

AFFIDAVIT

I, _____, being duly sworn on oath make the following statement:

_____ on September 15, 2004. I do not know if I will be returning to the United States in the future.

I give this affidavit to _____ who has identified himself as an investigator with the United States Department of Agriculture. _____ has informed me that he is investigating a complaint that the USDA received about my involvement and injury by an elephant belonging to the Liebel Family Circus while in Clinton, IA. I have informed _____ of the following.

I initially came to the _____ who had been here in the past as a _____ with the Clyde Beatty and the Barnes and Bidwell circuses. When the time came to come to the United States I came alone as my brother had a job he did not want to leave ir

I started working as a _____ which was previously the Barnes and Bidwell. The Hollyingsworth circus eventually went out of business and I went to work for a man named _____ who was the _____ with the Hollyingsworth Circus. When I was working for _____ I was responsible for almost anything that was needed to be done. That included caring for the circus's animals. The animals included horses, cattle, monkeys, dogs and the circus's one elephant. The elephant's name was Nosey and it was a female African Elephant that was about 15 years old. _____ and I were caring for the animals for about 1 1/2 months. Prior to that I had no training or experience dealing with those types of animals nor did I receive any training.

When we were in Clinton, IA we were performing for a 4 or 5 day event. On July 4, 2004, I was caring for the elephant. As I was cleaning out the water container and refilling it I saw the elephant out of the corner of my eye flare it's ears and

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at
on this 10th day of September, 2004.

APHIS FORM 7162 Replaces VS Form 3-59G which is obsolete.
(NOV 92)



DESIGNATED PURSUANT TO 7 U.S.C. 217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO: 3016

AFFIDAVIT

I, _____ being duly sworn on oath make the following statement:

strike down at me with it's left tusk. That is about all I remember of the actual incident. At the time the elephant struck me the elephant was uphill from me so that when I was struck I rolled down hill away from the animal. I was taken to the hospital by ambulance for my injuries where I did receive some care and stitches and was released.

I have witnessed _____ using what he considered training techniques that consisted of using electricity to get the elephant to perform during his training and sometimes right after a show where the elephant failed to perform in a certain way. That was as punishment for the elephant's failure to perform. The use of this electric prod was used almost daily in this manner and was applied in the anal area, behind the ears and sometimes on the lip.

I believe this is in part why the elephant had come after me. This was not the first time the elephant had reached or struck out at people who worked at the circus. Many of the circus's workers would state the same thing about the elephant. One of those persons was named _____ who was from either Tennessee or Florida. He had worked previously with _____ Circuses as a lion trainer. The previous partner of _____ who I only remember as _____ (sp) may also be able to tell the USDA about the treatment and handling of the elephant.

I remember one time _____ had used the bull hook handle, turned off the lights in the performance ring and beat the elephant. He at the time directed others to take part in that by using other objects such as sledge hammer and shovel handles. At that time the elephant was staked down by all four legs to stop it from being able to move. The idea was to have the beating coming from all different directions at one time so that the elephant would be confused as to what was happening. After that I believe _____ decided it was easier to use electricity

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at
on this 10th day of September, 2004.

APHIS FORM 7162 Replaces VS Form 3-59G which is obsolete.
(NOV 92)



DESIGNATED PURSUANT TO 7 U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO: 3010

AFFIDAVIT

I, _____, being duly sworn on oath make the following statement:

to train the elephant. As to the specific date that this particular incident happened I can not recall nor can I say what location we were at. Some of the persons who participated in that beating were _____ as well as _____

As to the trailer they were using to haul the animals they would fit six ponies, one bull, one full size horse, two monkeys, 5 dogs and the elephant all in one trailer. This trailer was not a typical semi-trailer as it was pulled by a pick-up truck with dual rear tires.

I have spoken with _____ about the incident pertaining to the elephant attack but not about the training techniques used by _____

By my signature I attest to the truth and accuracy of this affidavit.

SIGNATURE OF AFFIANT

Subscribed and sworn to before me at
on this 10th day of September, 2004.

APHIS FORM 7162 Replaces VS Form 3-59G which is obsolete.
(NOV 92)



DESIGNATED PURSUANT TO U.S.C. 2217 TO
ADMINISTER OATHS, AFFIDAVITS, AND AFFIRMATIONS,
AUTHORITY NO: 3010



SEP 20 2005

United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Marketing &
Regulatory
Programs Business
Services

4700 River Road
Riverdale, MD
20737

Florida State Family Circus
dba Liebling Family Circus
1432 Adair Road
Davenport, FL 33837

Dear Sir(s):

The Animal and Plant Health Inspection Service (APHIS) enforces regulations in order to protect the health and care of animals, plants, and agricultural industry. Violations of these regulations jeopardize the animal and plant health systems that are vital to protect American agriculture.

Our investigation shows that you have violated Federal Regulations as described on the enclosed Civil Penalty Stipulation Agreement form. APHIS laws and regulations provide for administrative and criminal penalties to enforce these regulatory requirements. The amount of the monetary penalty, or possible criminal charges, depends on the number and severity of the violations.

The Secretary of Agriculture may assess a civil penalty for such violations after notice and an opportunity for a hearing. However, you may waive your right to a hearing and settle this matter by paying \$2,885, and signing and returning the **agreement form**. You may voluntarily accept this reduced agreement to avoid further action.

Please pay the civil penalty by certified check or money order made payable to the Treasurer of the United States. Write the Case Number (FL04222-AC) on your check or money order and mail it with the signed agreement form to:

USDA, APHIS, (General) (FL04222-AC)
P. O. Box 979043
St. Louis, MO 63197-9000

If we do not receive your signed stipulation agreement and payment within 30 days, we will seek higher civil or criminal penalties for each violation. You may contact our office at telephone number (301) 734-8684 if you have any questions.

Sincerely,

Allison Khroustalev
Assistant Director, Enforcement
Investigative and Enforcement Services

Enclosure

cc: J. Kinsella, IES, ER

Dr. B. Goldentyer, AC, ER

APHIS:IES:JSedgwick:ram:734-8759:9/20/05:FL04222-AC Liebling Family Circus

Dr. K. Carter-Corker, AC, ER

D. Boyles, IES, FL



Safeguarding American Agriculture
APHIS is an agency of USDA's Marketing and Regulatory Program

An Equal Opportunity Provider and Employer

Investigative and Enforcement Services

Settlement Agreement

USDA, APHIS, IES
4700 River Road, Unit 85
Riverdale, MD 20737
Phone: (301) 734-8684
Fax: (301) 734-4328

RESPONDENT:

Florida State Family Circus
dba Liebling Family Circus
1432 Adair Road
Davenport, FL 33837

CASE NUMBER FL04222-AC
DUE ON OR BEFORE October 21, 2005
CONTACT PHONE

DATE	CITATION	DESCRIPTION
		(SEE ATTACHED PAGES)

PENALTY \$2,885

TERMS

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture to impose civil penalties and other sanctions to resolve violations after providing notice and opportunity for a hearing.

You may waive your right to a hearing and agree to pay the specified civil penalty in settlement of this matter. If you do not agree to the specified penalty, a complaint shall be issued charging you with the violation(s) and seeking higher penalties. You will have the opportunity for a hearing before an Administrative Law Judge to present your case.

I acknowledge that I have been given an opportunity for a hearing and waive such hearing. I neither admit nor deny the violations cited above and agree to pay the civil penalty in full settlement of this matter.

Signature of Respondent:

Date:

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

<u>DATE</u>	<u>CITATION</u> 9 CFR	<u>DESCRIPTION</u>
02 JAN 04	2.40(a)(1)	Attending veterinarian and adequate veterinary care. Failed to establish and maintain programs of veterinary care.
	2.131(a)(1)	Handling. A male spider monkey was housed with a permanent metal link chain around his neck with about nine inches of links hanging from it, posing a risk of entrapment, snagging, choking, or hanging.
	3.75(c)(1)(i)	Surfaces. Two spider monkeys were housed inside the primate compartment of an old travel truck with rusty metal parts which affect sanitation.
	3.76(c)	Lighting. The old travel truck housing two spider monkeys had insufficient light for adequate visualization of all areas of the enclosure.
	3.127(d)	Perimeter fence. Failed to erect a perimeter fence.
	3,128	Space requirements. An African elephant, Nosed, is housed in a travel truck or chained in the yard which allows inadequate space for normal postural adjustments and freedom of movement.
	3.138(a)	Primary conveyances (motor vehicles). Loose and detached metal sheeting is in the elephant's travel compartment. The elephant and the five-legged steer travel together with insufficient space in the back of the truck.
02 MAR 04	2.40(a)(1)	Attending veterinarian and adequate veterinary care. The program of veterinary care did not indicate a visitation schedule.
28 APR 04	2.40(b)(2)	Attending veterinarian and adequate veterinary care. The elephant's skin (Nosed) appeared thickened and irregular. There were numerous flies and no available repellent.
04 JUL 04	2.131(c)(3)	Handling of animals. A handler was injured by the elephant (Nosed) while cleaning and refilling a water container.
15 JUL 04	2.40(b)(2)	Attending veterinarian and adequate veterinary care. The elephant had skin care problems and the inter-digital area above the steer's hooves appeared irritated and pinkish in color. The steer was also bothered by an excessive number of flies.
15 SEP 04	2.40(b)(2)	Attending veterinarian and adequate veterinary care. The elephant's skin was dry, flaking, rough, thickened, and irregular. The foot pads were thickened and corrugated in appearance.
	3.75(c)(1)(i)	Surfaces. The transport trailer used to house animals has excessively rusty doors.
	3.79(c)	Lighting. The mobile traveling housing facility had insufficient lighting.

- 3.87(e) **Space requirements.**
The primates had inadequate space in their in-transit caged berth to allow for normal postural movements and adjustments.
- 3.128 **Space requirements.**
The transport trailer housing the elephant and hoof stock has inadequate space for normal postural movements and adjustments.
- 2.131(b)(1) **Handling of animals.**
There was no barrier separating the public from the animals.
- 23 NOV 04 3.76(c) **Lighting.**
There was inadequate lighting in the compartment housing spider monkeys.
- 3.127(d) **Perimeter fence.**
The three-board fence which could be easily crossed did not meeting requirements.
- 3.128 **Space requirements.**
The barn housing the elephant had inadequate space to allow for normal postural adjustments and freedom of movement.