sloth).
- The Tonight Show (1/23/19): Jimmy Fallon, the host, touches the sugar glider, servals, and camel. [Video 2](#) at 32:27 (sugar glider), at 36:37 (servals), and at 39:10 (camel). Several times throughout the show, Robert Irwin encourages Fallon to touch or hold the exhibited animals. *Id.*
- Rachel Ray (2/4/19): Rachel Ray touches the sloth and tortoise, and feeds the capybara. [Video 3](#) at 0:17 (sloth), at 0:56 (capybara), and at 1:45 (tortoise).
- The Tonight Show (2/25/19): Jimmy Fallon touches the Asian water monitor, which Robert Irwin encouraged. [Video 4](#) at 3:51.
- The Wendy Williams Show (3/5/19): Wendy Williams pets the tamandua and alligator snapping turtle, which Evan Antin encouraged. [Video 5](#) at 2:00.
- Fox and Friends (3/31/19): One of the show hosts is holding the smaller python during the entire segment. [Video 6](#). Two of the show hosts pet the turtle, and one of the hosts pets the legless lizard and larger python—contact that Kemmerer himself encouraged. *Id.* at 1:00 (turtle), at 1:42 (lizard), and at 3:40 (larger python).
- The Rachel Ray Show (4/16/19): Rachel Ray and the other guest on the show pet the bear, and the mandrill climbed on the guests multiple times. [Video 7](#) at 0:10 (bear) and 3:30 (mandrill).
- The Tonight Show (4/17/19): Kate Beckinsale touches the frog. [Video 10](#) at 17:30.
- The Tonight Show (4/30/19): Robert Irwin places the millipede on Jimmy Fallon’s wrist. [Video 8](#) at 0:30. Fallon feeds and pets the miniature horse, *id.* at 1:48, and feeds and interacts with the mandrill—contact that Irwin encouraged. *Id.* at 4:29.
- The Tonight Show (5/17/19): Grant Kemmerer brings the python into a phone booth with Jimmy Fallon and Jacob Anderson. [Video 11](#) at 2:27.
- The Wendy Williams Show (5/29/19): Wendy Williams pets and feeds the black bear, and pets the kangaroo, armadillo, and camel—all contact that David Mizejewski encouraged. [Video 9](#) at 1:05 (bear), at 2:35 (kangaroo), at 3:58 (armadillo), and at 6:05 (camel).

Despite routinely providing animals for these types of talk shows, Kemmerer failed to disclose on his permit applications to the DOHMH that the hosts would be encouraged to interact with the exhibited animals during the above referenced shows. Exs. A-K. Even more troubling, Kemmerer falsely states in some of these permit applications that no one from the public will be allowed to touch the animals. *See e.g.*, Ex. F (“No one from the public will be allowed to come in contact with the animals.”); Ex. G. (“there will be no contact with the public at any time”); Ex. H (“The animals will not interact with the public.”); Ex. I (“There will be no contact with the public”); Ex. J (“No one from the public or audience will be in contact with the snake at anytime”). By allowing individuals other than his “authorized employees” to have contact with these animals—and failing to disclose or falsely claiming otherwise on his permit

applications—Kemmerer violated the mandatory conditions of his permit for each of these shows.

As demonstrated above, it appears that Kemmerer has made “false, untrue or misleading statement[s]” on permit applications, NYC Health Code § 3.19(a), and has failed to comply with the mandatory conditions of his permits, *id.* § 5.13(a). PETA urges the DOHMH to investigate these apparent violations, and to hold Kemmerer fully accountable for any unlawful conduct, including assessing the maximum fines and penalties under NYC Health Code § 3.11(a), and refusing to issue Kemmerer any more permits because he has demonstrated that he simply cannot comply with the applicable law. *Id.* §§ 5.05(e), 5.17(a).