

June 13, 2017

James D. Couch
City Manager, Oklahoma City
200 N. Walker Ave., 3rd Fl.
Oklahoma City, OK 73102

Via First-Class Mail and e-mail: [REDACTED]

Re: Request for Investigation of Apparent Violations of Exotic Wildlife Abatement Ordinance

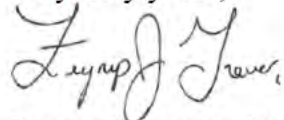
Dear Mr. Couch:

I am writing on behalf of People for the Ethical Treatment of Animals ("PETA") to request that your office investigate Jeffrey Lowe, owner and registered agent of Neon Jungle, LLC (aka Neon Jungle OKC)—a store at Plaza Mayor at the Crossroads ("Plaza Mayor"), located at 7000 Crossroads Blvd., #1028, Oklahoma City, OK 73149—and Plaza Mayor; its reported owners, Raptor Properties; and its management for apparent violations of the Oklahoma City Exotic Wildlife Abatement Ordinance ("Exotic Wildlife Ordinance").

As explained in more detail in the attached appendix, Lowe exhibits and sells "playtime" with exotic wildlife—as defined in the Exotic Wildlife Ordinance, *see* OKLA. CITY, OKLA, MUNICIPAL CODE § 35-213(a)(3) (2010)—including tiger, bear, and wolf or wolf-dog hybrid cubs and a ring-tailed lemur at Neon Jungle. *See* Exhibit 1 (Photos 16-19). Keeping or harboring exotic wildlife within the corporate limits of Oklahoma City and using land to keep or harbor exotic wildlife are offenses and public nuisances per se. *Id.* §§ 35-214. Exhibiting and allowing the public to interact with exotic wildlife at Plaza Mayor poses a serious threat to the health, safety, and welfare of the residents of Oklahoma City.

Please immediately investigate these apparent violations and hold Lowe, Neon Jungle, Plaza Mayor, Raptor Properties, and any other responsible party accountable to the fullest extent of the law, and take all necessary steps to abate these apparent public nuisances per se in accordance with Exotic Wildlife Ordinance § 35-240. Thank you for your attention to this important matter. Please do not hesitate to contact me if you have any questions.

Very truly yours,



Zeynep J. Graves, Counsel

[REDACTED]

Attachments

cc: Wendy Pearson, Field Supervisor, Oklahoma City Animal Control

[REDACTED]

PEOPLE FOR
THE ETHICAL
TREATMENT
OF ANIMALS
FOUNDATION

Washington, D.C.
1536 16th St. N.W.
Washington, DC 20036
202-483-PETA

Los Angeles
2154 W. Sunset Blvd.
Los Angeles, CA 90026
323-644-PETA

Norfolk
501 Front St.
Norfolk, VA 23510
757-622-PETA

Oakland
554 Grand Ave.
Oakland, CA 94610
510-763-PETA

PETA FOUNDATION IS AN
OPERATING NAME OF FOUNDATION
TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

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

APPENDIX

I. Overview

Neon Jungle is a storefront in Plaza Mayor that charges \$25 for two people to have a six-minute "encounter" with various exotic wildlife, including tiger, bear, and wolf or wolf-dog hybrid cubs and a ring-tailed lemur.¹ According to photos posted on social media, there are no barriers between the public and the animals during these interactions. *See* Exhibit 1 (Photos 17-19).

Allowing the public to interact with exotic wildlife, who are, by their very nature, incapable of being domesticated, poses a serious threat to the health and safety of the public, exposing the public to bites and other injuries and the transmission of ringworm and harmful bacteria such as *E. coli*, to which children are particularly susceptible.² Moreover, interactions with nonhuman primates, like the lemur exhibited at Neon Jungle OKC, risks the transmission of Ebola, monkeypox, herpes B virus, and other deadly illnesses.

These serious threats to public health and safety appear to be the precise reasons why the Oklahoma City Council passed the Exotic Wildlife Ordinance, acknowledging that **"even when in a juvenile stage of life, exotic wildlife can seriously injury humans [sic] beings, especially children"** [*emphasis added*] and that nonhuman primates "pose a threat of disease to human beings due to their close biological relationship with humans." OKLA. CITY, OKLA, MUNICIPAL CODE § 35-212(a).

II. Lowe Is Keeping or Harboring Exotic Animals in Violation of the Exotic Wildlife Ordinance

It is a Class "a" offense, and a nuisance per se, for any person, which includes a corporation or other legal entity,³ to keep or harbor exotic wildlife, including wild felids, canines, bears, and any nonhuman primate who is not licensed pursuant to Article VIII of Chapter 8 of the Oklahoma City Municipal Code. *See id.* §§ 35, 213, 35-214(c), 35-215(a). The terms "keep" and "harbor" are not defined in the Municipal Code and are, therefore, to be "construed according to the common and approved usage of the language." *Id.* § 1-2(14). "Keep" means to "hold in one's possession or under one's control."⁴ "Harbor" means to "give shelter or refuge to" or "to be the home or habitat of."⁵

Lowe and Neon Jungle are not exempt from the provisions of the Exotic Wildlife Ordinance because they do not fall into one of the categorical exemptions enumerated in § 35-217.

¹NEON JUNGLE, ABOUT, <https://www.neonjungleokc.com/about> (last visited June 7, 2017).

²PETA, TIGER CUB INCIDENTS IN THE UNITED STATES FACTSHEET, <https://secure.mediapeta.com/peta/PDF/TigerCubIncidentsFactsheet.pdf> (last visited June 8, 2017) [Ex. 2]; PETA, BIG-CAT INCIDENTS IN THE UNITED STATES FACTSHEET, <http://www.mediapeta.com/peta/pdf/Big-Cat-Incident-List-pdf.pdf> (last visited June 12, 2017) [Ex. 3]; PETA, BEAR INCIDENTS IN THE UNITED STATES FACTSHEET, <http://www.mediapeta.com/peta/pdf/Bear-Incident-List-US-only.pdf> (last visited June 12, 2017) [Ex. 4]; PETA, PRIMATE INCIDENTS IN THE UNITED STATES FACTSHEET, <http://www.mediapeta.com/peta/pdf/Primate-Incident-List-US-only.pdf> (last visited June 12, 2017) [Ex. 5].

³"Person" includes "firms, corporations and any other legal entity, voluntary associations, clubs, societies, trusts, or any other organization as well as to individuals, unless plainly inapplicable." Okla. City, Okla, Municipal Code § 1-2(21).

⁴MERRIAM-WEBSTER'S COLLEGIATE DICTIONARY 639 (10th ed. 1993).

⁵*Id.* at 529.

Specifically, Neon Jungle, an unaccredited mall storefront, is not a "nature park or [center] professionally qualified to handle exotic animals (such as Bob Jenni Nature Center, Inc.)" that is "presenting educational programs or performing other public services with the City." *Id.* §35-317(g). To the contrary, unlike the operator of the Bob Jenni Nature Center, Inc.—who reportedly was formally trained, did not exhibit animals in a mall storefront, and had worked with facilities accredited by the Association of Zoos & Aquariums—Lowe apparently has no appropriate training or experience, as evidenced by his engagement in practices that are unaccepted by legitimate veterinary, wildlife, and conservation experts, including prematurely separating wildlife from their mothers for exhibition purposes, forcing unwilling cubs to interact with the public for profit, and transporting animals outside secure carriers. Lowe's primary training appears to be from his association with Joseph Maldonado (formerly "Joe Schreibvogel," aka "Joe Exotic")—the former owner of the Greater Wynnewood Exotic Animal Park, which was then known as the Garold Wayne Interactive Zoological Park ("G.W. Zoo")—who has a long history of animal-welfare violations and, on information and belief, is considered by the U.S. Department of Agriculture ("USDA") not to be qualified to train staff in USDA-licensed facilities to care for big cats.⁶

Lowe's lack of professional qualifications is also highlighted by the fact that the G.W. Zoo—of which Lowe is now the owner and CEO—is the subject of four open investigations by the USDA for potential violations of federal animal-welfare laws, including two specifically relating to the deaths of tiger cubs. The G.W. Zoo, which has a long history of egregious federal animal-welfare violations, was specifically cited by the USDA after a tiger cub—who was being exhibited on a leash—jumped on a small child, knocking the child down and causing a scratch.⁷ Relatedly, a G.W. Zoo lion cub had to be quarantined after scratching a child during an exhibition at the Sunset Mall in San Angelo, Texas.⁸ The G.W. Zoo has repeatedly been cited by the federal Occupational Safety and Health Administration ("OSHA"), including following an October 2013 incident in which an employee's arm was severely mauled by a tiger and the woman had to be airlifted to a hospital, where her arm was reattached.⁹ Most recently, on November 9, 2016, OSHA issued the G.W. Zoo a repeat citation and a proposed penalty of \$10,974 for authorizing ongoing impermissible direct contact between employees and big cats, including tigers, lions, and ligers.¹⁰ This citation is currently being appealed by the roadside zoo.

Several photos recently posted to Lowe's public Facebook page show exotic animals, including a young tiger and lemur who have recently been exhibited at Neon Jungle, being transported loose in the cab of a truck, rather than secured safely in a travel carrier. *See* Exhibit 1 (Photos 1-15). The improper restraint of exotic animals during transport underscores Lowe's careless attitude regarding the dangers of these animals and the risks associated with escape.

⁶PETA, THE GREATER WYNNEWOOD EXOTIC ANIMAL PARK FACTSHEET, <https://secure.mediapeta.com/peta/PDF/GWExotic.pdf> (last visited June 8, 2017) [Ex. 6].

⁷USDA Inspection Report, G.W. Exotic Animal Foundation (Dec. 1, 2011) [Ex. 7].

⁸Ex. 6, PETA, THE GREATER WYNNEWOOD EXOTIC ANIMAL PARK FACTSHEET, <https://secure.mediapeta.com/peta/PDF/GWExotic.pdf> (last visited June 8, 2017).

⁹*See* OSHA Citation, Inspection No. 952924, The Garold Wayne Interactive Zoological Foundation (Mar. 31, 2014) [Ex. 8]; James A. Foley, *Tiger Mauls Worker at Troubled Oklahoma Zoo*, NATURE WORLD NEWS, (Oct. 7, 2013), <http://www.natureworldnews.com/articles/4352/20131007/tiger-mauls-worker-troubled-oklahoma-zoo.htm> [Ex. 9].

¹⁰OSHA Citation, Inspection No. 1147878, Greater Wynnewood Exotic Animal Park (Nov. 9, 2016) [Ex. 10].

Indeed, not only is Lowe not a "professional qualified to handle exotic animals," exploitative animal exhibitions and encounters such as his are also known to be dangerous for both the public and the animals, propel a false notion that exotic animals make suitable "pets," and actively undermine efforts to conserve wild populations of exotic wildlife.

Neon Jungle, which is located in Plaza Mayor, is within Oklahoma City limits. Accordingly, by exhibiting tiger, bear, and wolf or wolf-dog hybrid cubs and a ring-tailed lemur at Neon Jungle, Lowe and Neon Jungle are apparently "keeping" or "harboring" exotic wildlife in persistent violation of the Exotic Wildlife Ordinance. Indeed, every day that Lowe exhibits exotic wildlife at Neon Jungle is apparently "a separate offense ... subject to a separate fine and costs." *Id.* § 35-215(a).

III. Plaza Mayor Is Permitting Land Owned or Leased by It to Be Used for Keeping or Harboring Exotic Animals in Violation of the Exotic Wildlife Ordinance

It is a Class "a" offense to permit or allow "any land owned or leased by [a person] to be used for keeping or harboring any exotic wildlife," *id.* § 35-215(b), and a nuisance per se to use any land in Oklahoma City to keep or harbor exotic wildlife, *id.* § 35-214(b).

Accordingly, by permitting or authorizing Neon Jungle to operate at Plaza Mayor, Plaza Mayor and its reported owner, Raptor Properties, are in apparent flagrant violation of the Exotic Wildlife Ordinance. *See id.* §§ 35-214(b), (d) and 35-215(b). Every day that Plaza Mayor authorizes Lowe to exhibit exotic wildlife at the mall is apparently "a separate offense ... subject to a separate fine and costs." *id.* § 35-215(b).

IV. Conclusion

Lowe's, Neon Jungle's, Plaza Mayor's, and Raptor Properties' apparently persistent violations of the Exotic Wildlife Ordinance compromise the health and safety of the animals, the patrons at the mall, and the community at large. Please immediately investigate Lowe, Plaza Mayor, its owners, and any other responsible party for these apparent violations, hold them accountable to the fullest extent of the law, and take all necessary steps to abate these apparent public nuisances per se in accordance with Exotic Wildlife Ordinance § 35-240.