



Animal and Plant
Health Inspection
Service

VIA: UPS Express Carrier
Shipping Event: 1st

August 19, 2019

Marketing and
Regulatory Programs
Business Services

Karl Mogensen
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Investigative and
Enforcement Services

Riverdale, MD Office:
4700 River Road
Unit 85
Riverdale, MD 20737
Voice 301.851.2948
Fax 301.734.4328

SETTLEMENT AGREEMENT

Dear Sir or Madam:

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each alleged violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What are the terms of the Settlement Agreement?

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

If you agree to waive your right to a hearing and pay the penalty, then do the following:

- Pay the amount due, \$41,500, by **September 16, 2019**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **September 16, 2019**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **September 16, 2019**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.

What are my other options?

If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **September 16, 2019**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

What happens if I fail to respond?

If we do not receive a payment or hearing request from you by **September 16, 2019**, we will forward this matter to our Office of the General Counsel for litigation.

What should I do if I need help?

If you have any questions concerning this letter, contact Jennifer Jones at (301) 851-2780, or call our main office at (301) 851-2948.

I am a small business owner and have comments or concerns regarding APHIS's enforcement of animal and plant health laws. Who should I contact?

APHIS always welcomes comments on how it can better assist small businesses. If you have comments about APHIS's enforcement of animal and plant health laws, please contact Eileen F. Sullivan, the APHIS Small Business Ombudsperson, at (301) 851-2948. If you would prefer to comment to someone outside APHIS, you may contact the Small Business Regulatory Enforcement Ombudsperson at <http://sba.gov/ombudsman>, email ombudsman@sba.gov, or toll free at 1-888-REG-FAIR. The Ombudsperson's office receives comments from small businesses and annually evaluates federal agency enforcement activities for their responsiveness to the special needs of small businesses.

Sincerely,

Eileen F. Sullivan, Director
Investigative and Enforcement Services



Karl Mogensen
D/b/a Natural Bridge Zoo
5784 South Lee Highway
Natural Bridge, VA 24578

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Alleged Violation: August 31, 2014

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care. Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

NBZ failed to seek and provide immediate veterinary care for a mandrill that was wounded by another mandrill and suffered blood loss. The veterinarian, who was visiting the facility to treat another animal, examined the mandrill hours after a keeper first observed its wound, but was unable to save the animal.

(Ex. 8 – C – Mandrill – NBZ.Aug31.Vid3, Vid5, Vid23)

Date of Alleged Violation: September 27, 2014

9 C.F.R. § 2.40(b)(4) Attending veterinarian and adequate veterinary care. Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia.

NBZ failed to provide adequate guidance regarding euthanasia to personnel involved in the care and use of animals. NBZ failed to properly euthanize a sick guinea pig, but instead forcefully threw the animal to the ground in an effort to end its life.

(Ex. 8 – E – NBZ.Sept27.Vid14)

Date of Alleged Violation: January 6, 2015

9 C.F.R. § 2.40(b)(4) Attending veterinarian and adequate veterinary care. Adequate guidance to personnel involved in the care and use of animals regarding handling, immobilization, anesthesia, analgesia, tranquilization, and euthanasia.

NBZ failed to ensure that its program of veterinary care included adequate guidance to personnel involved in the care and use of animals regarding euthanasia. NBZ failed to cull guinea pigs using an acceptable form of euthanasia and was documented throwing guinea pigs to the ground as a form of euthanasia. AC Inspectors discovered ten dead guinea pigs, with broken ribs and pelvic bones, in the freezer used to keep feed for big cats.
(Ex. 196, Ex. 198, Ex. 215, Ex. 298)

Date of Alleged Violation: April 25, 2015

9 C.F.R. § 2.40(b)(2) Attending veterinarian and adequate veterinary care. Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care.

NBZ failed to maintain a program of adequate veterinary care that includes the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries and the availability of emergency, weekend, and holiday care. NBZ administered an enema for a tiger cub (“Meaty”) on April 18, 2015. The following day NBZ took the cub to the veterinarian for treatment of lethargy and dehydration. On April 25, 2016, NBZ visited the veterinarian with the tiger cub, but declined the veterinarian’s recommendations for intravenous fluids and hospitalization. The tiger cub died later the same day. (Ex. 355)

Date of Alleged Violation: August 23, 2014 – September 27, 2014

9 C.F.R. § 2.131(c)(1) Handling of animals.

During public exhibition, any animal must be handled so there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of animals and the public.

NBZ failed to handle animals so that there was a minimal risk of harm to the animal or to the public, with sufficient distance and/or barriers between the animals and the public, and specifically, babies and young children. NBZ continued photo sessions with juvenile tiger cubs Daxx and Deja through the age of seventeen-weeks-old and weighing more than forty pounds. NBZ used the tiger cubs for photo sessions with the public on the following documented dates:
August 23, 2014 – (Ex. 8 – A – Vid27 (1:40))
September 11, 2014 – (Ex. 8 – A – Handling – NBZ.Sept11.Vid27, Vid28)
September 17, 2014 – (Ex. 8 – A – Handling – NBZ.Sept17.Vid4)
September 25, 2014 – (Ex. 8 – A – Handling – NBZ.Sept25.Vid19)
September 27, 2014 – (Ex. 8 – A – Handling – Vid20, Vid21, Vid28)



Date of Alleged Violation: October 12, 2014

9 C.F.R. § 2.131(d)(3) Handling of animals.

During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler.

NBZ failed to have an elephant under the direct control of the animal handler during public exhibition. NBZ allowed members of the public to ride, take photos with, and feed the elephant without the handler always nearby.
(Ex. 183, Ex. 187-188; Ex.27)

The penalty for the alleged violation(s) described above is \$41,500.