

April 29, 2021

Robert M. Gibbens, D.V.M.  
 Director, Animal Welfare Operations  
 USDA-APHIS-Animal Care

**Via e-mail:** [REDACTED]; [REDACTED]

Re: Request to Deny Houston Interactive Aquarium an Animal Welfare Act License, and Revoke the Austin and San Antonio Aquariums Licenses

Dear Dr. Gibbens,

I am writing on behalf of PETA and its more than 6.5 million members and supporters worldwide to request that the United States Department of Agriculture (USDA) fully investigate Ammon Covino's continued involvement with the San Antonio Aquarium, LLC ("San Antonio Aquarium," license no. 74-C-1082), the Austin Aquarium, LLC ("Austin Aquarium," license no. 74-C-1084), and the new, currently unlicensed Houston Interactive Aquarium & Animal Preserve, LLC dba Houston Interactive Aquarium & Animal Preserve ("Houston Aquarium," located at 5440 N. Sam Houston Pkwy E., Houston TX, 77032).

Ammon Covino cannot obtain an Animal Welfare Act (AWA) license due to his prior criminal convictions for wildlife trafficking. *See* 9 C.F.R. § 2.11(a)(7). As a result, Ammon's wife, Crystal Covino, is identified as the owner on formal business documents for these three business. As detailed in the attached Appendix, there is substantial evidence suggesting that Crystal's involvement appears to be a means for Ammon to contravene federal law prohibiting him from obtaining a license to exhibit animals.

The USDA is fully aware that Ammon Covino cannot legally be licensed under the AWA to exhibit animals, and has stated previously that "[i]f any evidence is uncovered that Ammon Covino has or is transporting or caring for the regulated species in any way" the agency would move forward with an enforcement investigation.<sup>1</sup> PETA is now submitting that evidence, and is asking the agency to initiate an investigation.

As the evidence in the attached Appendix demonstrates, the USDA cannot lawfully issue the Houston Aquarium an AWA license because Ammon is, at a minimum, substantially involved in the development, construction, operation, and exhibition of animals at that facility. His substantial involvement combined with his wife's legal ownership of the company and facility property suggest that Ammon has a financial interest, direct or

<sup>1</sup> Exhibit 1, Email from APHIS Compliance and Enforcement Specialist (Nov. 1, 2017).

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AFFILIATES:

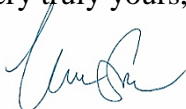
- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

concealed, in this aquarium. Further, the Houston Aquarium has been illegally exhibiting animals to the public without a valid AWA license. Similarly, due to Ammon's apparent continued involvement in the operation of the Austin Aquarium and the San Antonio Aquarium—both of which are also legally "owned" by Ammon's wife—the USDA should revoke the AWA licenses for these two facilities.

PETA urges the USDA to investigate Ammon Covino's involvement in the Houston Aquarium, the Austin Aquarium, and the San Antonio Aquarium and take all appropriate enforcement action including refusing to issue an AWA license for the Houston Aquarium, and revoking the AWA licenses for the San Antonio and Austin Aquariums.

Thank you for your attention to this very important matter. Please inform me of the complaint number the agency assigns to this correspondence.

Very truly yours,



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

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## APPENDIX

### I. Legal Framework

The Animal Welfare Act (AWA) prohibits a person from exhibiting regulated animals without a valid license from the United States Department of Agriculture (USDA). 7 U.S.C. § 2134; 9 C.F.R. § 2.1.

Agency regulations provide that “[a] license will not be issued to any applicant who. . . has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals. . .” 9 C.F.R. § 2.11(a)(7). In addition, a license will not be issued “under circumstances that the Administrator determines would circumvent any order suspending, revoking, terminating, or denying a license under the Act.” *Id.* § 2.11(d); *see also* 9 C.F.R. § 2.11(a)(6) (requiring denial if the applicant “would be operating in violation or circumvention of any Federal, State, or local laws”). As the USDA itself has acknowledged, “[t]he criteria for denial of an initial application are not discretionary.”<sup>2</sup> Further, if the USDA has reason to believe that any licensed exhibitor has violated or is violating any provision of the AWA, it may suspend or revoke such license. 7 U.S.C. § 2149; 9 C.F.R. § 2.1(d).

The AWA further provides that before receiving a license, an applicant must demonstrate that their facilities comply with the AWA standards. 7 U.S.C. § 2133. Accordingly, agency regulations mandate that applicants “must be inspected by APHIS and demonstrate compliance with the Act and the regulations and standards . . . before APHIS will issue a license,” *id.* § 2.3(b), and “[n]o license will be issued until the applicant pays the license fee and demonstrates upon inspection that the animals, premises, facilities, vehicles, equipment, locations, and records are in compliance with all applicable requirements in the Act and the regulations and standards . . .” *id.* § 2.3(d).

As demonstrated by the evidence below, the USDA cannot legally issue Ammon Covino or Chris Conk an AWA license due to their wildlife trafficking convictions. Despite his wife being listed as the owner/managing member on formal business documents, Ammon has been intimately involved in the formation, construction, and unlicensed exhibiting of animals at the Houston Aquarium, and has broadcast that involvement every step of the way on social media. There is also evidence that Chris Conk—Ammon’s long time business and criminal partner—is also involved in the Houston Aquarium. In light of Ammon’s extensive involvement and because the Houston Aquarium has been illegally exhibiting animals to the public without an AWA license, it would be arbitrary, capricious, an abuse of discretion, not in accordance with applicable law, and contrary to the purposes of the AWA to issue this facility a license. 5 U.S.C. § 706(2)(a). Additionally, due to Ammon’s continued involvement in both the Austin Aquarium and the San Antonio Aquarium, the USDA must revoke the AWA license for these two facilities.

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<sup>2</sup> USDA, National Environmental Policy Act Implementing Procedures, 83 FED. REG. 24003, 24008 (May 24, 2018) (citing 9 C.F.R. § 2.11).

## II. Factual Background

### A. Ammon Covino and Chris Conk Have A Criminal History Directly Connected to Their Aquarium Businesses.

Ammon Covino and Chris Conk have been working together in the aquarium trade for well over a decade, and their history together is littered with illegal and unethical conduct.

Chris and Ammon reportedly decided to open their first aquarium when they worked together at the Idaho Saltwater Emporium in Boise.<sup>3</sup> In August 2007, Ammon and Chris, along with Ammon's brother Vince Covino, formally incorporated the non-profit Boise Aquarium and began selling season passes in order to raise money for construction.<sup>4</sup> The Boise Aquarium was eventually renamed the Idaho Aquarium, and opened to the public in December 2011.<sup>5</sup>

While Ammon and Chris held different titles with the Idaho Aquarium over the years—including CEO, Chairman of the Board, and President—their roles remained the same: they were the founders, owners, and managers of the facility.<sup>6</sup> In particular, Ammon and Chris had “exclusive access to the Idaho Aquarium’s financial accounts” and “[t]he business checking account listed Covino’s home address for the Idaho Aquarium.”<sup>7</sup>

In November 2011, one month before the Idaho Aquarium opened to the public, Chris pled guilty to wildlife trafficking, smuggling, and Endangered Species Act (ESA) violations for illegally shipping protected live corals to buyers around the world.<sup>8</sup> Chris, through his company Coral Fanatics, LLC, worked with his ex-wife and business partner, Deidra Davison, to illegally harvest and sell coral from the Florida Keys.<sup>9</sup> In March 2012, Chris was sentenced to two years of probation.<sup>10</sup>

Three months after Chris was sentenced for wildlife trafficking, he was working with Ammon to facilitate the illegal acquisition of Alaskan puffins for the Idaho Aquarium. In June 2012, Ammon and Chris purchased four Alaskan puffins without the proper federal migratory bird permits, and transported them from Alaska to Idaho.<sup>11</sup> The U.S. Fish and Wildlife Service (FWS) seized the animals less than a year later because the aquarium did not have the proper permits, but not before one of the birds died.<sup>12</sup> After the animals were seized, the Idaho Aquarium applied for a migratory bird permit from the FWS, which “was denied for various reasons, including the fact that Conk had three prior felony convictions related to wildlife trafficking.”<sup>13</sup>

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<sup>3</sup> Exhibit 2, Idaho Attorney General Findings on the Idaho Aquarium (April 2, 2015), at 6.

<sup>4</sup> Exhibit 3, Article of Incorporation (August 7, 2007); *see also* Exhibit 2 at 6 (“Covino invested over \$36,000 of his own money in the aquarium. . . [and] Covino and Conk were able to raise money by selling season passes to the public”).

<sup>5</sup> Exhibit 2, at 8.

<sup>6</sup> *Id.* at 7-8.

<sup>7</sup> *Id.* at 8.

<sup>8</sup> Exhibit 4, Rule 11 Plea Agreement, *U.S. v. Conk*, Civ. 11-CR-00279-I-BLW (D. Idaho, November 16, 2011).

<sup>9</sup> Exhibit 5, Idaho Aquarium Board Member Pleads Guilty to Coral Smuggling (Nov 2, 2018); *see also* Exhibit 6, Charging Documents, *U.S. v. Conk*, Civ. 11-CR-00279-I-BLW (D. Idaho, November 16, 2011).

<sup>10</sup> Exhibit 7, Judgment, *U.S. v. Conk*, Civ. 11-CR-00279-I-BLW (March 14, 2012).

<sup>11</sup> Exhibit 2, Idaho Attorney General Findings on the Idaho Aquarium (April 2, 2015), at 20.

<sup>12</sup> *Id.*; *see also* Exhibit 8, Federal Agency Seized Puffins from Idaho Aquarium (September 10, 2013).

<sup>13</sup> Exhibit 2, Idaho Attorney General Findings on the Idaho Aquarium (April 2, 2015), at 13.

Throughout 2012, in addition to running the Idaho Aquarium with a convicted wildlife trafficker and engaging in the illegal acquisition of wildlife, Ammon was working with his brother Vince on building the Portland Aquarium, “which, according to the company’s operating agreement, [Ammon] owned a 40% interest.”<sup>14</sup> In fact, the Idaho Attorney General found that the Idaho Aquarium violated the Idaho Charitable Solicitation Act by paying Ammon over \$140,000 in 2012 when he “dedicated a substantial amount of his time that year to developing his for-profit company—the Portland Aquarium” and “[h]e was either absent from the Idaho Aquarium or using the Idaho Aquarium’s resources to promote the Portland Aquarium.”<sup>15</sup> Ammon remained on the business filings for the Portland Aquarium until June 2014, when his wife, Crystal Covino replaced him.<sup>16</sup>

In November 2012, Ammon, Chris, and the Idaho Aquarium were all indicted on federal crimes related to illegally transporting, harvesting, and purchasing lemon sharks and sting rays.<sup>17</sup> The indictment details that when a supplier told Ammon that he could not obtain the permits needed to legally acquire stingrays, Ammon said “just start doing it . . . who gives a s\*\*\*, man?”<sup>18</sup> With respect to the lemon sharks, Chris sought to purchase the animals for the Idaho Aquarium “on the down low” because the appropriate permits could not be obtained.<sup>19</sup> After acquiring the lemon sharks, Ammon asked the supplier to acquire additional sharks for the new Portland Aquarium.<sup>20</sup> At the time, Ammon was handling “the day-to-day management and operation” of the Idaho Aquarium and Chris was in charge of the “day-to-day purchase, transportation, and payment for specimens.”<sup>21</sup>

In September 2013, Ammon and Chris both pled guilty these criminal charges.<sup>22</sup> On December 4, 2013, Ammon was sentenced to 12 months and 1 day in prison followed by 2 years of probation.<sup>23</sup> One of the conditions of his probation was a prohibition on engaging in “any activity that involve[d] exhibiting, importing, transporting, selling, receiving, acquiring or purchasing in interstate or foreign commerce any fish or wildlife.”<sup>24</sup> Within a month of being released from prison, Ammon sought to modify his probation restrictions to allow him to work on the construction of the San Antonio Aquarium with his brother Vince.<sup>25</sup> The government vehemently opposed this request, arguing:

Vince Covino was formerly associated with defendant Ammon Covino in the opening of three aquariums, in Boise, Idaho, Portland, Oregon, and Austin, Texas. As a result of the specific employment restriction, the positions formerly ascribed to defendant Covino, variously, manager, Director, and putative part-owner, now appear to be occupied by his spouse, Crystal Covino, although prior family history

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<sup>14</sup> *Id.* at 10; *see also* Exhibit 9, Portland Aquarium Business Filings (2012).

<sup>15</sup> Exhibit 2, Idaho Attorney General Findings on the Idaho Aquarium (April 2, 2015), at 16.

<sup>16</sup> Exhibit 10, Portland Aquarium Amended Annual Report (June 3, 2014).

<sup>17</sup> Exhibit 11, U.S. v. Idaho Aquarium, LLC, Civ. 4:12-cr-10020-JEM (S.D. Florida, November 9, 2012).

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Exhibit 12, Ammon Covino Plea Agreement (September 24, 2013); Exhibit 13, Chris Conk Plea Agreement (September 24, 2013).

<sup>23</sup> Exhibit 14, Motion to Modify Conditions of Supervised Release and Permit Employment (September 20, 2014).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

suggests little if any experience or involvement by Crystal Covino in aquarium activities prior to the conviction in this case. In 2014 records filed with the State of Texas, Office of the Comptroller, Crystal Covino is identified as the Registered Agent for the San Antonio Aquarium, LLC and the Austin Aquarium, LLC.”<sup>26</sup>

While Ammon quickly withdrew his request to modify,<sup>27</sup> his intention to work at the San Antonio and Austin Aquariums was apparently undeterred.

In October 2015, after Ammon’s wife Crystal was listed as a managing member of the Austin and San Antonio Aquariums,<sup>28</sup> Ammon was arrested for violating his parole restrictions by working at these facilities and denying his involvement when questioned by his parole officer.<sup>29</sup> At a February 2016 hearing on the violations, Ammon was sent back to prison for 90 days and had another six months added to his probation period with the same restrictions.<sup>30</sup>

Five days after Ammon was released from prison for these parole violations, he was emailing the construction supervisor for the planned SeaQuest facility in Las Vegas—a business owned and operated by his brother Vince—discussing the design and construction of the facility, which is “precisely what he had just gotten out of jail for doing.”<sup>31</sup> For the months that followed, Ammon was involved with the construction and animal acquisitions for SeaQuest Las Vegas and SeaQuest Utah.<sup>32</sup> According to the Department of Justice, the evidence of Ammon’s involvement with SeaQuest “was incredibly detailed of a kind one would expect only from somebody with a financial interest, direct or concealed in these two facilities.”<sup>33</sup> When asked if he was allowed to engage in this conduct, Ammon would tell people various stories ranging from it didn’t matter to his parole officer was allowing him to do the work, none of which were true.<sup>34</sup> In September 2016, Ammon was arrested again for violating his parole by working on these two SeaQuest Aquariums.<sup>35</sup> At a November 2016 hearing on those violations, Ammon was sent back to prison for another eight months, followed by a year of probation with all the same restrictions as his previous parole.<sup>36</sup>

## **B. Ammon’s Involvement with the Austin Aquarium.**

The Austin Aquarium was co-founded by Ammon and his brother Vince. In 2013, prior to opening, Vince told a local news outlet that Ammon designed and was building the aquarium, and the article noted that Ammon was listed on “city and state records” as a “managing member of the

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<sup>26</sup> Exhibit 15, Government’s Response in Opposition to Defendants Motion to Modify Conditions of Supervised Release (October 7, 2014).

<sup>27</sup> Exhibit 16, Motion to Dismiss Defendants Motion to Modify Conditions of Supervised Release (October 10, 2014).

<sup>28</sup> Exhibit 17, Austin Aquarium Certificate of Amendment (April 23, 2014); Exhibit 18, San Antonio Business Filings at 6-7 (Certificate of Formation, August 1, 2014).

<sup>29</sup> Exhibit 19, Warrant for Arrest of Supervised Release (October 20, 2015); Exhibit 20, Detention Hearing Documents (2015).

<sup>30</sup> Exhibit 21, Judgement and Commitment upon Revocation of Offender under Supervision (February 24, 2016).

<sup>31</sup> Exhibit 22, Transcript of Hearing on Supervised Release Violation (November 30, 2016), at 5.

<sup>32</sup> *Id.* at 5-6.

<sup>33</sup> *Id.* at 6.

<sup>34</sup> *Id.*

<sup>35</sup> Exhibit 23, Warrant for Arrest (September, 2016).

<sup>36</sup> Exhibit 24, Judgement and Commitment upon Revocation of Offender Under Supervision (December 5, 2016).

aquarium.”<sup>37</sup> On the heels of those news reports, PETA alerted the USDA to Ammon’s improper involvement as a managing member of the facility, noting that Ammon himself admitted that he and his brother were storing animals onsite prior to the facility being finished and obtaining all proper permits.<sup>38</sup>

In 2014, the USDA denied the aquarium an AWA exhibitor license apparently due to Ammon’s involvement as a managing member.<sup>39</sup> At the time of the denial, Ammon, Vince, and Marc Gottlieb, were listed as managing partners of the Austin Aquarium.<sup>40</sup> Based on this involvement, the agency denied the permit application pursuant to 9 C.F.R. § 2.11 (a)(6), which prohibits licensure to any applicant who has been found to have violated any law or regulation pertaining to the transport, ownership, neglect, or welfare of animals.<sup>41</sup>

In May of 2014, following the permit denial, Ammon was removed as a managing member and replaced by his wife Crystal.<sup>42</sup> She was then listed as a director and registered agent of the Austin Aquarium on official documents.<sup>43</sup> In 2016, Crystal filed a certificate of amendment with the Secretary of State removing Vince as a registered member/owner of the Austin Aquarium.<sup>44</sup> After Ammon was removed from formal business documents, the USDA granted the facility a license.<sup>45</sup> In October 2015, after Ammon was removed as a managing member of the Austin Aquarium, he was arrested for violating his parole restrictions by working at the facility.<sup>46</sup> Thus, removal of Ammon’s name on official records was not a reflection of his true involvement with the facility.

While Ammon has been removed as a managing member in name, his continued intimate involvement in the aquarium is documented in government records. For example, in November 2018, Austin Animal Services investigated the Austin Aquarium after a female lemur bit a child.<sup>47</sup> During the investigation, which occurred after Ammon was removed from formal business documents, a city official noted that they made contact with “Supervisor Ammon Covino,” who

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<sup>37</sup> Omar Ellis, *Austin Owner Defends His Out-of-State Track Record*, KXAN (Aug. 21, 2013), <http://www.kxan.com/news/local/austin/aquarium-owner-defends-his-out-of-state-track-record>. See also, Jordan Smith, *Austin Aquarium Gets the Fisheye*, The Austin Chronicle (Aug. 26, 2013), <http://www.austinchronicle.com/blogs/news/2013-08-23/new-aquarium-gets-the-fisheye/> (“According to Vince Covino, who, with his brother Ammon, owns public aquaria in Boise, Idaho, and Portland, Ore., their proposed Austin Aquarium will bring residents a chance to encounter, including hands-on, some 2,500 different species.”).

<sup>38</sup> *Id.*; Exhibit 25, PETA Letter to USDA Regarding Austin Aquarium (September 10, 2013).

<sup>39</sup> Exhibit 26, Austin Aquarium Permit Denial (January 21, 2014) (While Ammon’s name is not apparent in the redacted permit denial, it notes that USDA had “evidence that one of the managing members of Austin Aquarium, LLC, [redacted], has been found to have violated federal law to the ownership or welfare of animals. United States of America v. [redacted] -No. 12-10020-CR (S.D. Fla.).”)

<sup>40</sup> Exhibit 27, Austin Aquarium Business Filings (Certificate of Formation filed on May 14, 2013).

<sup>41</sup> Exhibit 26, Austin Aquarium Permit Denial (January 21, 2014).

<sup>42</sup> Exhibit 17, Austin Aquarium Certificate of Amendment (April 23, 2014).

<sup>43</sup> Exhibit 28, Austin Aquarium Public Information Report (2017); Exhibit 29, Austin Aquarium Franchise Tax Account Status (November 7, 2018).

<sup>44</sup> Exhibit 30, Austin Aquarium Second Certificate of Amendment (October 25, 2016).

<sup>45</sup> Austin Aquarium’s history of inspection reports indicate that the facility was granted a license sometime around June 2018. See, Exhibit 31, USDA Inspection Report: Pre License Inspection (May 22, 2018); Exhibit 32, USDA Inspection Report (June 25, 2018).

<sup>46</sup> Exhibit 19, Warrant for Arrest of Supervised Release (October 20, 2015); Exhibit 20, Detention Hearing Documents (2015).

<sup>47</sup> Exhibit 33, Austin Animal Services Report: Lemur Bite (2018-2019).

instructed a handler to place the lemur in isolation for 60 days.<sup>48</sup> In a memo from January 24, 2019 regarding the incident, an employee noted that they spoke with Ammon, identifying him as the owner of the aquarium.<sup>49</sup> Another Austin Animal Services employee referred to Ammon as the owner of the aquarium in April 2020, after Ammon contacted the Austin Animal Services in response to a proper care notice regarding a tortoise the employee observed outdoors on the aquarium property.<sup>50</sup>

Ammon's continued involvement is also documented on social media. For example, in May 2019, Ammon offered the Austin Aquarium as a meeting place for a group on Facebook.<sup>51</sup> The next day, he posted offering to give away aquarium equipment (to be picked up from Austin Aquarium) in the same Facebook group.<sup>52</sup> In June 2020, Ammon posted in an Austin actors group on Facebook that the Austin Aquarium was looking to hire people to play mermaids and princesses.<sup>53</sup>

### **C. Ammon's Involvement with the San Antonio Aquarium.**

The San Antonio Aquarium was established<sup>54</sup> and opened in 2014.<sup>55</sup> As with the Austin Aquarium, Ammon's wife Crystal is listed as a managing member and director of the San Antonio aquarium<sup>56</sup> while her husband Ammon acts and represents himself as the owner and operator of the business. As noted above, in October 2015—even though Crystal was the San Antonio Aquarium managing member at the time—Ammon was arrested for violating his parole by working at the San Antonio Aquarium.<sup>57</sup>

Like with Austin, Ammon holds himself out as the owner and operator of the San Antonio Aquarium even though official business records do not reflect his connection to the facility. In July 2018, when the San Antonio Aquarium posted on its website<sup>58</sup> and Facebook page<sup>59</sup> about a shark that was stolen from its facility, both posts identified Ammon Covino as the owner of the aquarium. Multiple news outlets reporting on the attempted theft similarly identified Ammon as the owner,<sup>60</sup>

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<sup>48</sup> *Id.* at 6.

<sup>49</sup> *Id.* (memo on January 24, 2019: "I MC with the owner of this business, Amon. I observed one lemur they claim is the bite animal named Jasmine in the isolation/quarantine enclosure today. Amon was not hostile, but he was [argumentative] and wanted answers to a lot of hypothetical questions.").

<sup>50</sup> Exhibit 34, Austin Animal Services Report, Tortoise (April 26, 2020).

<sup>51</sup> Exhibit 35, Ammon Covino Facebook Post: Greater Austin Aquarium Society (May 26, 2019).

<sup>52</sup> Exhibit 36, Ammon Covino Facebook Post: Greater Austin Aquarium Society (May 27, 2019).

<sup>53</sup> Exhibit 37, Ammon Covino Facebook Post: Austin Actors Group (June 14, 2020).

<sup>54</sup> Exhibit 18, San Antonio Business Filings at 6-7 (Certificate of Formation, August 1, 2014).

<sup>55</sup> San Antonio Aquarium, About Us <https://sanantoniaquarium.net/about-us/> (last viewed Apr. 21, 2021).

<sup>56</sup> Exhibit 38, San Antonio Aquarium Public Information Report (2017).

<sup>57</sup> Exhibit 19, Warrant for Arrest of Supervised Release (October 20, 2015); Exhibit 20, Detention Hearing Documents (2015).

<sup>58</sup> San Antonio Aquarium, Statement (July 31, 2018) <https://sanantoniaquarium.net/statement/>.

<sup>59</sup> Exhibit 39, San Antonio Aquarium Facebook Post (July 30, 2018).

<sup>60</sup> Exhibit 40, Bill Chappell, *Shark-In-A-Stroller Heist Ends With Animal's Safe Return To San Antonio Aquarium*, NPR (Jul. 31, 2018) ("Early Tuesday, an aquarium representative said owner Ammon Covino, was grateful to news outlets for spreading the video, saying the intense public interest had helped to recover the shark.").



and Ammon spoke to the Washington Post about the incident.<sup>61</sup> In 2018, Ammon also told National Geographic that he was “in charge of operations at the Austin and San Antonio Aquariums.”<sup>62</sup>

In addition to holding himself out as the owner in public statements, on October 24, 2019, Ammon filed a trademark application with the United States Patent and Trademark Office for San Antonio Aquarium, listing himself as the owner.<sup>63</sup> Thus, Ammon is either a concealed owner of the San Antonio Aquarium or he lied to the federal government in connection with his trademark application.

#### **D. Ammon’s New Project: The Houston Aquarium**

Undeterred by a criminal conviction, prison time, or the AWA regulations, the Houston Aquarium appears to be Ammon’s next project. The business was established on November 14, 2018 as the Houston Interactive Aquarium and Zoo, LLC.<sup>64</sup> It is now doing business as the Houston Interactive Aquarium & Animal Preserve<sup>65</sup> following a lawsuit for, *inter alia*, trademark infringement filed by the Houston Zoo, LLC, a non-profit AZA accredited zoo.<sup>66</sup> Initially, the sole managing member listed on the Certificate of Formation was The Family Fun Group, LLC, an anonymously established New Mexico-based limited liability company.<sup>67</sup> Property documents from 2018 show Ammon’s wife Crystal and his former partner in crime Chris Conk are both members of the Family Fun Group, LLC.<sup>68</sup>

In December 2018, the Houston Aquarium—while under the sole ownership of the Family Fun Group—acquired the land the facility sits on.<sup>69</sup> However, neither the property records<sup>70</sup> nor the deed of sale<sup>71</sup> list the address of the Family Fun Group or the Houston Aquarium for the owners of the property. Rather, these records list the address of the owner as [REDACTED] – which is owned by Ammon and Crystal Covino and is believed to be their personal residence.<sup>72</sup>

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<sup>61</sup> Exhibit 41, Allyson Chiu, *Shark Week Heist: Alleged Thieves Captured After Making Off With Aquarium Horn Shark in Baby Stroller*, WASH. POST (Jul. 31, 2018).

<sup>62</sup> Exhibit 42, Rene Ebersole, *Inside the Murky World of the Aquarium Trade*, NAT. GEOGRAPHIC (Dec. 17, 2018).

<sup>63</sup> Exhibit 43, San Antonio Aquarium Trademark Application (October 24, 2019).

<sup>64</sup> Exhibit 44, Houston Interactive Aquarium Certificate of Amendment (July 20, 2020).

<sup>65</sup> Houston Interactive Aquarium & Animal Preserve, Home <https://www.houstonaquariumtx.com> (last viewed Apr. 19, 2021).

<sup>66</sup> Exhibit 45, Complaint: Houston Zoo, Inc. v. Houston Interactive Aquarium and Zoo, LLC, Civ. 4:19-cv-01593 ¶¶ 17-51 (S.D. Texas, May 1, 2019); Jackie Wallace, *Houston Zoo Statement Regarding Lawsuit Against Houston Interactive Aquarium and Zoo*, HOUSTON ZOO (May 2, 2019) <https://www.houstonzoo.org/blog/houston-zoo-statement-regarding-lawsuit-against-houston-interactive-aquarium-and-zoo/>.

<sup>67</sup> Exhibit 46, Family Fun Group Certificate of Organization (August 28, 2018).

<sup>68</sup> Exhibit 47, Family Fun Group Assignment of Rents (December 20, 2018); Exhibit 48, Family Fun Group Deed of Trust, Security Agreement and Financing Statement (December 20, 2018).

<sup>69</sup> Exhibit 49, Houston Aquarium Real Property Ownership Record (noting that Houston Aquarium acquired the property on December 14, 2018).

<sup>70</sup> Exhibit 50, Houston Aquarium Real Property Records (2021).

<sup>71</sup> Exhibit 51, Houston Aquarium Deed of Sale (December 14, 2018).

<sup>72</sup> Exhibit 52, [REDACTED] Property Records (pulled on April 16, 2021).

On July 20, 2020, the Family Fun Group was removed as the sole managing member and replaced by both Ammon and Crystal Covino.<sup>73</sup> Five months later, Ammon was removed as a managing member.<sup>74</sup> Two days after he was removed from the formal business filings related to the Houston Aquarium, Ammon (along with his wife Crystal) signed two documents, an assignment of rents and a security agreement, as managing members of the aquarium.<sup>75</sup> Again, just like with the Austin Aquarium, the removal of Ammon from formal business filings was not a reflection of his true involvement with this project.

Ammon’s oversight and extensive involvement continued throughout 2020 and into 2021 despite being removed as a managing member on paper. In fact, starting in April 2019—before he was removed from official business documents—and continuing through 2021, Ammon has recorded over 150 videos of himself overseeing and describing the construction and preparation of the Houston Aquarium, including descriptions of the enclosures and animals that will be housed in them, and those videos have all been posted publicly on Facebook.<sup>76</sup> In these videos, some of which depict Ammon holding animals that will be exhibited,<sup>77</sup> Ammon uses possessive language when describing various features, animals, installations, and services at the aquarium such as “[t]his is *our* foot-pedal activated shark...[.]”<sup>78</sup> “[h]ere’s an update on *our* little babies[.]”<sup>79</sup> and “[a]re *we* going to be offering snake massages?”<sup>80</sup> Additionally, multiple videos mention or depict his supposedly former partner, Chris Conk,<sup>81</sup> with one depicting Ammon and a Houston Aquarium employee unboxing a Giant Pacific Octopus addressed to Chris.<sup>82</sup>

### III. Discussion

#### A. The USDA Cannot Legally Issue the Houston Aquarium an AWA License.

- i. Ammon Covino is heavily involved in the Houston Aquarium, and his wife’s appearance on official documents appears to be intended to conceal that involvement.*

The threshold requirements in 9 C.F.R. § 2.11 serve as an absolute bar to the issuance of an AWA license to the Houston Aquarium. Section 2.11 prevents the USDA from issuing a license to “any applicant who . . . [i]s or would be operating in violation or circumvention of any Federal, State, or local laws . . . 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.” Ammon is not eligible

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<sup>73</sup> Exhibit 53, Houston Aquarium Certificate of Amendment (July 20, 2020).

<sup>74</sup> Exhibit 54, Houston Aquarium Second Certificate of Amendment (December 28, 2020).

<sup>75</sup> Exhibit 55, Houston Aquarium Assignment of Rents (December 30, 2020); Exhibit 56, Houston Aquarium Security Agreement (December 30, 2020).

<sup>76</sup> See Exhibit 57, Video Chart: Ammon Covino at Houston Aquarium.

<sup>77</sup> See, e.g., *Id.* Video 152 (Ammon describing Angel fish).

<sup>78</sup> *Id.* Video 147 (Ammon describing shark pump and door handle) (emphasis added).

<sup>79</sup> *Id.* Video 146 (Ammon describing cichlid fish who were born at the facility) (emphasis added).

<sup>80</sup> *Id.* Video 145 (Ammon describing snakes) (emphasis added). See also, *Id.* Video 139 (“We’ll actually have fish in here.”); Video 142 (“Of course it’s a nocturnal animal, so these lights are off when we are open for business”).

<sup>81</sup> *Id.* Video 23, Video 113, Video 137, Video 139.

<sup>82</sup> *Id.* Video 153; Exhibit 58, Screenshot: Octopus Box Addressed to Chris Conk (April 16, 2021); see also Exhibit 59, Chris Conk Facebook Profile (pulled April 28, 2021) (listing his work as Director at the San Antonio Aquarium).

for an AWA license due to his wildlife trafficking convictions. His wife Crystal's appearance on business records for the Austin, San Antonio, and now the Houston Aquarium is seemingly a pretense that appears to be intended to conceal Ammon's true involvement with these businesses.

There is a clear pattern of entanglement between Ammon and Crystal related to aquarium business activities. When the USDA denied the Austin Aquarium an AWA license based on Ammon's involvement,<sup>83</sup> he was removed as a managing member and replaced by Crystal.<sup>84</sup> While Crystal's name was on official documents related to the Austin Aquarium, Ammon continued to act and hold himself out as the owner of the aquarium to both employees and local government officials. Following this pattern, Crystal is also listed as a managing member and director<sup>85</sup> of the San Antonio Aquarium on formal business documents even though the aquarium itself has stated publicly that Ammon is the owner. In October 2019—when Ammon was not listed on formal business documents for San Antonio—Ammon filed a federal trademark application listing himself as the owner of the aquarium.<sup>86</sup> Ammon and Crystal work together. They are both managing members of a business called Covino Enterprises, LLC,<sup>87</sup> and both own the property located at [REDACTED] [REDACTED]<sup>88</sup> – which is listed as the address of the purchasers of the Houston Aquarium property,<sup>89</sup> and is listed on official business documents filed with the state as the mailing address for the Austin Aquarium<sup>90</sup> and the San Antonio Aquarium.<sup>91</sup> A similar pattern is now unfolding at the Houston Aquarium.

While Ammon has been removed as a managing member on paper, he has continued to be intimately involved in the development, construction, and operations at the Houston Aquarium. For example, after he was removed from the formal business filings for the Houston Aquarium, Ammon continued to sign documents—an assignment of rents and a security agreement—as a managing member of the aquarium.<sup>92</sup>

In fact, Ammon has been brazen in flaunting his extensive and continued involvement with the Houston Aquarium by posting over 150 videos he took describing the construction, enclosures, and animals of the Houston Aquarium on the Houston Aquarium Facebook page. Ammon has recorded videos of himself overseeing and describing the construction and preparation of the Houston Aquarium, including descriptions of the enclosures and animals that will be housed in them.<sup>93</sup> Ammon use of possessive language when describing various features at the aquarium such

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<sup>83</sup> Exhibit 26, Austin Aquarium Permit Denial (January 21, 2014); Exhibit 25, PETA Letter to USDA Regarding Austin Aquarium (September 10, 2013); Jordan Smith, "Austin Aquarium Gets the Fisheye," THE AUSTIN CHRONICLE (Aug. 26, 2013), <http://www.austinchronicle.com/blogs/news/2013-08-23/new-aquarium-gets-the-fisheye>.

<sup>84</sup> Exhibit 17, Austin Aquarium Certificate of Amendment (April 23, 2014).

<sup>85</sup> Exhibit 38, San Antonio Aquarium Public Information Report (2017).

<sup>86</sup> Exhibit 43, San Antonio Aquarium Trademark Application (October 24, 2019).

<sup>87</sup> Exhibit 60, Covino Enterprises Public Information Report (pulled November 7, 2018).

<sup>88</sup> Exhibit 52, [REDACTED] Property Records (pulled on April 16, 2021).

<sup>89</sup> Exhibit 50, Houston Aquarium Real Property Records (2021).

<sup>90</sup> Exhibit 27, Austin Aquarium Business Filings.

<sup>91</sup> Exhibit 18, San Antonio Business Filings.

<sup>92</sup> Exhibit 55, Houston Aquarium Assignment of Rents (December 30, 2020); Exhibit 56, Houston Aquarium Security Agreement (December 30, 2020).

<sup>93</sup> Exhibit 57, Video Chart: Ammon Covino at Houston Aquarium.

as “[t]his is *our* foot-pedal activated shark...[,]”<sup>94</sup> and “[h]ere’s an update on *our* little babies[,]”<sup>95</sup> indicate to the general public viewing these videos that he has a certain amount of ownership over the project. Ammon’s presence with customers at the exhibits at the Houston Aquarium’s unopened, unlicensed facility further demonstrate his continued involvement.<sup>96</sup>

While Crystal is currently a managing member and director of the aquarium, it appears to be in name only because Ammon is evidently in charge of operations at the Houston Aquarium, and has more than just a passive role in the running and maintenance of the building. Ammon has a history of improper involvement in exhibiting animals in violation of a court order not to do so, which landed him in prison twice. If the threat of jail time didn’t keep him away from the aquarium business, having his wife listed on official paperwork with the state in an effort to dupe the USDA certainly won’t keep him away from exhibiting animals. Based on the above evidence of Ammon’s direct involvement, oversight, and exhibiting activity at the Houston Aquarium, the USDA must refuse to issue the Houston Aquarium an exhibitor’s license, recognizing that regardless of the name on the application – a license to this facility would be a license for Ammon to exhibit wildlife in violation of the AWA.

ii. *The Houston Aquarium has been illegally exhibiting without a license.*

The USDA should also refuse to issue a license to the Houston Aquarium because it has been exhibiting animals to the public without a valid AWA license. *See* 7 U.S.C. § 2134; 9 C.F.R. § 2.1. According to the USDA’s public online search tool, the Houston Aquarium does not currently have an AWA license. While the Houston Aquarium is supposedly scheduled to open on May 10,<sup>97</sup> and does not yet possess an exhibitor license from USDA, it has been illegally exhibiting animals to the public through a series of “contests” where members of the public can win a chance to visit the aquarium before it is open and pay to interact with various USDA regulated animals.

Through Facebook, the Houston Aquarium has been holding these “contests” to win two tickets to the unfinished, unopened aquarium.<sup>98</sup> To enter the contest, participants must “like” the Houston Aquarium’s Facebook page, like and share the post, and tag someone in the comments on the post.<sup>99</sup> Contest winners are given the opportunity to visit the aquarium on a specified date (prior to the aquarium officially opening) and feed fish and stingrays, with an option to purchase additional discounted tickets and “extras,” allowing the contest winners to feed and interact with animals.<sup>100</sup> Through these contests, the Houston Aquarium has been exhibiting regulated species to the public weekly or bi-weekly since at least January,<sup>101</sup> profiting from sales of additional tickets

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<sup>94</sup> *Id.* Video 147 (Ammon describing shark pump and door handle) (emphasis added).

<sup>95</sup> *Id.* Video 146 (Ammon describing cichlid fish who were born at the facility) (emphasis added).

<sup>96</sup> *Id.* Video 146 (video of parakeet encounters with Ammon depicted describing birds); Exhibit 61, Photo of Ammon with Child at Stingray Pool (April 14, 2021).

<sup>97</sup> Joey Guerra, *Houston Interactive Aquarium and Animal Preserve Opening in May*, PREVIEW: HOUSTON CHRONICLE (Apr. 14, 2021) <https://preview.houstonchronicle.com/families/houston-interactive-aquarium-and-animal-preserve-16099979>; Houston Interactive Aquarium & Animal Preserve, Tickets & Passes <https://www.houstonaquariumtx.com/annual-passes/> (last viewed Apr. 19, 2021).

<sup>98</sup> Exhibit 62, Houston Aquarium Contest Post (January 16, 2021).

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> *See, Id.*; Exhibit 63, Houston Aquarium Contest Post (January 18, 2021); Exhibit 64, Houston Aquarium Contest Post (January 30, 2021); Exhibit 65, Houston Aquarium Contest Post (February 2, 2021); Exhibit 66, Houston

and extras purchased by “contest winners.” Photographs posted online depict members of the public, including small children, having direct contact with various animals including kangaroos, and endangered Ring-tailed and Red Ruffed lemurs at the Houston Aquarium.<sup>102</sup>

The Houston Aquarium appears to be the next iteration of shady business ventures run by the Covinos, and given the Covino family’s track record will likely have many of the same welfare concerns and regulatory problems. Covino run facilities—including the now defunct Portland Aquarium, the San Antonio Aquarium, the Austin Aquarium, and SeaQuest—have a sordid history of regulatory noncompliance, dozens of reported instances of animals biting employees or patrons (many of which were toddlers or children), and *hundreds* of animal deaths.<sup>103</sup> Further, photos posted on the Houston Aquarium Facebook page show that the facility houses at least six species that are federally listed as endangered or threatened under the ESA.<sup>104</sup> Ammon and Chris’s prior convictions for wildlife trafficking, which for Chris involved trafficking of endangered species in violation of the ESA, demonstrate that these individuals should not be allowed to possess or exhibit *any* wildlife, let alone threatened or endangered wildlife.

They have further demonstrated that they are unfit to possess listed species by allowing the public to have direct contact with critically endangered lemurs at the Houston Aquarium prior to the facility opening and without a license from the USDA. Despite evidence that non-human primates can contract COVID-19,<sup>105</sup> the Houston Aquarium has allowed the public to have direct contact with endangered lemurs without masks.<sup>106</sup> Photographs taken by a member of the public visiting the unopened aquarium show multiple individuals (including children) having direct contact with endangered Ring-tailed and Ruffed lemurs.<sup>107</sup> By allowing the public to have direct contact with these species without masks, the Houston Aquarium has apparently failed to exhibit animals “under conditions consistent with their good health and well-being,” 9 C.F.R. § 2.131(d)(1), and failed to handle animals “so there is minimal risk of harm to the animal and to the public”, *id.* § 2.131(c)(1). Thus, granting the Houston Aquarium an exhibitor’s license would not only sanction Ammon Covino and Chris Conk’s continued circumvention of the AWA, it would also reward the

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Aquarium Contest Post (February 7, 2021); Exhibit 67, Houston Aquarium Contest Post (February 8, 2021); Exhibit 68, Houston Aquarium Contest Post (February 12, 2021); Exhibit 69, Houston Aquarium Contest Post (February 20, 2021); Exhibit 70, Houston Aquarium Contest Post (February 27, 2021).

<sup>102</sup> Exhibit 71, Maria Nielsen Facebook Post (April 14, 2021); Exhibit 72, Photo of Unmasked Children with Lemurs (April 14, 2021); Exhibit 73, Photo of Unmasked Customers with Lemurs (April 14, 2021); Exhibit 74, Photo of Unmasked Family with Lemur (April 14, 2021).

<sup>103</sup> Exhibit 75, PETA Covino Factsheet.

<sup>104</sup> Exhibit 72, Photo of Unmasked Children with Lemurs (April 14, 2021); Exhibit 73, Photo of Unmasked Customers with Lemurs (April 14, 2021); Exhibit 74, Photo of Unmasked Family with Lemur (April 14, 2021); Exhibit 76, Photo of Woman Feeding Scarlet Macaw (January 31, 2021); Exhibit 77, Photo of Child with White Cockatoo (September 9, 2019); Exhibit 78, Photo of Child Holding Alligator (April 23, 2019). These photos depict endangered Black and white ruffed lemurs; endangered Ring tailed lemurs; threatened White cockatoos; endangered/threatened Scarlet macaws; and threatened American alligators. 50 C.F.R. § 17.11(h).

<sup>105</sup> U.S. Centers for Disease Control & Prevention, COVID-19 and Animals <https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/animals.html#:~:text=Research> (last viewed Apr. 26, 2021); Paul Nicolaus, *Endangered Primates Face High Risk of Catching COVID-19*, NAT. GEOGRAPHIC (Nov. 23, 2020) <https://www.nationalgeographic.com/animals/article/endangered-primates-face-high-risk-of-catching-covid-19?loggedin=true>

<sup>106</sup> Exhibit 72, Photo of Unmasked Children with Lemurs (April 14, 2021); Exhibit 73, Photo of Unmasked Customers with Lemurs (April 14, 2021); Exhibit 74, Photo of Unmasked Family with Lemur (April 14, 2021).

<sup>107</sup> *Id.*

Houston Aquarium’s unlicensed exhibiting of animals sending the message that there are little to no consequences for violating the AWA.

**B. The USDA Should Also Revoke the Licenses for the Austin Aquarium and the San Antonio Aquarium Based on Ammon’s Continued Involvement.**

Ammon has had a clear interest in the Austin Aquarium and the San Antonio Aquarium from the beginning. Despite the conditions of Ammon’s probation prohibiting him from engaging in “any activity that involve[d] exhibiting, importing, transporting, selling, receiving, acquiring or purchasing in interstate or foreign commerce any fish or wildlife,”<sup>108</sup> he almost immediately involved himself in the San Antonio Aquarium after being released from prison for wildlife trafficking.<sup>109</sup> In denying Ammon’s request to help with construction of the aquarium, the government expressed its suspicion surrounding the fact that Crystal, who had little to no experience with aquarium activities, replaced Ammon on formal business filings as a result of his conviction and subsequent employment restrictions.<sup>110</sup> The USDA should be equally suspicious.

Ammon’s subsequent activity shows that Crystal’s capacity as a manager appears to be purely performative. As noted above, in February 2016 Ammon was arrested for violating his parole restriction by working at the Austin and San Antonio Aquariums, adding an additional six months to his probation period.<sup>111</sup> Since his arrest, it appears that Crystal has remained in charge on paper, while Ammon appears to continue to act and hold himself out as the owner of these businesses by:

- Representing himself as the owner/supervisor of Austin Aquarium to Austin city officials;<sup>112</sup>
- Directing Austin Aquarium staff to perform tasks related to animal care;<sup>113</sup>
- Advertising meeting space,<sup>114</sup> equipment,<sup>115</sup> and employment at the Austin Aquarium on social media;<sup>116</sup>
- Representing himself as the owner of San Antonio Aquarium to the federal government in connection with a federal trademark application;<sup>117</sup> and

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<sup>108</sup> Exhibit 14, Motion to Modify Conditions of Supervised Release and Permit Employment (September 20, 2014).

<sup>109</sup> Exhibit 21, Judgement and Commitment upon Revocation of Offender under Supervision (February 24, 2016).

<sup>110</sup> Exhibit 15, Government’s Response in Opposition to Defendants Motion to Modify Conditions of Supervised Release (October 7, 2014).

<sup>111</sup> Exhibit 21, Judgement and Commitment upon Revocation of Offender under Supervision (February 24, 2016).

<sup>112</sup> Exhibit 33, Austin Animal Services Report: Lemur Bite (2018-2019); Exhibit 34, Austin Animal Services Report, Tortoise (April 26, 2020).

<sup>113</sup> *Id.*

<sup>114</sup> Exhibit 35, Ammon Covino Facebook Post: Greater Austin Aquarium Society (May 26, 2019).

<sup>115</sup> Exhibit 36, Ammon Covino Facebook Post: Greater Austin Aquarium Society (May 27, 2019).

<sup>116</sup> Exhibit 37, Ammon Covino Facebook Post: Austin Actors Group (June 14, 2020).

<sup>117</sup> Exhibit 43, San Antonio Aquarium Trademark Application (October 24, 2019).



- Representing himself as the owner/operator of the Austin and San Antonio Aquariums in multiple news articles<sup>118</sup> and aquarium publication;<sup>119</sup>

Ammon appears to be claiming ownership and involvement with these facilities with everyone except the USDA.

Ammon's continued involvement in the day-to-day management, supervision, and operation of these facilities coupled with his own representations that he is the owner of these facilities, demonstrate that placing Crystal's name on official documentation related to the Austin and San Antonio Aquariums appears to be a means of circumventing the law, which prohibits Ammon from acquiring an exhibitor license.

#### **IV. Conclusion**

For over thirteen years the Ammon Covino and Chris Conk have been involved in the opening and operating of shady aquariums across the country, and the same issues continue to follow them from project to project. The Covinos have persisted in building their empire of sleazy tourist traps despite Ammon's wildlife trafficking conviction, for which he served time in prison. Criminal convictions and prison time clearly have not deterred Ammon or Chris, as they have continued to be involved in exhibiting animals.

The Houston Aquarium is the next of a long line of shady Covino business ventures. All of the existing Covino run facilities appear to be connected, which is evidenced by the fact that on the Houston Aquarium's website, the business sells membership passes that can be used at all member locations, which are identified as the San Antonio Aquarium, the Austin Aquarium, and SeaQuest facilities across the country.<sup>120</sup>

Ammon Covino has repeatedly demonstrated that he does not believe the law applies to him. Ammon's thinly-veiled attempts to hide behind his brother and wife by keeping himself off (at least some of) the paperwork tying himself to these aquariums has not worked in the past, as he was sent back to prison for his involvement with the Austin and San Antonio Aquariums during his supervised release. Consequently, it should not work now in his attempt to open and operate a new aquarium. The USDA must finally put a stop to Ammon's continued circumvention of the AWA.

Therefore, PETA requests that the USDA carefully examine any license application submitted by the Houston Aquarium, Crystal Covino, or any other third party who wishes to engage in regulated activity at 5440 N Sam Houston Pkwy E, Humble, TX 77396, to ensure that the application has not been submitted in order to circumvent the AWA by evading the rightful denial of a license to

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<sup>118</sup> Exhibit 40, Bill Chappell, *Shark-In-A-Stroller Heist Ends With Animal's Safe Return To San Antonio Aquarium*, NPR (Jul. 31, 2018) ("Early Tuesday, an aquarium representative said owner Ammon Covino, was grateful to news outlets for spreading the video, saying the intense public interest had helped to recover the shark."); Exhibit 41, Allyson Chiu, *Shark Week Heist: Alleged Thieves Captured After Making Off With Aquarium Horn Shark in Baby Stroller*, WASH. POST (Jul. 31, 2018); Exhibit 42, Rene Ebersole, *Inside the Murky World of the Aquarium Trade*, NAT. GEOGRAPHIC (Dec. 17, 2018); Exhibit 43, San Antonio Aquarium Trademark Application (October 24, 2019).

<sup>119</sup> San Antonio Aquarium, Statement (July 31, 2018) <https://sanantoniomaquarium.net/statement/>.

<sup>119</sup> Exhibit 39, San Antonio Aquarium Facebook Post (July 30, 2018).

<sup>120</sup> Exhibit 79, Houston Aquarium Annual Passes.

Ammon Covino. *See* 7 U.S.C. § 2139 (establishing a principal-agent relationship in which the act, omission, or failure of anyone acting for or employed by an exhibitor shall be the act, omission, or failure of the exhibitor); *see also* 9 C.F.R. § 2.11(a)(5) (prohibiting the issuance of a license to anyone who “[i]s or would be operating in . . . circumvention of any Federal . . . law”).

Further, PETA requests that the USDA investigate Ammon’s continued involvement in the Austin and San Antonio Aquariums and, if the agency finds that Crystal’s “ownership” of these aquariums is to circumvent the AWA, take all appropriate enforcement action and revoke the licenses for these facilities.