

UNITED STATES DEPARTMENT OF AGRICULTURE 2015 JUL 17 PM 2: 14

BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 15-0 <u>146</u>
)	
STEARNS ZOOLOGICAL RESCUE & REHAB)	
CENTER, INC., a Florida corporation doing)	
business as DADE CITY WILD THINGS,)	
)	
Respondent.)	COMPLAINT

There is reason to believe that the respondent named herein has 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. Respondent Stearns Zoological Rescue & Rehab Center, Inc. (Stearns Zoo), is a Florida corporation (N07000007224) whose registered agent for service of process is Kathryn P. Stearns, 36909 Blanton Road, Dade City, Florida 33523. Stearns Zoo does business as Dade City Wild Things, and its principals are Kathryn Stearns and Randy Stearns. At all times mentioned herein, Stearns Zoo was an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license number 58-C-0883.

ALLEGATIONS REGARDING THE SIZE OF THE BUSINESS, GRAVITY OF THE ALLEGED VIOLATIONS, GOOD FAITH AND COMPLIANCE HISTORY

2. Respondent operates a zoo exhibiting domestic, wild, and exotic animals. In 2011, respondent represented to APHIS that it held 61 animals, in 2012, respondent represented to APHIS that it held 97 animals, in 2013, respondent represented to APHIS that it held 126 animals, in 2014, respondent represented to APHIS that it held 98 animals, and in 2015, respondent represented to

APHIS that it held 139 animals.

3. The gravity of the violations alleged in this complaint is great, involving multiple failures to handle animals carefully and to provide access for inspection.

4. On May 31, 2012, APHIS issued an Official Warning to respondent with respect to violations documented on May 4, 2010 (perimeter fence), September 21, 2010 (veterinary care, facilities, and drainage), May 17, 2011 (non-human primate enclosure), September 14, 2011 (careful handling of a tiger),¹ and February 23, 2012 (serval enclosure). The Official Warning stated:

“After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Official Warning. Although we generally pursue penalties for this type of violation(s), we have decided not to pursue penalties in this instance so long as you comply, in the future, with laws that APHIS enforces.”

5. Respondent has not shown good faith. Despite having received multiple inspection reports identifying noncompliance with the Regulations and failures to comply with the Standards, and the receipt of an Official Warning, respondent has continued to mishandle animals, particularly infant and juvenile tigers, exposing these animals and the public to injury, disease, and harm. Respondent held or participated in events that included allowing members of the public to handle young and juvenile tigers, to paint the fur of young and juvenile tigers, and to force young and

¹Specifically, APHIS cited respondent for noncompliance with the handling Regulations: “During the tiger swim session the cub #2 (blue collar, black leash) was reluctant to move to the edge of the pool and the handler pulled him by the leash. The cub was later passed from the side of the pool to the handler inside the pool and the cub was apparently under distress by vocalizing and moving around when handled inside the pool in apparent discomfort. After swimming for short distance the cub swam towards the handler located at the pool wall and extended his paws towards the edge of the pool apparently wanting to get out of the pool. Instead of pulling the cat out of the water and stopping the encounter the handler decided to continue with the swimming.”

APHIS advised the respondent not to force an animal to perform any interaction that the animal does not want to perform, in order to prevent unnecessary discomfort and/or behavioral stress.

juvenile tigers to “swim” and to “play” with members of the public.

ALLEGED VIOLATIONS

6. On November 21, 2013, respondent willfully violated the Regulations by failing to identify a dog, as required. 9 C.F.R. § 2.50(c).

7. On or about January 26, 2012, and September 9, 2013, respondent willfully violated the Act and the Regulations by failing to have a responsible person available to provide access to APHIS officials to inspect its facilities, animals and records during normal business hours. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(a).

8. On or about the following dates, respondent willfully violated the Regulations, 9 C.F.R. § 2.131(b)(1), by failing to handle animals as carefully as possible in a manner that did not cause behavioral stress, physical harm, or unnecessary discomfort:

a. September 30, 2011. Respondent kept a young tiger in a pool despite the tiger’s obvious discomfort, as exhibited by the tiger’s vocalizing and repeated attempts to exit the pool.

b. October 10, 2012. Respondent allowed a reporter from The American Broadcasting Company (ABC)’s “Good Morning America” to handle a young tiger (Tony) in a manner that caused the tiger to become visibly stressed, as exhibited by the tiger’s repeated attempts to leave the pool; and the reporter repeatedly pulled the tiger back into the pool.

c. October 13, 2012. Respondent kept a young tiger (Tony) in a pool despite the tiger’s obvious discomfort, as exhibited by the tiger’s vocalizing and repeated attempts to exit the pool.

d. October 18, 2012. During a simulated “swim encounter” staged in New York, respondent kept a young tiger (Tony) in a pool despite the tiger’s obvious discomfort, as exhibited by the tiger’s repeated, consistent attempts to exit the pool.

9. On or about the following dates, respondent willfully violated the Regulations, 9 C.F.R. § 2.131(b)(2)(i), by using physical abuse to handle or work animals:

a. October 10, 2012. During exhibition, respondent’s employees or agents lowered a young tiger into a pool by the tiger’s tail, pulled the tiger’s tail in order to restrain it while it was in the pool, and pulled the young tiger out of the pool by the tiger’s right front leg.

b. October 13, 2012. During exhibition, respondent’s principal, Randy Stearns, handled or worked a young tiger (Tony) by pulling the tiger’s tail, and holding the tiger aloft by the tiger’s neck.

10. On or about the following dates, respondent willfully violated the Regulations, 9 C.F.R. § 2.131(c)(1), by failing to handle tigers during public exhibition with minimal risk of harm to the animals and the public, and with sufficient distance and/or barriers between the animals and the public:

a. July 27, 2011. Respondent exhibited a macaque with insufficient distance and/or barriers between the macaque and the public.

b. September 30, 2011. Respondent exhibited young tigers without any distance and/or barriers between the animals and the public.

c. October 10, 2012. Respondent exhibited a young (approximately 6 week old) tiger (Tarzan) and a juvenile tiger to a member of the public in a swimming pool without any

distance and/or barriers between the animals and the public.

d. October 13, 2012. Respondent exhibited a young tiger (Tony) without any distance and/or barriers between the animal and the public.

11. On or about September 30, 2011, and October 13, 2012, respondent willfully violated the Regulations, 9 C.F.R. §§ 2.131(c)(3), 2.131(d)(1), by exposing young or immature tigers to rough or excessive handling and/or exhibiting them for periods of time that would be detrimental to their health or well-being, and by exhibiting young tigers for periods of time and/or under conditions that were inconsistent with their good health and well-being.

12. On or about the following dates, respondent willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards promulgated under the AWA (9 C.F.R. Part 3)(Standards), as follows:

a. May 1, 2013. There was not a method to rapidly eliminate excess water from tiger enclosures, which had an accumulation of mud and water. 9 C.F.R. § 3.127(c).

b. September 6, 2012. There was a loose electric wire hanging inside the lion enclosure. 9 C.F.R. § 3.125(a).

c. May 1, 2013. Respondent's enclosure for two baboons had a support pole that had detached from the side and front of the enclosure. 9 C.F.R. § 3.75(a).

d. November 21, 2013. Respondent's enclosure for a pig contained a rusted jagged pipe. 9 C.F.R. § 3.125(a).

e. November 21, 2013. Respondent failed to provide tigers with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the

respondent has in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondent, who 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 this matter proceed in conformity with the Rules of Practice governing proceedings under the Act; 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 17th day of July 2015



Administrator
Animal and Plant Health Inspection Service

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