

March 11, 2021

Mark Keel, Chief
 South Carolina Law Enforcement Division

Via email

Re: Request to Investigate Kathleen and Jeff Futrell dba Waccatee
 Zoological Farm for Animal Cruelty

Dear Chief Keel,

I am writing on behalf of PETA to request that the South Carolina Law Enforcement Division (SLED) investigate the conditions for animals at Waccatee Zoological Farm (located at 8500 Enterprise Road, Myrtle Beach, SC 29588) and file suitable charges against all appropriate parties without delay. As detailed in the attached appendix, the current conditions at Waccatee appear to amount to criminal neglect under S.C. Code § 47-1-40(A).

In June 2019, Darren Minier (Assistant Director of Animal Care with the Oakland Zoo) visited Waccatee and prepared an expert report finding that “the severe, widespread animal care deficiencies at Waccatee are indicative of chronic neglect and an inability or unwillingness to provide proper and humane treatment, and constitute cruelty to animals.” Ex. A (Minier Original Report). Six months later, Mr. Minier prepared a supplement to his original report after visiting Waccatee a second time. Ex. B (Minier Supplemental Report). His findings remained the same: the conditions at Waccatee were “inhumane and cause unnecessary pain and suffering to the animals in violation of South Carolina and Horry County Municipal cruelty to animal laws.” *Id.* PETA’s repeated attempts to simply meet with Horry County law enforcement officials to discuss the concerns raised by Mr. Minier’s report have been met with obstinate hostility.

While Horry County law enforcement officials staunchly refused to discuss the situation, the conditions at Waccatee continued to deteriorate and animals suffered as a result. The poster child for that deterioration and suffering was Lila the tiger. Mr. Minier first identified Lila’s hair loss in November 2019. Ex. B (Photos 9-10). At the time, while Lila had severe hair loss it was in the early stages and she was at least still recognizable as a tiger. Over the course of a year, PETA documented Lila’s rapidly declining physical condition. Ex. C (Timeline progression of Lila’s condition). By December 2020, PETA documented and reported to Horry County law enforcement that Lila was bald, had lost a significant amount of weight and muscle tone, and was no longer recognizable as a tiger. *Id.* Horry County law enforcement did nothing to address the situation. Ex. D. Within a month, Lila reportedly died. While Jeff Futrell [claims](#) she died

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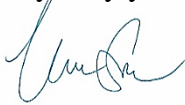
from old age, he has not produced a necropsy report substantiating Lila's cause of death, nor is it medically possible that her declining medical condition was caused by age alone. Ex. B at pg. 4 ("hair loss is not typical in older adult or geriatric tigers, and so this condition is indicative of [an] underlying health or environmental issue").

As detailed in the attached appendix, there is well-documented, widespread, chronic neglect currently occurring at Waccatee that Horry County law enforcement has allowed to fester for years. Lila appears to be the latest casualty at Waccatee, and unless SLED steps in she will certainly not be the last.

PETA stands ready to assist in any way able, including by referring you to independent species experts or captive wildlife veterinarians or securing placement for any confiscated animals and arranging for their transport to reputable facilities, where they can receive the care that they desperately need.

I look forward to hearing from you on this important and time sensitive matter.

Very, truly yours,

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

Michelle Sinnott, Esq.
Associate Director, Captive Animal Law Enforcement

Cc: Jimmy Richardson, Fifteenth Circuit Solicitor's Office
Alan Wilson, South Carolina Attorney General

Appendix

A person who affirmatively or by failure to act “ill-treats an animal, deprives an animal of necessary sustenance or shelter, [or] inflicts unnecessary pain or suffering upon an animal” is guilty of misdemeanor animal cruelty. S.C. Code § 47-1-40(A). While animal is defined broadly to include any “living vertebrate creature except a homo sapien,” S.C. Code § 47-1-10(1), the misdemeanor cruelty provision does not apply to fowl, S.C. Code § 47-1-40(C). Sustenance is defined as “adequate food provided at suitable intervals of quantities of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition to allow for proper growth and weight and adequate water provided with constant access to a supply of clean, fresh, and potable water provided in a suitable manner for the species.” S.C. Code § 47-1-10(2). Shelter is defined as “shelter that reasonably may be expected to protect the animal from physical suffering or impairment of health due to exposure to the elements or adverse weather.” *Id.* at (3).

SLED has the authority to seize an animal whose been subjected to cruelty or neglect in violation of South Carolina law. S.C. Code § 47-1-150.

Waccatee Zoological Farm (Waccatee) is a roadside zoo operating in Myrtle Beach, South Carolina. Waccatee is owned and operated by Kathleen Futrell and her son, Jeff. The Futrells possess more than 450 animals, including lions, bears, primates, deer, pigs, goats, sheep, cows, birds, and reptiles. Ex. E (Jan. 27, 2021 inventory, which does not account for reptiles and birds).

In 2019, Darren Minier (Assistant Director of Animal Care with the Oakland Zoo) visited Waccatee on two separate occasions (June 5, 2019 and November 21, 2019) in order to observe and opine on the welfare of the animals. After those visits, Mr. Minier drafted expert reports detailing his observations and assessing the conditions of the animals and the facility. Ex. A (Minier Original Report, June 2019); Ex. B (Minier Supplemental Report, November 2019). Both reports detail animals in need of immediate veterinary attention, animals without proper food, water, and shelter, unsanitary and dangerous conditions, and animals exhibiting abnormal and self-injurious behaviors indicative of poor welfare. *Id.* After each visit, Mr. Minier concluded that:

In my professional opinion, the severe, widespread animal care deficiencies at Waccatee are indicative of chronic neglect and an inability or unwillingness to provide proper and humane treatment, and constitute cruelty to animals. Animals appear to be in need of immediate veterinary care, deprived of necessary sustenance or shelter, and confined in hazardous environments with excessive waste accumulation. These conditions are dangerous, cruel, inhumane, and cause unnecessary pain and suffering to animals in violation of South Carolina and Horry County Municipal cruelty to animal laws.

Ex. A at pg. 8; Ex. B at pg. 9.

In July 2019, PETA initially contacted Chief Joseph Hill of the Horry County Police Department seeking an in-person meeting to discuss Mr. Minier’s findings. After Chief Hill indicated his desire to involve the county attorney, PETA contacted Arrigo Carotti directly in an effort to arrange a

meeting. Mr. Carotti would not agree to a meeting and after several months of increasingly confrontational communications in response to inquiries as to the status, he refused to engage in a substantive discussion regarding Mr. Minier's report. As a result, PETA is informed and believes that none of the urgent and ongoing issues identified by Mr. Minier in his reports have been addressed by Horry County law enforcement.

In fact, throughout 2020, PETA documented that conditions at Waccatee have remained consistent with, if not worse, than what Mr. Minier observed in 2019. Ex. F (Photos of Waccatee from 2020). Indeed, Mr. Minier visited Waccatee for a third time in March 2020, along with wildlife veterinarian Dr. Monica Bando, and they observed the same type of conditions, many of which had progressively deteriorated. Most recently, in February 2021, PETA documented that these chronic and negligent conditions continue to persist at this facility with no signs of improvement. PETA reported these recent concerns to Horry County law enforcement on March 2, 2021, and to date nothing has been done to address them. Ex. G (Welfare Check Request).

Because Horry County law enforcement has utterly failed to address the chronic neglect and suffering of animals at Waccatee, PETA is now turning to SLED, and urges the agency to fully and promptly investigate the following current conditions at this facility.

I. Unnecessary Pain and Suffering Caused by Lack of Appropriate Veterinary Care

The following animals were documented as experiencing unnecessary pain and suffering because of the lack of timely and appropriate veterinary care in apparent violation of S.C. Code § 47-1-40(A).

A Baboon Appears to Have Limited Mobility in His Rear Legs

On February 27, a witness observed and documented a baboon named Handsome crawling and unable to fully use his rear legs. *See* Video 1. In the video, Handsome leans back to heave himself up from the ladder into the mesh tunnel, crawls to the indoor enclosure and then moves across the straw, all while his hips are lowered and he is semi-dragging his left leg. Wildlife veterinarian Dr. Monica Bando opined that Handsome appears weak and/or lame in his hindlimbs and that veterinary evaluation is needed to assess his condition. In addition, the extremely small tunnel and mesh wiring that he has to climb through could be contributing to or exacerbating whatever underlying problem he has.

Mr. Minier observed and documented lameness in multiple peccaries during his 2019 visit, explaining that:

Lameness can be caused by trauma, bone fractures, muscle or tendon injury, infections, arthritis, or overgrown hooves. The condition interferes with the ability for an animal to ambulate and is often very painful. Animals exhibiting lameness require immediate veterinary care, soft bedding, and comfortable, dry areas to rest.

Ex. B at pg. 3. Mr. Minier opined that observable lameness indicated a “[l]ack of veterinary care, proper shelter, and poor husbandry,” and “would cause progression of disease and unnecessary

pain and suffering in violation of S.C. Code Ann. § 47-1-40 (A) and Horry County Code Sec. 4-23.” *Id.*

Multiple Animals Had Overgrown Hooves

On February 27, a witness observed and documented two donkeys and three zebu with overgrown hooves. Photos 1-6; Video 2. A brown donkey had severely overgrown chipped hooves on all four feet, especially the right rear, which were also cracked. Photos 1-3; Video 2. A white donkey with brown spots had severely overgrown rear hooves. Video 2 at 0:15 and 0:35.

As Mr. Minier explained in his 2019 expert report:

Overgrown or chipped hooves, and claws are a significant problem that can lead to deep cracks, foot infections, abscesses, and chronic lameness. These conditions can be extremely painful and interfere with ambulation and may result in death of an affected animal. Proper hoof care is essential for the health and well-being of the animal. Overgrown hooves must be addressed as soon as possible, and may require many months to correct.

Ex. A at pg. 3-4. Mr. Minier documented several animals with overgrown hooves during both of his visits, noting that “[t]he large number of animals affected indicate apparent widespread, chronic neglect, poor husbandry, and lack of adequate veterinary care causing unnecessary pain and suffering to animals in violation of S.C. Code Ann. § 47-1-40 (A) and Horry County Code Sec. 4-2.” *Id.*; *see also* Ex. B at pg. 3.

A Black Bear Had A Growth On The Face

On February 27, a witness observed and documented that one of the black bears had a golf ball sized growth on the left side of the face. Video 3 at 0:16-0:24. Dr. Bando opined that this bear requires veterinary evaluation to assess the mass, including aspirating, biopsy, and possibly removing it, even if benign, to prevent further trauma and/or injury.

II. Unnecessary Pain and Suffering Caused by Lack of Species Appropriate Care

The following animals were documented as experiencing unnecessary pain and suffering because of the lack of species appropriate enrichment, space, enclosures, and overall care in apparent violation of S.C. Code § 47-1-40(A).

Multiple Animals Exhibited Abnormal Behaviors

On February 21 and 27, witnesses observed and documented multiple animals exhibiting abnormal repetitive behaviors, including two baboons, a capuchin, a bear, a coati, and a lion. Video 4; Video 5; Video 6; Video 7; Video 8; and Video 9. The baboon (Handsome) was repetitively rolling and shaking his head and another baboon (Jocko Jr.) was pacing and spinning in circles. The capuchin (Jake), one of the bears, a coati, and the male lion (Simba) were all pacing. These abnormal behaviors are consistent with the behaviors that Mr. Minier documented in 2019. Ex. A at pg. 7-8; Ex. B at pg. 8-9. As Mr. Minier explained in his 2019 expert report:

Abnormal behaviors such as pacing, self-hitting, or biting are indicative of severe suffering and distress and could indicate an underlying medical problem. These

behaviors will continue or worsen if the underlying issues are not adequately addressed. **Abnormal behaviors occur when animal health and welfare are compromised and are an indication of overall poor welfare.**

Ex. A at pg. 8 (emphasis added); *see also* Ex. B at pg. 9 (explaining the same with respect to abnormal pacing, head tossing, and circling behaviors). Mr. Minier opined that all of the animals exhibiting abnormal behaviors require a full veterinary evaluation “to determine if there is an underlying medical condition causing the behavior and to address welfare issues to prevent unnecessary or excessive pain and suffering.” Ex. A at pg. 9; *see also* Ex. B at pg. 9.

III. Lack of Shelter

The following animals were documented without access to adequate shelter necessary to protect them from physical suffering or impairment of health due to exposure to the elements or adverse weather conditions in apparent violation of S.C. Code § 47-1-40(A).

Multiple Animals Lacked Adequate Shelter

On February 21 and 27, witnesses observed and documented multiple animals without adequate shelter. Donkeys were confined to an enclosure with a “shelter” that only had one side. Photo 7. Sheep were confined to an enclosure with only a shade structure that had no sides. Photo 8-9. These shelters cannot fully protect all of these animals from all weather conditions, which in Myrtle Beach include below freezing temperatures, considerable amounts of rain, and wind in December, January, and February. Ex. H (Weather History).

In 2019, Mr. Minier documented numerous animals without appropriate shelter necessary to protect them from the elements, explaining that “[p]roper shelters and enclosures are required in order to safely contain animals and protect them from the sun, inclement weather, and other elements.” Ex. A at pg. 7; Ex. B at pg. 5-8. In November 2019, when Mr. Minier first documented Lila’s hair loss, he specifically expressed concern that an animal “with this much hair loss would have difficulty thermoregulating and would require proper shelter and warm, soft bedding,” which Lila did not appear to have. Ex. B at pg. 4. Mr. Minier opined that the lack of access to proper shelter and protection from the elements was a violation of S.C. Code § 47-1-40(A). Ex. A at pg. 7; Ex. B at pg. 8.

IV. Unsanitary and Dangerous Enclosures

The following animals were documented in conditions that were unsanitary and/or dangerous, subjecting them to unnecessary physical harm and suffering in apparent violation of S.C. Code § 47-1-40(A).

Multiple Enclosures Were Excessively Muddy and/or Contained Hazards

On February 21 and 27, witnesses observed and documented multiple enclosures with excessive mud and/or standing water, including in the enclosures for boer goats, a donkey, the male lion, peccaries, yaks, and zebu. Photos 10-24; Video 10. The enclosures for the boer goats and the zebu also had standing water with green growth. Photos 10-13; 23-24. On February 21, a witness observed and documented excessive spider webs and wasp nests in the barn where ring-tailed lemurs are confined. Photos 25-28.

In 2019, Mr. Minier documented numerous animals confined to unsanitary and dangerous enclosures. Ex. A at pg. 5-7; Ex. B at pg. 5-8. In discussing these conditions, Mr. Minier explained:

Shelters and enclosures must be clean and free from hazards such as toxins, excessive waste, damaged fencing, climbing structures, or other dangerous items. Exposure to toxins such as rodenticides causes severe injury, pain and death to animals when ingested. Excessive waste attracts rodents and flies, causes skin and respiratory irritation, and exposes animals to infections and disease. Damaged fencing poses severe animal and public safety and health risks by allowing animals to escape, causing animals to become injured, entrapped, or entangled, or causing harm or death to staff and members of the public. Protruding wire or nails cause lacerations, trauma, or penetrating injuries to animals or staff.

Ex. A at pg. 7; Ex. B at pg. 8. Mr. Minier opined that “[t]he widespread husbandry problems, disrepair of structures, and accumulation of dirt or waste are indicative of severe chronic neglect and [are] causing unnecessary pain and suffering to animals” in violation of S.C. Code § 47-1-40(A). Ex. A at pg. 7; Ex. B at pg. 8 (explaining that “the conditions of the animals and facilities are unchanged, and demonstrate chronic mismanagement and neglect” in violation of S.C. Code § 47-1-40(A)).

Conclusion

While the United States Department of Agriculture (USDA) regulates Waccatee, the federal agency enforces only the *minimal* guidelines of the federal Animal Welfare Act, which is not a cruelty statute and explicitly does not exempt Waccatee from compliance with all state and local laws. *See* 7 U.S.C. § 2143(a)(8) (Federal animal welfare standards “shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary”). In light of Horry County’s clear abdication of its responsibility here, it is crucial that SLED fully and promptly investigate the chronic and ongoing neglect at Waccatee and take all appropriate enforcement action against the Futrells for any and all violations of state cruelty laws.