

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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| In re: |) | AWA Docket No. 15-0119 |
| |) | 15-0120 |
| NICK SCULAC, an individual; and BIG |) | |
| CATS OF SERENITY SPRINGS, INC., a |) | |
| Colorado corporation, doing business as |) | |
| SERENITY SPRINGS WILDLIFE |) | |
| CENTER, |) | |
| |) | |
| 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.)(AWA or Act), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(Regulations and Standards). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Nick Sculac, also known as Nicholas Sculac (Sculac), is an individual doing business as Serenity Springs Wildlife Center, and whose business address is 24615 Scott Road, Calhan, Colorado 80808. At all times mentioned herein, respondent Sculac was an exhibitor and dealer, as those terms are defined in the Act and the Regulations, held AWA license 84-C-0069, and, together with respondent Big Cats of Serenity Springs, Inc., operated a zoo, as that term is defined in the Regulations, exhibiting wild and exotic animals at Calhan, Colorado, and at off-site locations.

2. Respondent Big Cats of Serenity Springs, Inc. (Big Cats), is a Colorado corporation doing business as Serenity Springs Wildlife Center, and whose agent for service of process is Julie Walker, 24615 Scott Road, Calhan, Colorado 80808. At all times mentioned herein,

respondent Big Cats was a dealer and exhibitor, as those terms are defined in the Act and the Regulations, did not hold an AWA license and, together with respondent Sculac, operated a zoo, as that term is defined in the Regulations, exhibiting wild and exotic animals at Calhan, Colorado, and at off-site locations.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS, GOOD FAITH AND HISTORY OF PREVIOUS VIOLATIONS

3. In 2011, respondent Sculac represented to APHIS that he had custody of 111 animals; in 2012, respondent Sculac represented to APHIS that he had custody of 120 animals; in 2013, respondent Sculac represented to APHIS that he had custody of 116 animals; and in 2014, respondent Sculac represented that he had custody of 113 animals.

4. The allegations in this complaint involve multiple animal deaths, the failure to obtain adequate veterinary care for animals, the failure to observe animals suffering from disease and/or injuries, the failure to adhere to the recommendations of respondents' attending veterinarian, the repeated failure and/or refusal to provide access to USDA inspectors for the purpose of conducting inspections to determine compliance with the AWA and the Regulations and Standards, the failure to handle animals, in particular young and infant felids, carefully, the failure to comply with the identification and record-keeping requirements, and repeated failures to meet the minimum Standards for animal facilities and husbandry.

5. Respondents have not shown good faith. Respondent Sculac, for himself and on behalf of respondent Big Cats, extorted or attempted to extort money from individuals who had been injured by respondents' animals, by falsely representing that the U.S. Department of Agriculture had fined him, or intended to fine him, thousands of dollars and, as a result, he would be required to shut

down his facility and euthanize animals if the (non-existent) “USDA fines” were not paid in whole or in part by respondents’ victims. Respondents market themselves and their facility as both a “sanctuary” and a “rescue” facility for exotic felids, and solicit money from the public based on representations that they are saving endangered animals. In fact, respondents breed animals at their facility, and obtain infant felids from breeders, for the purpose of exhibiting these animals to the public for compensation in the guise of preservation of these species.

6. Despite having previously been advised by APHIS, *inter alia*, not to exhibit exotic felids in a manner that permitted direct contact with the public, and not to transport infant exotic felids or to use them in direct contact or “photo shoot” exhibitions, respondents have continued to engage in these activities. Respondents Sculac and Big Cats are respondents in two other pending AWA disciplinary proceedings.

ALLEGED VIOLATIONS

7. On the following nine occasions at Calhan, Colorado, respondents failed and/or refused to provide APHIS officials with access to conduct AWA inspections of their facilities, animals and records, or to make an authorized person available to accompany APHIS officials on such inspections, in willful violation of the Act and the Regulations (7 U.S.C. § 2146(a); 9 C.F.R. § 2.126):

- a. December 7, 2011, at 9:30 a.m.
- b. March 20, 2013, at 9:35 a.m.
- c. April 15, 2013, at 2:30 p.m.
- d. May 7, 2013, from 8:05 a.m., through 10:01 a.m.
- e. May 31, 2013, at 12:34 p.m.
- f. June 20, 2014, at 9:35 a.m.
- g. August 27, 2014, at 9:14 a.m.
- h. January 8, 2015, at 9:00 a.m.
- i. February 18, 2015, at 9:30 a.m.

8. On or about the following dates, respondents willfully violated the Regulations governing attending veterinarian and adequate veterinary care (9 C.F.R. § 2.40), by failing to provide adequate veterinary care to the following animals and/or failing to establish programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, equipment and services, and/or the use of appropriate methods to prevent, control, and treat diseases and injuries, and/or daily observation of animals, and a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and/or adequate guidance to personnel involved in animal care:

a. January 7, 2013. Respondents failed to notice or to communicate to the attending veterinarian that an adult tiger (Thurston) was extremely thin, with visible ribs and protruding hip bones, and failed to obtain veterinary care for Thurston, and respondent Sculac explained that Thurston was thin because he was an older animal, but respondents' records showed that Thurston was approximately 6 years old. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

b. April 10, 2013. Respondents failed to notice or to communicate to the attending veterinarian that a tiger (Maverick) had a severe limp on his right foreleg, ambulated abnormally with a crab-like posture, and would stumble and fall onto his shoulder when walking, and Maverick appeared to the APHIS inspectors to be in pain, as evidenced by his growling and swatting at his cage mate when that animal approached, and respondents failed to seek veterinary evaluation of Maverick despite the multiple visible signs of abnormalities. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

c. April 10, 2013. Respondents failed to notice that a cougar (Baby) was dead

in her enclosure until the APHIS inspector observed and pointed out that Baby was coated in snow and that her body was rigid. 9 C.F.R. § 2.40(b)(3).

d. April 18, 2013. Respondents failed to provide adequate veterinary medical care to a tiger (Maverick). Eight days earlier, on April 10, 2013, APHIS observed that Maverick had a severe limp, ambulated abnormally with a crab-like posture, stumbled and fell onto his shoulder when walking, and appeared to be in pain. On that date, APHIS advised respondents to have Maverick evaluated by a veterinarian for these conditions “as soon as possible but not later than 4/16/2013.” On April 15, 2013, APHIS attempted to conduct a focused inspection with respect to Maverick, but were unable to do so because respondents failed to provide access for APHIS to conduct an inspection. On April 18, 2013, Maverick’s limp appeared to have worsened, he did not place weight on his right foreleg, and he was observed to struggle to approach his food dish. As of April 18, 2013, respondents failed to have Maverick seen, examined, or evaluated by a veterinarian. Respondent Sculac reported to APHIS that respondents’ attending veterinarian had not seen, examined, or evaluated Maverick, but on April 17, 2013, had recommended that respondents administer antibiotics and pain medication, however there were no records establishing a treatment plan or that any medications were administered to Maverick. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

e. May 6, 2013. Respondents failed to provide adequate veterinary medical care to a tiger (Maverick). On April 10, 2013, APHIS observed that Maverick had a severe limp, ambulated abnormally with a crab-like posture, stumbled and fell onto his shoulder when walking, and appeared to be in pain, and APHIS advised respondents to have Maverick

evaluated by a veterinarian for these conditions “as soon as possible but not later than 4/16/2013.” On April 18, 2013, Maverick’s limp appeared to have worsened, he did not place weight on his right foreleg, and he was observed to struggle to approach his food dish. Although respondents’ attending veterinarian examined Maverick on April 20, 2013, and prepared a treatment plan for him, respondents failed to follow up with the veterinarian when Maverick’s condition did not improve, and in fact worsened. On May 6, 2013, APHIS observed that Maverick continued to have a severe limp, and his right hind limb was non-weight-bearing with noticeable swelling of the ankle, and Maverick had not been seen by a veterinarian since April 20, 2013, despite his worsened condition. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

f. May 6, 2013. Respondents failed to provide adequate veterinary care to a tiger (Baxter) that was exhibiting a pronounced limp in his right hind leg, and that leg was visibly swollen and non-weight-bearing, resulting in Baxter’s ambulating in a hopping manner, and then falling to the ground. Although respondents observed Baxter’s condition, respondents failed to convey this information to their attending veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

g. May 15, 2013, and May 16, 2013. Respondents failed to provide adequate veterinary care to a tiger (Ivery), and her newborn cub. Specifically, Ivery was noted to be in labor on May 15, 2013. Although respondents’ attending veterinarian advised respondents to monitor Ivery, they appear to have failed to do so, as both Ivery and her single cub were found dead in their enclosure the following day. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

h. May 23, 2013. Respondents failed to provide adequate veterinary care to a tiger (Toni) that was limping on his left front leg, and although respondents observed Toni's condition, respondents failed to convey this information to their attending veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

i. May 23, 2013. Respondents failed to provide adequate veterinary care to a tiger (Trini) that had been diagnosed with, and treated for, a broken tooth and mouth ulcers in mid-April 2013. On May 23, 2013, Trini was observed to have an unsteady, abnormal gait. Respondents had not noticed this condition, and had not communicated with their attending veterinarian about Trini's gait, or to follow up regarding her previously-diagnosed problems. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

j. November 5, 2013. Respondents failed to provide adequate veterinary care to a tiger (Andy) that was observed to be limping on his right hind leg and in thin body condition, and although respondents were previously aware of Andy's conditions, respondents had not communicated with their attending veterinarian about Andy, or had Andy examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

k. November 5, 2013. Respondents failed to provide adequate veterinary care to a tiger (Stripes or Spangles) that was observed to have bilateral, whitish streaks on her corneas, and a laceration with dried blood around the lower left corner of her mouth, and respondents had not noticed these conditions, and had not communicated with their attending veterinarian about the tiger or had her examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

1. November 5, 2013. Respondents failed to provide adequate veterinary care to a tiger (Grumpy or SherKhan) that was observed to have bilateral, whitish streaks on at least one cornea, and a laceration with dried blood on his left front paw, and respondents had not communicated with their attending veterinarian about the tiger or had him examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

m. November 5, 2013. Respondents failed to provide adequate veterinary care to a wallaby (Winston) with an injured left paw. According to respondents, Winston had been bitten by a dog almost a month earlier, but respondents had no records of having communicated with their attending veterinarian about Winston, having had Winston examined or evaluated by a veterinarian, and having obtained a treatment plan for Winston. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

n. February 26, 2014. Respondents failed to provide adequate veterinary care to a tiger (Zara) that was observed to have hair loss and dried blood on an area of her tail, and respondents had not observed this condition, communicated with their attending veterinarian about Zara, or had Zara examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

o. February 26, 2014. Respondents failed to provide adequate veterinary care to a tiger (Baxter or Maverick) that was observed to have patchy hair loss and thickened skin on his right side from his neck to his hip, and respondents had not observed this condition, communicated with their attending veterinarian about the tiger, or had him examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

p. September 13, 2014. Respondents failed to provide adequate veterinary care

to a tiger (Buffy or Tallulah) that was observed to be squinting her right eye, or keeping that eye closed, and to have a clear discharge from that eye, and although respondents had noticed this condition, they had not communicated with their attending veterinarian about this tiger or had her examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

q. September 13, 2014. Respondents failed to provide adequate veterinary care to a tiger (Capricho) that was observed to have an abnormal gait on his right hind leg (which rotated inward when he ambulated) and to be in thin body condition, and although respondents represented that they were aware that the tiger was thin, and had communicated this to their attending veterinarian, there were no records of either respondents' observation or communication with their veterinarian, and respondents had not noticed Capricho's abnormal gait, consulted their attending veterinarian about that condition, or had Capricho examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

r. September 13, 2014. Respondents failed to provide adequate veterinary care to a tiger (Nanda) that was observed to have an abnormal gait and muscle loss, and possible ataxia, and respondents that they were aware of the tiger's muscle loss, and had communicated this to their attending veterinarian, but had not noticed Nanda's abnormal gait or possible ataxia, consulted their attending veterinarian about that condition, or had Nanda examined or evaluated by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

9. On or about May 23, 2013, respondents willfully violated the Regulations, 9 C.F.R.

§ 2.50(c)(2), by failing to identify a hybrid cross cat (Pixi-bob) as required.

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

a. January 7, 2013. Respondents failed to make, keep, and maintain accurate records of the disposition of an adult paca.

b. May 23, 2013. Respondents failed to make, keep, and maintain accurate records of the acquisition of a hybrid cross cat (Pixi-bob).

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

a. May 10, 2013. Respondents failed to handle animals as carefully as possible, in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort, and specifically, transported two unweaned 3-day-old infant tigers from Oklahoma to respondents' facility, and the infant tigers died within two days of their having been transported by respondents. 9 C.F.R. § 2.131(b)(1).

b. August 9, 2013. Respondents failed to handle a tiger (Lola) as carefully as possible, in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort, and respondents, during exhibition, failed to handle Lola so that there was minimal risk of harm to Lola and the public, with sufficient distance and/or barriers between Lola and the public so as to ensure the safety of Lola and the public, and specifically, respondents used Lola for "photo shoots," wherein respondents permitted the public, including young children, to handle and to have direct contact with Lola, without any distance or barriers between Lola and respondents' customers. 9 C.F.R.

§§ 2.131(b)(1), 2.131(c)(1).

c. November 2, 2013. Respondents (1) failed to handle infant tigers as carefully as possible, in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort; (2) during exhibition, failed to handle infant tigers so that there was minimal risk of harm to the tigers and the public, with sufficient distance and/or barriers between the tigers and the public so as to ensure the safety of the tigers and the public; and (3) exhibited infant tigers for periods of time that were detrimental to their health and well-being. Specifically, respondents used infant (unweaned) tigers for “photo shoots,” wherein respondents permitted the public, including young children, to handle and to have direct contact with infant tigers, without any distance or barriers between the tigers and respondents’ customers. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1), 2.131(c)(3).

d. September 13, 2014. Respondents (1) failed to a tiger (Milo) as carefully as possible, in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort; (2) during exhibition, failed to handle Milo so that there was minimal risk of harm to the tigers and the public, with sufficient distance and/or barriers between the tiger and the public so as to ensure the safety of the tiger and the public; (3) exposed Milo (who was a young, immature animal) to excessive public handling and exhibited Milo for a periods of time that was detrimental to his health and well-being; and (4) exhibited Milo for periods of time and under conditions that were inconsistent with Milo’s good health and well-being. Specifically, respondents used Milo for direct-contact “photo shoots” with the public, without any distance or barriers between Milo and

respondents' customers, from approximately 10:25 a.m., through approximately 4:30 p.m., without observable breaks, and absent any documentation of Milo's receiving any breaks, and Milo was observed to be in distress and/or discomfort, as evidenced by his vocalizations throughout the day. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1), 2.131(c)(3), 2.131(d)(1).

12. 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. January 24, 2012. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The shelter in the enclosure housing two alpaca contained wire mesh with sharp edges accessible to the animals.

ii. The elevated resting platforms in fourteen enclosures housing twenty-nine exotic felids (Lazarus, Diablo, Twinkle, Elijah, Jezebel, Daisy, Seth, Zena, Zoey, Pandora, Sumadi, Eragon, Sinbad, Phoebe, Rocky, Reyna, Gabrielle, Tabitha, Billy, Jake, Chepe, Amber, Eden, Charlie, Chainsaw, Charaka, Priya, Eva, and Juanita) were in disrepair, with protruding nails or metal staples and/or shredded, splintered wood and/or broken boards that were accessible to and could injure the animals.

iii. The shelter structures in seven enclosures housing ten exotic felids (Capricho, India, Boo, Sultan, Tiger, Charaka, Priya, Trini, Zara, and Niko) were in disrepair, with holes and/or shredded, splintered wood and/or roofs with jagged metal

edges and/or missing supports or holes that were accessible to and could injure the animals.

b. January 24, 2012. Respondents failed to enclose their zoo by an adequate perimeter fence of sufficient height and constructed in a manner so as to protect the animals, and to keep animals and unauthorized persons from having contact with the animals, and that could function as a secondary containment system, and specifically, respondents' fence was not eight feet in height at the northwest side of respondents' facility, as required. 9 C.F.R. § 3.127(d).

c. January 24, 2012. Respondents failed to provide potable water to three mountain lions (Buddy, Baby, and Cheyenne) as often as necessary for their health and comfort, and with consideration for their age and condition, 9 C.F.R. § 3.130.

d. January 24, 2012. Respondents failed to establish and maintain an effective program of pest control, as evidenced by the visible rodent droppings observed in the enclosure housing a binturong (Chip). 9 C.F.R. § 3.131(d).

e. February 7, 2012. Respondents failed to enclose their zoo by an adequate perimeter fence of sufficient height and constructed in a manner so as to protect the animals, and to keep animals and unauthorized persons from having contact with the animals, and that could function as a secondary containment system, 9 C.F.R. § 3.127(d), and specifically, the following areas of respondents' fencing did not meet the minimum Standard, as required:

i. Respondents' fence was not eight feet in height at the northwest side of respondents' facility.

ii. Respondents placed a refrigerator and a pile of bricks outside of and

adjacent to the perimeter fence near the enclosure housing an exotic felid (Thunder), which materials effectively and substantially lowered the height of the perimeter fencing, and would permit a person or persons to enter the facility by climbing over the fence.

iii. Respondents' fence near the enclosure housing exotic felids (Cletus, Sissy and Charlie) was constructed of large mesh wire that would permit a person or persons to enter the facility by climbing over the fence at that location, and the adjacent gate was less than eight feet high.

iv. Respondents affixed wooden posts to the outside of the perimeter fence near the enclosure housing exotic felids (Billy, Jake and Chepe), which could be used by a person or persons to enter the facility.

f. May 18, 2012. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The shelter in the enclosure housing two alpaca contained wire mesh with sharp edges, and protruding nails that were accessible to the animals.

ii. The elevated resting platforms in fifteen enclosures housing twenty-nine exotic felids (Nefertiti, Tutt, Pharoah, Sinbad, Toni, Phoebe, Rocky, Reyna, Gabrielle, Tabitha, Keller, Amber, Charlie, Chainsaw, Raja, Grumpy, SherKhan, Charaka, Priya, Eva, Juanita, Rani, Shival, Mugale, BaniBibi, Elijah, Jezebel, Boo, and Anthony) were in disrepair, with protruding nails, screws, or metal staples and/or

shredded, splintered wood that were accessible to and could injure the animals.

iii. The shelter structures in six enclosures housing ten exotic felids (Capricho, India, Sultan, Charaka, Priya, Trini, Zara, Niko, Yanna, and Bagheera) were in disrepair, with holes and/or shredded, splintered wood and/or roofs with jagged metal edges and/or missing supports or holes that were accessible to and could injure the animals.

iv. The shelter in the enclosure housing two bears (Huggy and Lolli) contained wire mesh with sharp edges that were accessible to the animals.

v. The enclosure housing an exotic felid (Aramis) contained a broken board with a protruding nail that was accessible to the animal.

vi. The fences of two enclosures housing four exotic felids (Pandora, Shenandoah, Aphrodite, and Harley) were in disrepair and lacked structural strength.

g. May 18, 2012. Respondents failed to enclose their zoo by an adequate perimeter fence of sufficient height and constructed in a manner so as to protect the animals, and to keep animals and unauthorized persons from having contact with the animals, and that could function as a secondary containment system, 9 C.F.R. § 3.127(d), and specifically, the following areas of respondents' fencing did not meet the minimum Standard, as required:

i. Respondents' fence on the northwest side of the facility lacked structural strength.

ii. There was a 6"-8" gap at the bottom of respondents' fence on the southeast side of the facility adjacent to the enclosure of a lion (Daniel).

h. May 18, 2012. Respondents failed to remove food waste, bedding and dead

animals from the enclosure housing a binturong (Chip), and failed to keep Chip's enclosure clean. 9 C.F.R. §§ 3.125(d), 3.131(c).

i. May 18, 2012. Respondents failed to establish and maintain an effective program of pest control, as evidenced by visible rodent droppings and accumulated live and dead flies observed in the enclosure housing a binturong (Chip). 9 C.F.R. § 3.131(d).

j. September 6, 2012. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The shelter in the enclosure housing two alpaca contained wire mesh with sharp edges, and exposed nails that were accessible to the animals.

ii. The elevated resting platforms in seven enclosures housing fourteen exotic felids (Rani, Shival, Mugale, BaniBibi, Elijah, Jezebel, Sinbad, Toni, Phoebe, Reyna, Keller, Amber, Eva, and Juanita) were in disrepair, with protruding nails and/or shredded, splintered wood and/or broken boards that were accessible to and could injure the animals.

iii. The shelter structures in three enclosures housing three exotic felids (Daniel, Aramis, and Sinbad) were in disrepair, with holes and/or shredded, splintered wood and/or protruding nails that were accessible to and could injure the animals.

vi. The fences of two enclosures housing six exotic felids (Shenandoah, Aphrodite, Harley, Billy, Jake, and Chepe) were in disrepair and lacked structural

strength.

k. September 6, 2012. Respondents failed to enclose their zoo by an adequate perimeter fence of sufficient height and constructed in a manner so as to protect the animals, and to keep animals and unauthorized persons from having contact with the animals, and that could function as a secondary containment system, and specifically, respondents' fence was compromised by the presence of a large propane tank and a discarded filing cabinet adjacent to the perimeter fence on the northwest side of respondents' facility. 9 C.F.R. § 3.127(d).

l. January 7, 2013. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The elevated resting platforms in seven enclosures housing twelve exotic felids (Boo, Savannah, Thurston, Reyna, Phoebe, Amber, Keller, Trini, Sultan, Eva, Juanita, and Natasha) were in disrepair, with protruding nails and/or shredded, splintered wood that were accessible to and could injure the animals.

ii. The shelter structures in two enclosures housing five exotic felids (Shenandoah, Aphrodite, Harley, Charlie, and Chainsaw) were in disrepair, with protruding nails and/or screws that were accessible to and could injure the animals.

iii. The fences of two enclosures housing five exotic felids (Daniel, Mona, Chloe, Bosco, and Ivery) were in disrepair, had sharp edges and wires, and lacked structural strength.

m. January 7, 2013. Respondents failed to place food for a wallaby (Winston)

so as to minimize contamination, 9 C.F.R. § 3.129(b), and specifically, placed Winston's food directly on the ground, where an accumulation of feces was observed mixed with and adjacent to Winston's food.

n. April 10, 2013. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The elevated resting platform in the enclosure housing a tiger (Toni) was in disrepair, with exposed nails and shredded, splintered wood that were accessible to and could injure Toni.

ii. The ramp to the elevated resting platform in the enclosure housing two mountain lions (Boo and Baby) was in disrepair, with exposed nails that were accessible to and could injure Boo and Baby.

iii. The doorframe of the shelter structure in the enclosures housing three tigers (Capricho, India, and Carolina) was in disrepair, with protruding nails and ripped wood that were accessible to and could injure these animals.

iv. The enclosure housing two tigers (Amber and Thurston) contained a piece of wood with a protruding nail that was accessible to and could injure these animals.

o. November 5, 2013. Respondents failed to provide sufficient shade to allow all animals housed outdoors to protect themselves from direct sunlight, 9 C.F.R. § 3.127(a), and specifically, respondents housed six tigers (Kasper, Kodiak, Spangles, Stripes, Grumpy,

and SherKhan) in three enclosures that lacked adequate shade.

p. February 26, 2014. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The elevated resting platforms in three enclosures (Nos. 13, 61, 5) housing five exotic felids (Seth, Tabitha, Gabrielle, Sinbad, and Jade) were in disrepair, with exposed nails and/or shredded wood that were accessible to and could injure the animals.

ii. The fences of four enclosures (Nos. 47, 24, 65, 60) housing ten exotic felids (Elijah, Jezebel, Shenandoah, Aphrodite, Harley, Phoebe, Reyna, Toni, Savannah, and Pharoah) were in disrepair and lacked structural strength.

iii. The doorframes of the shelter structures in two enclosures (Nos. 23 and 11) housing four tigers (Tutt, Nefertiti, Charlie, and Chainsaw) were in disrepair, with chewed and ripped wood and/or exposed nail heads that were accessible to and could injure the animals.

iv. The shelter structure in the enclosure (No. 8) housing three bears (Holly, Lolli, and Huggy) had a large hole in the bottom corner that was accessible to and could injure the bears.

v. Two enclosures (Nos. 64 and 55) housing four tigers (Tiger, Eva, Juanita and Natasha) were in disrepair, with loose barbed wire near the top of the enclosure.

vi. The enclosure housing a binturong (Chip) had exposed wires and accumulated fiberglass insulation material that were accessible to and could injure the binturong.

vii. The enclosure (No. 57) housing a tiger (Stripes) was in disrepair, with large gaps in on both sides of the gate.

q. February 26, 2014. Respondents failed to provide sufficient shade to allow all animals housed outdoors to protect themselves from direct sunlight, 9 C.F.R. § 3.127(a), and specifically, respondents housed the following seventeen exotic felids in seven enclosures that lacked adequate shade for all of the animals:

- i. Enclosure 19: Sumadi and Eragon;
- ii. Enclosure 43: Lazarus, Diablo, Twinkle;
- iii. Enclosure 44-45: Baxter and Maverick;
- iv. Enclosure 46: Kasper and Kodiak;
- v. Enclosure 54: Grumpy, and SherKhan;
- vii. Enclosure 65: Phoebe, Reyna, and Trini; and
- vi. Enclosure 64: Eva, Natasha, and Juanita.

r. February 26, 2014. Respondents failed to establish and maintain an effective program of pest control, as evidenced by an excessive number of flies, and accumulated insulation material in the enclosure housing a binturong (Chip). 9 C.F.R. § 3.131(d).

s. September 13, 2014. Respondents failed to develop, document, and follow an adequate plan for environmental enhancement for two lemurs acquired by respondents in July 2014, and specifically, respondents had no written enrichment plan, no enrichment

schedule, and no enrichment records. 9 C.F.R. § 3.81.

t. September 13, 2014. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury and to contain them, 9 C.F.R. § 3.125(a), and specifically, the following enclosures failed to meet the minimum Standards:

i. The elevated resting platforms in six enclosures (Nos. 19, 28, 36, 37, 46, 61) housing two bears (Cody and Pebbles), and seven exotic felids (Sumadi, Eragon, Zazu, Anthony, Kodiak, Kasper, Sinbad) were in disrepair, with exposed nails and/or broken or shredded pieces of wood that were accessible to and could injure the animals.

ii. The fences of four enclosures (Nos. 8, 13, 24, 65) housing three bears (Holly, Lolli and Holly) and eight exotic felids (Seth, Tabitha, Gabrielle, Shenandoah, Aphrodite, Harley, Phoebe and Toni) were in disrepair and lacked structural strength.

iii. The doorframe of the shelter structure in the enclosure (No. 23) housing two tigers (Tutt and Nefertiti) was in disrepair, with chewed and ripped wood and/or exposed nail heads that were accessible to and could injure the animals.

iv. The shelter structures in three enclosures (Nos. 36, 38 and 40/41) housing two bears (Cody and Pebbles) and four exotic felids (Clyde, Talon, Taji and Bobbie) were in disrepair and lacked structural strength.

v. One enclosure (No. 12) housing a tiger (Sabre) was in disrepair, with broken cattle panels and wires with sharp ends that were accessible to the tiger.

vi. A metal panel in the indoor enclosure housing a tiger (Donner) was secured by a rusty wire that was accessible to the tiger, and the wall of the indoor enclosure was in disrepair, with portions of exposed drywall that could not be cleaned or sanitized as required.

u. September 13, 2014. Respondents failed to store supplies of food in facilities that adequately protected them from deterioration or contamination, 9 C.F.R. § 3.125(c), and specifically, respondents' walk-in refrigerator had a leak that resulted in an accumulation of water and food debris on the floor of the refrigerator, and the APHIS inspectors observed mold on boxes of mixed produce and cartons of eggs, and uncovered or unsealed bags of chicken and other meat.

v. September 13, 2014. Respondents failed to enclose their zoo by an adequate perimeter fence of sufficient height and constructed in a manner so as to protect the animals, and to keep animals and unauthorized persons from having contact with the animals, and that could function as a secondary containment system, and specifically, respondents placed fence panels and posts inside respondents' fence near Enclosure #43 housing three tigers and behind Enclosure #40/41 housing two tigers. 9 C.F.R. § 3.127(d).

w. September 13, 2014. Respondents failed to provide sufficient shade to allow all animals housed outdoors to protect themselves from direct sunlight, 9 C.F.R. § 3.127(a), and specifically, respondents housed the following thirty-five exotic felids in fifteen enclosures that lacked adequate shade for all of the animals:

- i. Enclosure 19: Sumadi and Eragon;
- ii. Enclosure 22: Pandora;

- iii. Enclosure 27: Pancho and Montana;
- iv. Enclosure 29: Billy, Jake and Chepe;
- v. Enclosure 32: Snyder, Waldo and Mohan;
- vi. Enclosure 33: Willy;
- vii. Enclosure 43: Lazarus, Diablo, Twinkle;
- viii. Enclosure 44-45: Baxter and Maverick;
- ix. Enclosure 46: Kasper and Kodiak;
- x. Enclosure 47: Elijah and Jezebel;
- xi. Enclosure 48: Mona and Daniel;
- xii. Enclosure 54: Grumpy and SherKhan.
- xiii. Enclosure 59: Shival, Mugale, BaniBibi, Rani and Sultan;
- xiv. Enclosure 64: Eva, Natasha, and Juanita; and
- xv. Enclosure 65: Phoebe and Toni.

x. September 13, 2014. Respondents failed to keep the premises clean in order to protect the animals from injury and facilitate husbandry practices, as evidenced by an overgrowth of weeds in the following enclosures, impeding the ability of APHIS inspectors (and respondents' personnel) to observe the animals, hindering cleaning of the enclosures, and providing harborage for pests (9 C.F.R. § 3.131(c)):

- i. Enclosure 3: Thunder;
- ii. Enclosure 4: Charlie;
- iii. Enclosure 22: Pandora;
- iv. Enclosure 38: Clyde;

- v. Enclosure 39: Vanna;
- vi. Enclosures 40/41: Bobbie, Talon, Taji;
- vii. Enclosure 50: Boo;
- viii. Enclosure 52: Chip; and
- ix. Enclosure 61: Sinbad.

y. September 13, 2014. Respondents failed to establish and maintain an effective program of pest control, as evidenced by the presence of rodent feces and/or holes, or dead rodents or accumulated dead flies in the following enclosures and areas (9 C.F.R. § 3.131(d)):

- i. There was evidence of rodent activity (holes) outside enclosure 36 housing two bears (Cody and Pebbles);
- ii. There was evidence of rodent activity (holes) inside the den box and in enclosure 37 housing a leopard (Anthony);
- iii. There was evidence of rodent activity (accumulated rodent feces and holes) in enclosure 48 housing two lions (Mona and Daniel);
- iv. There was evidence of rodent activity (accumulated rodent feces) in the enclosure housing two tigers (Milo and Donner);
- v. There was evidence of rodent activity (dead mouse) in the room adjacent to respondents' food preparation area; and
- vi. There was evidence of rodent activity (dead flies) on the food preparation table.

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 file 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; 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 29th day of May 2015



Administrator
Animal and Plant Health Inspection Service

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