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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:)	AWA Docket No. 15-0107
)	
VIRGINIA SAFARI PARK AND)	15-0108
PRESERVATION CENTER, INC., also)	
known as VIRGINIA SAFARI PARK,)	15-0109
INC., a Virginia corporation; MEGHAN)	
MOGENSEN, an individual; and ERIC)	
MOGENSEN, an individual,)	
)	
Respondents.)	COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (Act or AWA), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.) (Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Virginia Safari Park and Preservation Center, Inc., also known as Virginia Safari Park, Inc. (VSP), is a Virginia corporation whose agent for service of process is respondent Eric Mogensen, 229 Safari Lane, Natural Bridge, Virginia 24578. At all times mentioned herein, respondent VSP was an exhibitor, as that term is defined in the Act and the Regulations, held AWA license number 52-C-0166, and operated three zoos:

- a. The Virginia Safari Park, at Natural Bridge, Virginia (Site 001);
- b. The Reston Zoo, at Vienna, Virginia (Site 002); and
- c. The Gulf Breeze Zoo, at Gulf Breeze, Florida (Site 003).

2. Meghan Mogensen is an individual whose business mailing address is 5701 Gulf Breeze Parkway, Gulf Breeze, Florida 32563. Said respondent was the Director of the facility known as The Reston Zoo from approximately fall 2010 until 2012, and was and continues to be an agent and employee of respondent VSP. At all times mentioned herein, said respondent was acting for

or employed by an exhibitor (respondent VSP), and her acts, omissions or failures within the scope of her employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be her own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent VSP. On information and belief, respondent VSP currently employs Ms. Mogensen at The Gulf Breeze Zoo facility in Gulf Breeze, Florida.

3. Eric Mogensen is an individual whose business mailing address is 229 Safari Lane, Natural Bridge, Virginia 24578. At all times mentioned herein, said respondent was the Chief Executive Officer and a director of respondent VSP, and was acting for or employed by an exhibitor (respondent VSP), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent VSP.

4. Respondent Eric Mogensen was the incorporator of Reston Zoological Park, Inc., a Virginia corporation (No. 0528503), and is its registered agent, Chief Executive Officer, and director. On January 26, 2009, respondent Eric Mogensen formed Reston Zoo, LLC, a Virginia limited liability company (No. S2813576), and said respondent is the manager and the registered agent for Reston Zoo, LLC.

5. On November 20, 2009, respondent Eric Mogensen formed Gulf Breeze Zoo, LLC, a Virginia limited liability company (No. S3095173), and said respondent is the manager and the registered agent for Gulf Breeze Zoo, LLC. On December 10, 2009, Eric Mogensen registered Gulf Breeze Zoo, LLC, in Florida as a foreign limited liability company (M09000004841).

ALLEGATIONS REGARDING BUSINESS SIZE,
GRAVITY OF VIOLATIONS, AND COMPLIANCE HISTORY

6. At all times mentioned herein, respondent VSP operated zoos at three separate sites,

exhibiting domestic, wild and exotic animals to the public. Respondent VSP reported to APHIS that it held 1,268 animals in its 2009-2010 business year, 1,298 animals in its 2010-2011 business year, 1,380 animals in its 2011-2012 business year, 1,361 animals in 2012-2013 business year, and 1,364 animals in its 2013-2014 business year.

7. Respondent Eric Mogensen, while a licensee holding AWA license 52-C-0041, entered into a consent decision that resolved an administrative enforcement proceeding involving the mishandling of transportation of animals, resulting in animal deaths. APHIS issued Official Warnings to respondent Eric Mogensen in both October 1993 and February 1994.

8. The gravity of the violations alleged herein is great, and involve, among other things, the intentional drowning of a Parma Wallaby,¹ and the mishandling of a spider monkey, resulting in its death by hypothermia.

9. The respondents have not shown good faith. Specifically, respondent Meghan Mogensen, acting on behalf of herself and respondents VSP and Eric Mogensen, failed to obtain veterinary care for the Parma wallaby (which had suffered an eye injury) and instead drowned the wallaby in a bucket of water. Thereafter, respondent Meghan Mogensen placed the wallaby's body in a plastic bag and put the bag in a dumpster. The then-curator of The Reston Zoo found the wallaby's empty crate, as well as a 5 gallon bucket of water next to a spigot, and then discovered the body of the deceased wallaby in a dumpster. Following receipt of a public complaint, Fairfax County Animal Control conducted an investigation. Respondents Eric Mogensen, and Meghan

¹The Parma wallaby (*Macropus parma*) is a small (approximately 7 to 12 pounds) macropod that is native to New South Wales, Australia. The Parma wallaby is identified on the IUCN (International Union for Conservation of Nature and Natural Resources) Red List as "near threatened."

Mogensen prepared a false "Euthanasia Report" about the wallaby. The "Euthanasia Report" was dated January 26, 2012, signed by respondent Meghan Mogensen, and stated, in part:

"I called our Corporate Director, Eric Mogensen, to ask what should be done with the animal. He confirmed that, according to my report and the condition of the animal, it would be most humane to euthanize the wallaby.

The wallaby was visibly suffering from head trauma and appeared to be getting weaker as it lost more blood. Being that our vet is about 1 hour away, I realized it would have to be done at the zoo. By the time I got back to euthanize the animal it was listless in its crate and in severe shock. He was humanely euthanized and died in a matter of seconds."

Respondents Eric Mogensen and Meghan Mogensen gave this "Euthanasia Report" to Fairfax County officials. An earlier draft of the "Euthanasia Report" stated, in part:

"Being that our vet is 45 minutes - 1 hour away, I realized it would have to be done at the zoo. The wallaby was visibly suffering from head trauma and appeared to be getting weaker as it lost more blood. I filled a small bucket with water and quickly submerged its upper body to suffocate and end its suffering. The weakened animal died in less than 45 second and was bagged and disposed of properly."

Euthanasia is defined in the Regulations as:

"the humane destruction of an animal accomplished by a method that produces rapid unconsciousness and subsequent death without evidence of pain or distress, or a method that utilizes anesthesia produced by an agent that causes painless loss of consciousness and subsequent death."

9 C.F.R. § 1.1

Drowning an animal is not euthanasia.

10. On January 26, 2012, respondent Meghan Mogensen told Animal Control Officer Jennifer Milburn that she had euthanized the wallaby using an injection of Beuthanasia solution, and that the reason that the deceased wallaby's body was soaking wet was because respondents routinely wash the animals' bodies. During an AWA inspection on February 1, 2012, respondent Meghan Mogensen told APHIS Veterinary Medical Officer Gloria McFadden that she had euthanized the wallaby by injecting it with Xylazine. A necropsy performed on the deceased wallaby revealed no

evidence of euthanasia by pentobarbital, ketamine, xylazine, or other chemicals), or evidence of any injection in the animal's legs, arms, or jugular. The necropsy also refuted respondents' claim that the wallaby was suffering from a "head trauma."

11. From approximately January 14 to January 19, 2012, respondents VSP, Eric Mogensen, and Meghan Mogensen housed a Spider monkey (Jethro) at The Reston Zoo outdoors in sub-freezing weather, resulting in frostbite. Respondents transferred Jethro to The Virginia Safari Park. Despite having visible lesions on his hands and feet, respondents did not have Jethro examined by a veterinarian until February 1, 2012. On February 14, 2012, respondents obtained follow-up care for Jethro, at which point the Spider monkey's injuries were such that the veterinarian recommended, and performed, euthanasia. On January 28, 2014, respondent VSP housed an African Crested porcupine (Mr. Quills) outdoors at The Reston Zoo in sub-freezing temperatures, whereupon Mr. Quills exhibited signs of hypothermia, and respondent did not have the porcupine examined by a veterinarian, did not follow the recommendations of the attending veterinarian, administered expired fluids to Mr. Quills, and Mr. Quills died approximately 9 hours after he was placed in the outdoor enclosure.

12. Respondents have repeatedly evidenced an unwillingness and/or inability to comply with the Act and the Regulations, and have on multiple occasions demonstrated a lack of concern for the welfare of the animals in their custody.

ALLEGED VIOLATIONS

13. On or about the following dates, respondents willfully violated the Regulations governing attending veterinarian and adequate veterinary care (9 C.F.R. § 2.40):

- a. August 24, 2011. Respondents VSP and Eric Mogensen, at The Gulf Breeze

Zoo, failed to establish programs of adequate veterinary care that included the use of appropriate methods to prevent, control, and treat diseases and injuries, and specifically, said respondents used expired medications to treat and vaccinate animals. 9 C.F.R. § 2.40(b)(2).

b. Between April 2011 and September 13, 2011. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, and treat diseases and injuries, and specifically, said respondents failed to take routine measures to prevent and treat illnesses and diseases such as diarrhea, dystocia, mastitis, stillbirths, lameness, eye and skin conditions, and coccidia. 9 C.F.R. § 2.40(b)(2).

c. Between approximately January 14 through February 1, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel, the use of appropriate methods to prevent, control, and treat injuries, and a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and specifically, said respondents and their personnel housed a Spider monkey (Jethro) outdoors in sub-freezing temperatures, whereupon Jethro suffered frostbite on his hands and feet, which injuries were not treated adequately, and respondents failed to obtain veterinary care or treatment for Jethro, until his injuries had progressed to the point where the veterinarian found that Jethro could not reasonably be treated, and recommended euthanasia. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

d. January 26, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen,

at The Reston Zoo, failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate personnel, the use of appropriate methods to prevent, control, and treat injuries, a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and adequate guidance to personnel involved in the care and use of animals regarding handling and euthanasia, and specifically, said respondents and their personnel failed to provide veterinary care or treatment to a male Parma Wallaby (Parmesan) suffering from an eye injury, failed to communicate with the attending veterinarian about the wallaby's injury, and respondent Meghan Mogensen, acting on behalf of herself and respondents VSP and Eric Mogensen, intentionally killed the wallaby by drowning it in a bucket, and then disposed of its body in a dumpster. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

e. January 28, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, equipment, and personnel, and the use of appropriate methods to prevent, control, and treat injuries, and specifically, said respondents and their personnel housed an African Crested porcupine (Mr. Quills) outdoors, in sub-freezing temperatures, whereupon Mr. Quills exhibited signs of hypothermia, respondent VSP failed to follow the recommendations of the attending veterinarian, declined to take Mr. Quills to the veterinarian, administered expired fluids to Mr. Quills, and Mr. Quills died approximately 9 hours after he was placed in the outdoor enclosure. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

f. February 11, 2014. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to establish programs of adequate veterinary care that included the availability of appropriate personnel and services to comply with the provisions of the Regulations, and adequate guidance to personnel involved in the care and use of animals regarding euthanasia, and specifically, said respondents and their personnel identified, and employed, gunshot as an acceptable method of euthanasia, without any description of, *inter alia*, the circumstances in which gunshot could be used, the personnel authorized to perform this method of euthanasia, the training that any such personnel would be required to receive, the weapon or weapons used, or the location where such method of euthanasia would be carried out. 9 C.F.R. § 2.40(b)(4).

g. May 9, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to provide adequate veterinary care to animals, failed to give the attending veterinarian appropriate authority to ensure the provision of adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, equipment, and personnel, and the use of appropriate methods to prevent, control, and treat injuries, and specifically, said respondents and their personnel refused to obtain veterinary care for a baby porcupine that the attending veterinarian said needed immediate care, and declined to follow the attending veterinarian's recommendation to take the porcupine to the attending veterinarian or to another veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(1), 2.40(b)(2).

h. May 9 and May 14, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to provide adequate veterinary care to animals, and failed to establish and

maintain programs of adequate veterinary care that included the availability of appropriate facilities, equipment, and personnel, the use of appropriate methods to prevent, control, and treat injuries, and a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and specifically, said respondents and their personnel failed to obtain veterinary care for, or communicate with the attending veterinarian about, a thin Bactrian camel (Achilles) that was in visible pain upon rising from a sitting position, exhibited stiffness in his hind limbs, and had hair loss over most of his body, and the camel was not seen by the attending veterinarian between April 15, 2014, and May 14, 2014. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

i. May 9, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to establish programs of adequate veterinary care that included the availability of appropriate personnel and services to comply with the provisions of the Regulations, and adequate guidance to personnel involved in the care and use of animals regarding euthanasia, and specifically, said respondents and their personnel identified gunshot as an acceptable method of euthanasia, without any description of, *inter alia*, the circumstances in which gunshot could be used, the personnel authorized to perform this method of euthanasia, the training that any such personnel would be required to receive, the weapon or weapons used, or the location where such method of euthanasia would be carried out. 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(4).

j. April 25, 2014 through May 30, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to provide adequate veterinary care to animals, failed to give the attending veterinarian appropriate authority to ensure the provision of adequate veterinary

care to animals, and failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, equipment, and personnel, the use of appropriate methods to prevent, control, and treat injuries, and a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and specifically, said respondents and their personnel (1) failed for three weeks to communicate with the attending veterinarian about, or to obtain veterinary care for, a Scottish Highland cow (Dexter) that had suffered a head injury on April 25, 2014; (2) failed for another six days to implement the treatment that the attending veterinarian (when finally contacted about Dexter), had recommended on May 14, 2014; and (3) between May 23, 2014 and May 30, 2014, failed to implement the attending veterinarian's recommendation that a more aggressive treatment plan be followed for Dexter's head wound.

9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

16. On or about the following dates, respondents willfully violated the Regulations governing record-keeping (9 C.F.R. § 2.75(b)(1)):

- a. April 27, 2013. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to make, keep, and maintain accurate records of the acquisition of a short-tailed opossum.
- b. May 2, 2013. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to make, keep, and maintain accurate records of the disposition of goats.
- c. May 22, 2013. Respondents VSP and Eric Mogensen, at the Gulf Breeze Zoo, failed to make, keep, and maintain accurate records of the acquisition of a Virginia opossum.
- d. February 11, 2014. Respondents VSP and Eric Mogensen, at the Gulf Breeze

Zoo, failed to make, keep, and maintain accurate records of the acquisition of a white rhinoceros.

17. On or about the following dates, respondents willfully violated the Regulations governing the handling of animals:

a. April 18, 2011. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to handle animals as carefully as possible and so there was minimal harm to the animals and the public, and permitted the public, including children, to move unattended among The Gulf Breeze Zoo's animals, to feed camels, goats and llamas, and to have direct contact with animals, whereupon a child was bitten by one of the camels. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1).

b. April 18, 2011. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to have any employee or attendant present while the public, including children, had public contact with The Gulf Breeze Zoo's animals, specifically, camels, goats and llamas. 9 C.F.R. §§ 2.131(d)(2).

c. Between approximately January 14 through January 19, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to handle a Spider monkey (Jethro) as carefully as possible in a manner that does not cause excessive cooling, behavioral stress, physical harm, or unnecessary discomfort, and specifically, said respondents housed Jethro outdoors in sub-freezing temperatures. 9 C.F.R. § 2.131(b)(1).

d. Between approximately January 14 through January 19, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to take appropriate measures to alleviate the impact of climatic conditions that presented a threat to the health

and well-being of a Spider monkey (Jethro), and, specifically, respondents exposed Jethro to cold and sub-freezing temperatures over an extended period of time, which exposure was detrimental to Jethro's health and well-being, and resulted in his death. 9 C.F.R. § 2.131(e).

e. January 26, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to handle a male Parma wallaby (Parmesan) as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, respondent Meghan Mogensen, acting on behalf of herself and respondents VSP and Eric Mogensen, intentionally killed the wallaby by drowning it. 9 C.F.R. § 2.131(b)(1).

f. April 24, 2012. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, handled animals, specifically, squirrel monkeys, golden-headed lion tamarins, cotton top tamarins, and common marmosets, during exhibition, in a manner that did not ensure the safety of both the animals and the public, and specifically exhibited these nonhuman primates in enclosures that lacked sufficient distance and/or barriers, and would not restrict the public from having direct contact with these animals 9 C.F.R. § 2.131(c)(1).

g. January 28, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to handle an African Crested porcupine (Mr. Quills) as carefully as possible in a manner that does not cause excessive cooling, behavioral stress, physical harm, or unnecessary discomfort, and specifically, respondents housed Mr. Quills outdoors in sub-freezing temperatures. 9 C.F.R. § 2.131(b)(1).

h. January 28, 2014. Respondents VSP and Eric Mogensen, at The Reston Zoo, failed to take appropriate measures to alleviate the impact of climatic conditions that

presented a threat to the health and well-being of an African Crested porcupine (Mr. Quills), and, specifically, respondents exposed Mr. Quills to cold and sub-freezing temperatures, which exposure was detrimental to the porcupine's health and well-being. 9 C.F.R. § 2.131(e).

i. February 11, 2014. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to handle a short-tail opossum as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and specifically, respondents' personnel failed to close or cover the top of the opossum's enclosure, and the opossum left its enclosure and was found dead the following day. 9 C.F.R. § 2.131(b)(1).

j. February 11, 2014. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, handled animals, specifically, squirrel monkeys and marmosets, during exhibition, in a manner that did not ensure the safety of both the animals and the public, and specifically exhibited these nonhuman primates in enclosures that lacked sufficient distance and/or barriers, and would not restrict the public from having direct contact with these animals 9 C.F.R. § 2.131(c)(1).

18. On or about the following dates, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards, as follows:

a. April 18, 2011. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to maintain the following enclosures in good repair so as to protect the animals from injury:

1. The enclosure housing golden-headed lion tamarins had nails protruding from a structure affixed to a tree branch, which nails were accessible to

the animals. 9 C.F.R. § 3.75(a).

2. The enclosure housing a Patagonian Cavy had buried wire mesh with sharply-pointed wire ends that protruded into the enclosure and were accessible to the animals. 9 C.F.R. § 3.125(a).

3. The bottom of the guillotine door in the enclosure housing tigers had rusted edges that were jagged and sharp, and were accessible to the tigers. 9 C.F.R. § 3.125(a).

b. August 24, 2011. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to house animals in separate and compatible groups, as required, and instead (1) housed guinea pigs in outdoor enclosures without having obtained prior approval from APHIS to do so (9 C.F.R. § 3.27(b)); (2) housed guinea pigs and rabbits in the same enclosure (9 C.F.R. §§ 3.33(b), 3.58(a)); and (3) housed rabbits in incompatible groups, resulting in the deaths of newborn rabbits (9 C.F.R. § 3.58(a)).

c. October 6, 2011. Respondents VSP and Eric Mogensen, at The Virginia Safari Park, failed to maintain the following enclosures in good repair so as to protect the animals from injury and contain them, and specifically, a section of overhead fencing in the enclosure housing golden-headed lion tamarins had come loose, creating a gap large enough to permit the animals to escape from the enclosure. 9 C.F.R. § 3.75(a).

d. Between approximately January 14 through January 19, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, kept a Spider monkey (Jethro) in outdoor facilities despite the fact that the attending veterinarian had not determined that Jethro was acclimated to the prevailing temperature at respondents' outdoor

housing facilities and could tolerate the temperatures in Reston, Virginia, during January 2012, without experiencing stress or discomfort. 9 C.F.R. § 3.78(a).

e. Between approximately January 14 through January 19, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, kept a Spider monkey (Jethro) in outdoor housing facilities that did not provide Jethro with adequate shelter from the elements, or protection from the cold. 9 C.F.R. § 3.78(b).

f. February 1, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to provide adequate shelter from the elements to animals, and specifically respondents' cylindrical metal shelters offered inadequate protection to twenty animals. 9 C.F.R. § 3.127(b).

g. March 14, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to provide adequate shelter from the elements to animals, and specifically respondents' cylindrical metal shelters offered inadequate protection to twenty animals. 9 C.F.R. § 3.127(b).

h. April 24, 2012. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to maintain adequate public barriers separating the public from nonhuman primates, specifically, squirrel monkeys, golden-headed lion tamarins, cotton top tamarins, and common marmosets, all of which were exhibited in enclosures that would not restrict the public from gaining direct contact with these nonhuman primates. 9 C.F.R. § 3.78(e).

i. July 10, 2012. Respondents VSP, Eric Mogensen and Meghan Mogensen, at The Reston Zoo, failed to provide adequate shelter from the elements to animals, and specifically respondents' two-sided shelters offered inadequate protection to two llamas and

two alpacas. 9 C.F.R. § 3.127(b).

j. January 28, 2014. Respondent VSP, at The Reston Zoo, kept an African Crested porcupine (Mr. Quills) in outdoor housing facilities that did not provide Mr. Quills with adequate shelter from the elements, or protection from the cold. 9 C.F.R. § 3.127(b).

k. February 11, 2014. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to maintain adequate public barriers separating the public from nonhuman primates, specifically, squirrel monkeys and marmosets, all of which were exhibited in enclosures that would not restrict the public from gaining direct contact with these nonhuman primates. 9 C.F.R. § 3.78(e).

l. February 11, 2014. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to provide adequate shelter from the elements to animals, and specifically respondents housed goats and sheep in enclosures that contained no shelter structures, and offered no shelter from either sunlight or inclement weather to these animals. 9 C.F.R. § 3.127(b).

m. April 8, 2015. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to ensure that food for nonhuman primates was clean and wholesome, and specifically, respondents' personnel prepared food for marmosets at a sink that was not clean, and had dead insects and mouse droppings around the sink's perimeter. 9 C.F.R. § 3.82(a).

n. April 8, 2015. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to maintain the following enclosures in good repair so as to protect the animals from injury, and specifically, the plywood used to construct the night house for raccoons was splintered and warped, and the wire sides of the structure were very rusted with areas of

corrosion. 9 C.F.R. § 3.125(a).

o. April 8, 2015. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to provide adequate ventilation in the facilities used to house tigers at night. 9 C.F.R. § 3.126(b).

p. April 8, 2015. Respondents VSP and Eric Mogensen, at The Gulf Breeze Zoo, failed to keep food receptacles for lions and tigers clean and sanitary. 9 C.F.R. § 3.129(b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C: 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that unless the respondents fail to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing in conformity with the Rules of Practice governing proceedings under the Act;

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and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.
this 1st day of May 2015

A solid black rectangular redaction box covering the signature of the Administrator.

Administrator
Animal and Plant Health Inspection Service

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