

March 31, 2020

Lt. Michael Milotz
Law Enforcement Division
California Dept. of Fish and Wildlife

Robert Fulton
License and Revenue Branch
California Dept. of Fish and Wildlife

Via email

Re: Request to Investigate Charlie Sammut and The Monterey Zoo for Failing to Report an Elephant Attack and Violating California's Bullhook Ban

Dear Lt. Milotz and Mr. Fulton,

I am writing on behalf of PETA to urge the California Department of Fish and Wildlife (CDFW) to investigate Charlie Sammut and the Monterey Zoological Society, Inc. (CDFW Permit No. 1713) for failing to report a June 20, 2018, elephant attack that left an employee hospitalized with serious injuries in violation of Cal. Code Regs. tit. 14, § 671.1(c)(3)(I)(3). This attack occurred while the employee was in direct contact with the elephant and was using a device designed to inflict pain for the purpose of training or controlling the elephant in apparent violation of Cal. Fish & Game Code § 2128(a)(1).

According to documents obtained from the California Division of Occupational Safety and Health (Cal/OSHA), on June 20, 2018, an employee at the Monterey Zoological Society was attacked by an African elephant named Paula. [Ex. 1](#); [Ex. 2](#). The attack occurred during a [breakfast with the elephants stunt](#), where handlers would, using direct contact management, walk the elephants to onsite, rentable bungalows and allow guests to interact with and feed them. *See, e.g.*, Video 1 at 15:52. Two handlers carrying canes were walking two African elephants (Paula and Kristy) to these bungalows when Paula refused to keep walking. [Ex. 1](#). The elephant became agitated and stepped on a handler's foot after the individual "took aggressive action with" her. *Id.* Once the employee fell to the ground, Paula "began thrashing the employee," eventually throwing them 3-4 feet and causing serious injuries, including a broken ankle and back. *Id.* During the attack, another keeper beat Paula with a cane. [Ex. 3](#). Within seven months of this attack, Paula was inexplicably dead. [Ex. 4](#). PETA has reason to believe that Kristy has also died.

As further detailed in the attached appendix, Sammut was required by law to *immediately* report this incident to the CDFW, and yet, a year and a half later there is no evidence that he ever did so. Moreover, the keepers' use of canes—devices designed to inflict pain for the purpose of controlling the behavior of the elephants

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—is also a violation of law that subjects Sammut’s CDFW license to immediate suspension or revocation. Indeed Sammut—a proponent of direct contact management [who stated](#) in 2011 that while his intention was to become a full-fledged zoo his facility would “continue to be a full contact facility” unlike most zoos—has been flouting the state’s bullhook ban since it went into effect in January 2018.

In light of these apparent serious and ongoing violations, PETA urges the CDFW to revoke Sammut’s restricted species permit pursuant to Section 671.1(c)(6) and Cal. Fish & Game Code § 2128(b), to assess the maximum penalty pursuant to Cal. Fish & Game Code § 2125(a), and to seize the elephants pursuant to Section 671.5 and transfer them to a reputable facility that complies with the state’s bullhook ban and uses protected contact management.

Thank you for your attention to this important matter.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michelle Sinnott".

Michelle Sinnott
Counsel, Captive Animal Law Enforcement

Appendix

Factual Background

I. CHARLIE SAMMUT'S BUSINESSES AND RESTRICTED SPECIES PERMITS

Charlie Sammut is the President and CEO of the Monterey Zoological Society, Inc. dba the Monterey Zoo (California Corporate No. C2995723), which is located at 400 River Road, Salinas, California 93908. The Monterey Zoo is open to the public seven days a week and houses around 100 animals, including tigers, lions, elephants, bears, and primates. In addition to general admission, the Monterey Zoo offers a number of experiences that allow guests to have direct contact with the animals, [including the elephants](#). Ex. 5 (advertising for the “Pachyderm Package” that allows “hands-on full contact experience with our African Elephants”). Sammut is also the President and CEO of the Vision Quest Ranch (California Corporate No. C3975716), a bed and breakfast located at the Monterey Zoo that allows the public to rent bungalows onsite.

Sammut was the Director of the now defunct Elephants of Africa Rescue Society (EARS) (California Corporate No. C2199958), a non-profit organization that also operated at 400 River Road. Up until 2019, the elephants housed at the Monterey Zoo were maintained by Sammut through EARS. In February 2019, EARS was dissolved and its remaining financial assets were transferred to the Monterey Zoological Society. Ex. 6.

Sammut currently has a single restricted species permit from the CDFW (Permit No. 1713) authorizing possession of various restricted species, including three African elephants: Butch, Buffy, and Kristy.¹ Ex. 7. In 2018—at the time of the attack—Sammut operated under two different restricted species permits: (1) Monterey Zoological Society (Permit No. 1713), and (2) EARS (Permit No. 2744). The 2018-2019 EARS permit covered Sammut’s four African elephants: Butch, Buffy, Kristy, and Paula. Ex. 9. The 2018-2019 Monterey Zoological Society permit covered the other restricted species at his facility, including bears, primates, and big cats. Ex. 10. In February 2019, Sammut surrendered his EARS permit and transferred three African elephants to his Monterey Zoological Society permit. Ex. 4. While surrendering his EARS permit, Sammut notified the CDFW that Paula died in January 2019. *Id.*

II. MANAGING ELEPHANTS IN FREE CONTACT IS DANGEROUS

There are two basic styles of managing captive elephants: protected contact and free contact (also called direct contact). Free contact involves handlers working directly with and sharing space with elephants without the use of a protective barrier. This is a circus-style system in which trainers condition elephants to fear and obey them by using bullhooks to jab, strike, and intimidate the animals. The goal of such discipline is to elicit 100 percent compliance. Sometimes this form of dominance works and the elephants are subservient, while other times—usually unexpectedly—elephants rebel against such domination and lash out. In such circumstances, a human simply has no control over an elephant. Aside from the obvious cruelty of these training methods, free contact management is dangerous: [documented reports indicate](#)

¹PETA has reason to believe that Kristy died last year. A U.S. Department of Agriculture inspection report from November 2019 indicates that the facility only has two African elephants. Ex. 8. The facility’s [website](#) currently only lists Butch and Buffy, though it [formerly](#) mentioned Kristy.

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that elephants have killed at least 20 people and injured more than 140 in the United States alone since 1987.

In a protected contact system, elephants and humans are protected from one another by a barrier. Elephants can choose whether to participate in training, or walk away if they are uncomfortable. They learn using rewards instead of punishment, and the barrier protects both the elephant and the trainer from harm. A bullhook is not used, nor is it needed in protected contact management. There is a general industry acceptance by elephant experts and zoologists that the safest way to care for elephants is through protected contact management.

In 2016, California enacted a bullhook ban, prohibiting the use of this weapon or similar devices on elephants. Cal. Fish & Game Code § 2128. For animals conditioned to fear bullhooks, *anything* that resembles one serves as a strong reminder of pain and punishment. In order to circumvent bullhook bans, handlers will often carry an object that resembles a bullhook—such as a cane—but that appears innocuous to humans who fail to recognize the true purpose of the object, which is to dominate elephants and beat them if necessary. This is why California’s law expansively covers the use of any “bullhook, ankus, baseball bat, axe handle, pitchfork, or other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant.” *Id.* “Use” was also expansively defined to include “brandishing, exhibiting, or displaying the devices in the presence of an elephant.” *Id.* Because the bullhook and other weapons are deemed a necessary component of free contact management, California’s bullhook ban effectively ended the use of free contact management within the state. All accredited facilities in California used protected contact prior to the bullhook ban. Only two California based facilities used free contact management at the time the ban was enacted: (1) Have Trunk Will Travel, and (2) the Monterey Zoo. Ex. 11 (Report from Committee on Arts, Entertainment, Sports, Tourism, and Internet Media noting that only 2 California business would be impacted by the ban). Have Trunk Will Travel moved its operation and elephants to Texas around the time that the law took effect. Ex. 12. Sammut at the Monterey Zoo is the *only* facility in California still using free contact management.

III. THE ELEPHANT ATTACK

On June 20, 2018, an employee was attacked by Paula—an African elephant covered by Sammut’s EARS permit. Ex. 1. At the time of the accident, a night at one of the Vision Quest Ranch bungalows included a [breakfast with the elephants stunt](#), where handlers would walk the elephants to the bungalows and allow guests to interact with and feed the animals using free contact management. *See, e.g.*, Video 1 as 15:52. Just before the attack, two handlers were walking two African elephants (Paula and Kristy) to these bungalows using “canes.” [Ex. 1](#). At one point, Paula stopped walking and refused to proceed. An employee “took aggressive action with Paula” which caused her to become agitated. *Id.* Paula stepped on the employee’s foot. *Id.* Once the employee fell to the ground, Paula “began thrashing the employee.” *Id.* According to the employee who was attacked:

I fell to the ground. I rolled to my back and she stepped on my arm. She continued to st[om]p on me and use her tusks and head to crunch me under her. At one point she picked me up with her trunk and set me on my butt then stepped onto my shoulder blades and stepped my upper body to the ground. I was rolling around

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trying to get out from under her. I was laying on my back and she brought her tusks down and I wrapped my arms and legs around her tusks to get off the ground she swung her head back and forth several times and threw me about 3-4 feet away.

[Ex. 2.](#) [The](#) second employee reported doing everything she could to get Paula to stop, including “hitting Paula with the walking cane.” [Ex. 3.](#) After the attack, the employee was taken via ambulance to the hospital and kept for more than 24-hours, suffering from serious injuries, including a broken back, a broken ankle, cuts, and bruises. [Ex. 1.](#)

On the same day, the Monterey County Regional Fire District—the emergency personnel who responded to the 911 call—reported the attack to Cal/OSHA. [Ex. 1](#) at pg. 2. Sammut waited 5 days to report the attack to Cal/OSHA. *Id.* at pg. 1. The agency cited Sammut for two violations of the California Labor Code, including for failing to immediately report the attack to it. [Ex. 13.](#) Cal/OSHA proposed a \$9,500 penalty for these violations. *Id.*² According to public records, Sammut never reported the attack to the CDFW.

Legal Violations

I. FAILURE TO REPORT THE ATTACK

The relevant EARS restricted species permit (Permit No. 2744) states that “[t]he permittee is required to follow all of the applicable requirements listed in §671, Title 14, of the California Code of Regulations (CCR).” [Ex. 9.](#) Section 671.1 requires “[a]ny incident involving an animal held under a restricted species permit that results in serious injury or death to a person *shall be reported immediately.*” Cal. Code Regs. tit. 14, § 671.1(c)(3)(I)(3)(emphasis added). A restricted species permit “may be suspended or revoked at any time . . . for failure to comply with the terms and conditions of the permit or for failure to comply with any provision of the Fish and Game Code or regulations adopted pursuant thereto.” *Id.* § 671.1(c)(6). The CDFW can also assess a “civil penalty of not less than five hundred dollars (\$500) nor more than ten thousand dollars (\$10,000) for each violation.” Cal. Fish & Game Code § 2125(a).

Public records obtained from the CDFW regarding Monterey Zoological Society and EARS contained no evidence that Sammut reported the June 20, 2018, attack as required.

II. UNLAWFUL BULLHOOK USE

On January 1, 2018, California’s statewide bullhook ban went into effect. The California Fish and Game Code prohibits anyone who “houses, possesses, manages, or is in direct contact with an elephant” from using or authorizing the use of “a bullhook, ankus, baseball bat, axe handle, pitchfork, or other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant.” Cal. Fish & Game Code § 2128(a)(1). Under the statute, “use” includes “brandishing, exhibiting, or displaying the devices in the presence of an elephant.” *Id.* § 2128(a)(2). A restricted species permit covering the elephants “is subject to immediate suspension or revocation by the department” for any violations of this ban. *Id.* § 2128(b). The CDFW can also assess a “civil penalty of not less than five hundred dollars (\$500) nor more than

² Sammut administratively appealed these two citations, and the results of that appeal are unknown. [Ex. 14.](#)

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ten thousand dollars (\$10,000) for each violation.” *Id.* § 2125(a); *see also id.* § 2128(b) (“Any person who violates this section is subject to the civil penalty set forth in Section 2125 for each violation”).

The Monterey Zoological Society’s [breakfast with the elephants stunt](#) involved handlers being in direct contact with the elephants. *See, e.g.*, Video 1 at 15:52. According to Sammut, “[d]ue to a new law pertaining to the use of a guide tool when handling the elephants in Calif. a change was made to use of a walking cane to move the elephants” during these stunts. Ex. 15. However, these canes are “device[s] designed to inflict pain for the purpose of training or controlling the behavior of an elephant.” Cal. Fish & Game Code § 2128 (a)(1)(A); *see e.g.*, Photo 1 ([January 25, 2018](#) Instagram Post); Video 2 ([April 19, 2018](#) Instagram Post); Photo 2 (September 22, 2018 Instagram Post); Video 3 at 5:06 ([Dec. 11, 2018](#) YouTube video); Photos 3, 4 ([March 24, 2019](#) Instagram Post); Video 4 ([March 30, 2019](#) Instagram Post). Moreover, these canes are being used with the elephants in the same manner as a traditional bullhook. *See e.g.*, Video 5 ([June 16, 2018](#) Instagram Post). Controlling an elephant by brandishing, exhibiting, or displaying a walking cane—which is physically comparable to a bullhook, axe handle, and the other weapons expressly prohibited by law—falls into this prohibition. Indeed, during the June 2018 attack, the employee who was attacked was using one of these canes and “took aggressive action” with the elephant. [Ex. 1](#). Additionally, the second employee began hitting the elephant with the cane in an effort to stop the attack. [Ex. 3](#). Both employees’ use of the canes before and during the attack violated the bullhook ban. Sammut was responsible for training and authorizing Monterey Zoo employees to handle the elephants, and as such is responsible for the apparent unlawful “bullhook” use during—and as documented in the below chart, before and after—the elephant attack. *See* Ex. 16 at 12 (Staff training protocols stating that “At NO TIME is anyone to introduce a new . . . training tool without first obtaining permission from Charlie”); *see also* Cal. Fish & Game Code § 2128 (a)(1)(B) (prohibiting any person from authorizing or allowing an employee to use a bullhook or “other device designed to inflict pain for the purpose of training or controlling the behavior of an elephant”).

The unlawful use of a device designed to inflict pain for the purpose of training or controlling the behavior of an elephant during the June 2018 attack was not an isolated incident. In fact, publicly available information demonstrates that the Monterey Zoological Society has continued to use such devices consistently since the ban on these devices went into effect. Even after the June 2018 attack, Sammut’s facility has routinely allowed guests and employees to have direct contact with the elephants, during which the employees are seen holding canes.³ PETA has identified the following apparent violations of the bullhook ban:

| Date | Bullhook Use | Citation |
|---------|---|--|
| 1/25/18 | Employee displaying a cane while managing an elephant in direct contact during a breakfast with the elephants encounter | Photo 1; also available here |

³ After the attack, Sammut noted in a hazard correction document that the elephants would “no longer be handled outside their enclosure area” and that guests “will no longer interact with the elephants [in] free contact.” Ex. 15. However, videos and photographs posted online by guests—and in some cases Sammut himself—demonstrate that there continues to be rampant free contact interactions at the Monterey Zoological Society. *See e.g.*, Photos 31, 32, 38; Video 12, Video 14, and Video 15.

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| Date | Bullhook Use | Citation |
|----------|---|--|
| 1/27/18 | Employees displaying canes while managing an elephant in direct contact during a breakfast with the elephants encounter | Video 1 at 15:52; also available here |
| 2/25/18 | Employee displaying a cane while managing an elephant in direct contact during a breakfast with the elephants encounter | Video 6; also available here |
| 2/27/18 | Employee displaying a cane while managing an elephant in direct contact during an elephant washing encounter | Photo 5; also available here |
| 2/27/18 | Employee displaying a cane while elephant is behind electric fence during an encounter | Photo 6; also available here |
| 3/31/18 | Employee displaying a cane while managing an elephant in direct contact during a breakfast with the elephants encounter | Photo 7; also available here |
| 4/19/18 | Employee displaying a cane while managing an elephant in direct contact during an elephant washing encounter | Video 2; also available here |
| 4/18 | Employee displaying a cane while managing an elephant in direct contact during a breakfast with the elephants encounter | Photo 8; also available here |
| 4/5/18 | Sammut displaying a cane while managing an elephant in direct contact during a photo op | Photo 9; also available here |
| 5/20/18 | Employee displaying a cane while managing an elephant in direct contact during a photo op | Photo 10; also available here |
| 6/10/18 | Employee (back left) displaying a cane while managing an elephant in direct contact during a photo op | Photo 11; also available here |
| 6/16/18 | Employee displaying a cane while managing an elephant in direct contact | Video 7; also available here |
| 6/16/18 | Employee displaying a cane while managing an elephant in direct contact during an elephant walk | Photo 12; also available here |
| 6/16/18 | Employee displaying a cane while managing an elephant in direct contact during a breakfast with the elephants encounter | Photo 13; Video 5; also available here |
| 7/1/18 | Employee displaying a stick/cane while elephants are behind electric fence during an elephant feeding | Video 8; also available here |
| 9/18 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Video 9; also available here |
| 9/9/18 | Employee displaying a stick/cane while elephant is behind electric fence during an elephant feeding | Photo 14; also available here |
| 9/10/18 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Photo 15; also available here |
| 9/22/18 | Employee displaying a cane while elephant is behind barrier during elephant encounter | Photo 2; also available here |
| 10/4/18 | Employee displaying a stick while managing an elephant in direct contact during an elephant washing encounter | Photo 16; also available here |
| 10/15/18 | Employee displaying stick while elephant is behind barrier during an elephant feeding | Video 10; also available here |

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| Date | Bullhook Use | Citation |
|----------|--|---|
| 10/19/18 | Employee displaying a cane while managing an elephant in direct contact during an elephant washing/feeding encounter | Photos 17, 18; also available here |
| 10/28/18 | Employee displaying a stick/cane while elephant is behind barrier during an encounter | Photo 19; also available here |
| 10/29/18 | Employee displaying a stick while elephant is behind barrier during an elephant feeding | Photo 20; also available here |
| 11/28/18 | Sammut displaying a stick/cane while managing elephants in direct contact during a photo op | Photo 21; also available here |
| 12/1/18 | Employee displaying a stick/cane while elephant is behind barrier during an elephant feeding | Photo 22; also available here |
| 3/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 23; also available here |
| 3/24/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photos 3, 4; also available here |
| 3/30/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Video 4; also available here |
| 4/12/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 24; also available here |
| 4/13/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 25; also available here |
| 4/21/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 26; also available here |
| 4/21/19 | Employee displaying a stick while elephant is behind barrier | Video 11; also available here |
| 5/5/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 27; also available here |
| 5/27/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 28; also available here |
| 5/27/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 29; also available here |
| 6/19 | Employee displaying a cane while elephant is behind barrier | Photo 30; also available here |
| 7/12/19 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Video 12; also available here |
| 7/19 | Employee displaying a cane while managing an elephant in direct contact during an elephant washing encounter | Photo 31; also available here |
| 7/16/19 | Sammut displaying a cane while managing an elephant in direct contact during a photo op | Photo 32; also available here |
| 8/8/19 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Photos 33; also available here |
| 8/22/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 34; Video 13; also available here |
| 9/22/19 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Video 14; also available here |

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| Date | Bullhook Use | Citation |
|----------|--|---|
| 10/19 | Employee displaying a cane/stick while elephant is behind a barrier | Photo 35; also available here |
| 10/20/19 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Video 15; also available here |
| 10/29/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Video 16; also available here |
| 11/19 | Employee displaying a cane while elephant is behind barrier during an elephant feeding | Photo 36; also available here |
| 12/19 | Employee displaying a cane while elephant is behind barrier | Photo 37; also available here |
| 1/22/20 | Employee displaying a cane while managing an elephant in direct contact during an elephant feeding | Photo 38; also available here |

As the numerous examples above demonstrate, despite the change in California’s law, Sammut continues to allow keepers and guests to share the same physical space as the elephants—without a protective barrier—which necessitates the use of a bullhook or other prohibited device to control the animals. Use of these weapons at Sammut’s facility is so prevalent that even when the elephants are behind a protective barrier, Sammut’s handlers are still seen holding them. *See e.g.*, Photo 2 ([September 22, 2018](#) Instagram Post); Photo 22 ([December 1, 2018](#) Instagram Post); Photo 26 ([April 21, 2019](#) Instagram Post); Photo 27 ([May 5, 2019](#) Instagram Post); Photo 28 ([May 27, 2019](#) Instagram Post). It has been three years since the bullhook ban was passed, two years since it took effect, and over a year since one of Sammut’s employees was seriously injured while using a prohibited device in direct physical contact with an elephant. At this point, Sammut’s actions suggest that he has no intention of complying with California’s bullhook ban and will continue to put handlers and the public at risk of harm.

Conclusion

As demonstrated above, it appears that Sammut has violated the California Fish and Game Code consistently for the past two years by allowing employees to use “device[s] designed to inflict pain for the purpose of training or controlling the behavior of an elephant” while in direct contact with the elephants at his facility. Cal. Fish & Game Code § 2128(a)(1). Sammut’s is the only California-based facility continuing to use free contact elephant management in violation of the bullhook ban, which warrants swift and forceful enforcement from the CDFW. Additionally, Sammut violated the CDFW’s regulations by failing to report a June 20, 2018, elephant attack that left an employee hospitalized with serious injuries. Cal. Code Regs. tit. 14, § 671.1(c)(3)(I)(3). PETA urges the CDFW to investigate these apparent violations, and to hold Sammut fully accountable for his unlawful conduct, including revoking his CDFW permit pursuant to Cal. Code Regs. tit. 14, § 671.1(c)(6) and Cal. Fish & Game Code § 2128(b), assessing the maximum fines and penalties under Cal. Fish & Game Code § 2125(a), and seizing the elephants pursuant to Cal. Code Regs. tit. 14, § 671.5 and transferring them to an accredited sanctuary that complies with the state’s bullhook ban and uses protected contact management.