

September 27, 2016

Adam H. Putnam  
Commissioner  
Florida Department of Agriculture and Consumer Resources  
The Capitol PL-10  
Tallahassee, FL 32399-0800  
[REDACTED]

Pam Bondi  
Attorney General, State of Florida  
Office of the Attorney General  
The Capitol PL-01  
Tallahassee, FL 32399-1050  
[REDACTED]

**VIA UPS and E-mail (without exhibits)**

Re: Request for investigation and prosecution of Kathryn Stearns and Stearns Zoological Rescue & Rehab Center Inc. dba Dade City's Wild Things, Charitable Organization License CH-23363

Dear Commissioner Putnam and Attorney General Bondi:

I am writing on behalf of People for the Ethical Treatment of Animals (PETA) and its more than 222,000 members and supporters in Florida to request that the Florida Department of Agriculture and Consumer Services (the "Department") and Office of the Attorney General investigate and prosecute the Florida-registered, domestic not-for-profit corporation known as Stearns Zoological Rescue & Rehab Center, Inc., dba Dade City's Wild Things, charitable organization license CH-23363 (hereinafter "DCWT") and its Director, Kathryn Stearns (hereinafter "Stearns"), for violating the Florida Solicitation of Contributions Act, Fla. Stat. §§ 496.401 *et seq.* (the "Act"), and the Florida Deceptive and Unfair Trade Practices Act, §§ 501.201 *et seq.*

DCWT was incorporated in 2007 by Stearns and is run by a board of three directors including Stearns and her son, Randall.<sup>1</sup> It operates an unaccredited roadside zoo confining approximately 139 animals,<sup>2</sup> and offers tours and so-called "encounters" with a variety of species, primarily tiger cubs, from its premises at 36909 Blanton Road in Dade City, Florida.<sup>3</sup>

<sup>1</sup> Exhibit 1, Stearns Zoological Rescue & Rehab Center Inc, *Articles of Incorporation* (July 23, 2007); Exhibit 2, Stearns Zoological Rescue & Rehab Center Inc, *Annual Report* (Apr. 28, 2016).

<sup>2</sup> Exhibit 3, United States Department of Agriculture, *Complaint in re Stearns Zoological Rescue & Rehab Center, Inc.* The Animal Welfare Act No. 15-0146 (July 17, 2015).

<sup>3</sup> Exhibit 4, Dade City's Wild Things website, *Dade City's Wild Things* (last accessed July 20, 2016), <http://dadecityswildthings.com/> {00268624}

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.)

DCWT's purported charitable purpose is "RESCUE AND REHAB OF ANIMALS" and "CARE, UPKEEP, FEEDING OF ANIMALS AND CONSERVATION THREW [sic] ESCF."<sup>4</sup> DCWT frequently solicits contributions through its website, YouTube,<sup>5</sup> Facebook,<sup>6</sup> and fundraising websites,<sup>7</sup> and in its most recent financial statement filed with the Department, reported annual revenue of \$272,734.74.<sup>8</sup>

DCWT and Stearns have repeatedly been subject to enforcement action for numerous violations of the Act, including:

- In 2010, the Department filed an administrative complaint against DCWT when DCWT violated the Act by soliciting funds from Florida residents after its charitable registration had expired.<sup>9</sup> DCWT paid an administrative fine and resumed solicitation activities.<sup>10</sup>
- In 2012, the Department cancelled DCWT's registration as a charitable organization and ordered it to cease and desist from soliciting contributions in Florida, when DCWT violated the Act by allowing Stearns, an officer, to solicit contributions on behalf of DCWT after she pled nolo contendere in 2011 to a crime involving theft, and by knowingly filing false information in a document required to be filed with the Department.<sup>11</sup> The Department later reinstated DCWT's registration, in exchange for Stearns' agreement not to solicit or "handle" contributions for DCWT.<sup>12</sup>
- In 2015, the Department filed another administrative complaint against DCWT when DCWT violated the Act by again soliciting funds from Florida residents after its charitable registration had expired.<sup>13</sup> Again, DCWT paid an administrative fine and resumed solicitation activities.<sup>14</sup>

Despite being the subject of repeated enforcement actions, DCWT and Stearns persist in violating the Act in at least the three following ways, as described in greater detail below:

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<sup>4</sup> Exhibit 5, Stearns Zoological Rescue & Rehab Center, Inc, *Charitable Organizations/Sponsors Registration Application* (October 5, 2015); Exhibit 6, Dade City's Wild Things, *Endangered Species Conservation Fund* (last accessed August 25, 2016) <http://dadecityswildthings.com/escf-org/>.

<sup>5</sup> Exhibit 7, Dade City's Wild Things, *Tiger Cub Ariel Special Needs Tiger Recovery* (last accessed July 20, 2016) <https://www.youtube.com/watch?v=S3SI12GxRRM>. Exhibit 8, Dade City's Wild Things, *Ariel a special needs tiger swimming therapy* (last accessed July 20, 2016) <https://www.youtube.com/watch?v=PxbptIW9VS4>.

<sup>6</sup> Exhibit 9, Kathy Stearns, Facebook (November 10, 2015) <https://www.facebook.com/kathy.stearns.wildthings/posts/877880118993276>. Exhibit 10, Dade City's Wild Things, Facebook (January 27, 2016) <https://www.facebook.com/DCwildthings/posts/1148769721807819>.

<sup>7</sup> Exhibit 11, *Tiger Cub Ariel Medical Expenses*, Kathy Stearns, Generosity by Indiegogo (January 18, 2016) <https://www.generosity.com/animal-pet-fundraising/tiger-cub-ariel-medical-expenses>.

<sup>8</sup> Exhibit 12, Stearns Zoological Rescue & Rehab Center, Inc, *Financial Statement for the year January 1, 2014 through December 31, 2014* (December 4, 2015).

<sup>9</sup> Exhibit 13, Florida Dep. of Ag. and Consumer Services, *Investigative Results: Case No. 1010-39813* (November 16, 2010).

<sup>10</sup> Exhibit 14, Florida Dep. of Ag. and Consumer Services, *Financial Inquiry: Dade City's Wild Things*.

<sup>11</sup> Exhibit 15, Florida Dep. of Ag. and Consumer Services, *Final Order: Stearns Zoological Rescue and Rehab Center, Case No. 1104-14949* (August 29, 2012).

<sup>12</sup> See discussion and references in Section I of the enclosed Appendix.

<sup>13</sup> Exhibit 16, Florida Dep. of Ag. and Consumer Services, *Administrative Complaint and Settlement Agreement: Case No. 1509-34538* (September 10, 2015).

<sup>14</sup> Exhibit 17, Florida Dep. of Ag. and Consumer Services, *Settlement Agreement: Stearns Zoological Rescue and Rehab Center, Inc.* (October 8, 2015).

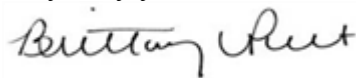
- Stearns continues to unlawfully solicit donations for DCWT after pleading nolo contendere to a crime involving theft less than ten years ago, in violation of Fla. Statute § 496.405(8), appearing in DCWT's video solicitations and running online fundraising campaigns for DCWT.
- Stearns and DCWT have made multiple fraudulent solicitations in violation of Fla. Statute § 496.415(13), including false statements about the zoo's financial position intended to raise funds for Stearns' personal use, a series of fraudulent solicitations about a tiger cub's medical treatment, and false claims that donations to the zoo are tax deductible.
- Immediately after settling the Department's most recent complaint against DCWT, DCWT and Stearns submitted false, misleading, and inaccurate registration and financial statements to the Department, in violation of Fla. Statute § 496.415(2), misrepresenting that Stearns would not handle contributions, and misrepresenting DCWT's charitable purpose and the sources of DCWT's revenue.

In light of the Department's repeated actions against DCWT and Stearns for similar violations of the Act, these ongoing violations constitute willful and knowing violations of the Act and are therefore felonies under Fla. Statute § 496.417.<sup>15</sup> They also constitute violations of the Florida Deceptive and Unfair Trade Practices Act, and subject DCWT and Stearns to the penalties and remedies provided by that Act.<sup>16</sup>

PETA respectfully requests that the Department investigate DCWT's numerous and ongoing violations of the Act and take all enforcement action available under the law, including issuing an order requiring DCWT to cease and desist from all solicitation activities, canceling DCWT's registration as a charitable organization, levying the maximum administrative fines permitted by law, referring these violations for criminal prosecution, and obtaining appropriate civil relief. *See* Fla. Stat. §§ 496.417; 496.419; 496.420. PETA also requests that the Office of the Attorney General exercise its authority under Fla. Statute § 501.207 to enjoin these ongoing violations and recover the actual damages suffered by the public and the State of Florida.

Thank you in advance for your prompt attention to this matter. We remain available to answer your questions and provide additional information. I look forward to hearing from you.

Very truly yours,



Brittany Peet  
Director, Captive Animal Law Enforcement

Enclosures

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<sup>15</sup> Fla. Stat. § 496.417 (2016).

<sup>16</sup> Fla. Stat. § 496.416 (2016).

## **APPENDIX**

### **I. Stearns is Illegally Soliciting Donations on Behalf of DCWT.**

DCWT and Stearns are willfully violating Florida law as Stearns, a director of DCWT, continues to solicit contributions for DCWT after pleading nolo contendere to a crime involving theft in August 2011, well under ten years ago.<sup>17</sup>

Under the Act, an organization may not knowingly allow an officer, director, trustee, or employee “to solicit contributions . . . if such officer, director, trustee, or employee has, in any state, regardless of adjudication, . . . pled guilty or nolo contendere to . . . a crime within the last 10 years involving fraud, theft . . . , or has been enjoined in any state from violating a law relating to a charitable solicitation.” Fla. Stat. § 496.405(8). A “solicitation” is defined broadly to include any:

[R]equest, directly or indirectly, for money, property, financial assistance, or any other thing of value on the plea or representation that such money, property, financial assistance, or other thing of value or a portion of it will be used for a charitable or sponsor purpose or will benefit a charitable organization or sponsor. Fla. Stat. § 496.404(24).

It includes “[m]aking any oral or written request” and “[m]aking any announcement to the press, on radio or television, . . . or by any other communication device . . . .” Fla. Stat. § 496.404(24)(a)-(b). Aside from these direct charitable appeals, the term “solicitation” is also defined to include “[s]elling or offering or attempting to sell any advertisement, advertising space, book, card, coupon, chance, device, magazine, membership, merchandise, subscription, [or] sponsorship . . . .” Fla. Stat. § 496.404(24)(d).

Stearns is a director of DCWT, and has served continuously on the company’s three-member board of directors since at least 2010.<sup>18</sup> Additionally, she held the corporate office of secretary from 2010 to 2014.<sup>19</sup> On August 31, 2011, in Pasco County Florida, while serving as an officer and director of DCWT, Stearns entered a plea of nolo contendere to a crime involving theft, “obtaining property in return for a worthless check.” She was placed on administrative probation, ordered to pay restitution to the victim, a tax collector, in the amount of \$4,906.60, and ordered to pay a \$500 fine.

In an order adopted August 28, 2012, the Department cancelled DCWT’s registration as a charitable organization and ordered it to cease and desist from soliciting contributions in

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<sup>17</sup> See Exhibit 15, at ¶ 7.

<sup>18</sup> Exhibit 18, Stearns Zoological Rescue & Rehab Center Inc, *2010 Not-for-Profit Corporation Reinstatement* (April 19, 2010); Exhibit 19, Stearns Zoological Rescue & Rehab Center Inc, *2011 Not-for-Profit Corporation Annual Report* (May 6, 2011); Exhibit 20, Stearns Zoological Rescue & Rehab Center Inc, *2012 Not-for-Profit Corporation Annual Report* (March 20, 2012); Exhibit 21, Stearns Zoological Rescue & Rehab Center Inc, *2013 Not-for-Profit Corporation Annual Report* (April 1, 2013); Exhibit 22, Stearns Zoological Rescue & Rehab Center Inc, *2014 Not-for-Profit Corporation Annual Report* (May 14, 2014); Exhibit 23, Stearns Zoological Rescue & Rehab Center Inc, *2015 Not-for-Profit Corporation Annual Report* (March 23, 2015); Exhibit 2.

<sup>19</sup> *Id.*

Florida, in part because of its violation of Section 496.405(8) of the Florida Statutes, “by allowing its officer, Kathryn Stearns, to solicit contributions on behalf of the organization after having pled nolo contendere to a crime involving theft.”<sup>20</sup> The Department also found that DCWT violated Section 496.415(2) of the Florida Statutes, “by knowingly filing false information in a document required to be filed with the Department” because it did not report Stearns’ plea in its initial application for renewal of its charity registration in 2012.<sup>21</sup>

When DCWT applied for reinstatement of its registration on October 29, 2012, the Department initially denied the application on the same basis on which the registration was revoked, that Section 496.405(8) of the Florida Statutes prohibits solicitation by an officer or director of a charitable organization who has pled guilty to a crime involving theft within the past ten years.<sup>22</sup> But, after DCWT contested the Department’s action in November 2012, requesting reinstatement of its registration on the basis that Stearns would “have no connections w/ Donation soliciting Nor access to Fundraising Bank Accts.,” the Department reinstated its registration.<sup>23</sup> In violation of Florida law and in breach of DCWT’s representation to the Department, Stearns continues to solicit contributions on behalf of DCWT while serving as a director of DCWT,<sup>24</sup> by narrating various video solicitations for DCWT and making written solicitations.

Enclosed with this Appendix is a disc containing several videos posted to DCWT’s Facebook and YouTube pages in which Stearns solicits contributions.<sup>25</sup> In one video solicitation posted to Facebook on December 1, 2015, Stearns says, “Through your donations to Wild Things, we’re able to do amazing things . . . . Your donations do make a difference. Help us break records

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<sup>20</sup> Exhibit 15, at ¶¶ 14, 18.

<sup>21</sup> *Id.* at ¶ 16.

<sup>22</sup> Exhibit 24, Florida Dep. of Ag. and Consumer Services. *Re: Denial of Application to Stearns Zoological Rescue and Rehab Center, Inc.*, DTN: 2416846 (November 2, 2012).

<sup>23</sup> DCWT filed a Hearing Information Request, dated November 14, 2012, to contest the initial denial of its October 29, 2012 application. Division of Consumer Services. Exhibit 25, *Hearing Information Request: Stearns Zoological Rescue and Rehab Center* (November 14, 2012). In the document, in response to the question, “Give a concise statement of the ultimate facts alleged, including the specific facts you contend warrant reversal or modification of the Department’s proposed action,” DCWT stated that its charitable registration application was “Denied due to History of Kathy Stearns, but as stated she is A director but will have no connections w/ Donation soliciting Nor access to Fundraising Bank Accts.” *Id.* In a December 11, 2012 email, Hearing Officer Paul Hines instructed the Chief of the Department’s Bureau of Compliance, Liz Compton, to process DCWT’s registration application, stating that “THERE WILL BE NO HEARING. NOTHING TO ADJUDICATE. THE NEW APPLICATION SEEMS TO HAVE TOUCHED ALL THE BASES.” Exhibit 26, E-mail from Paul Hines, Hearing Officer, Division of Consumer Services, Florida Dep. of Ag. and Consumer Services, to Liz Compton, Chief, Bureau of Compliance, Division of Consumer Services, Florida Dep. of Ag. and Consumer Services (Dec. 11, 2012, 2:49 PM EST). Since the application dated October 29, 2012, is the only 2012 DCWT application on file with the Department, the Department evidently accepted that application (after initially denying it) on the basis of DCWT’s representation in the Hearing Information Request that Stearns would not solicit funds for DCWT. Exhibit 27, Florida Dep. of Ag. and Consumer Services. *Renewal Registration Statement for Charitable Organizations and Sponsors: Stearns Zoological Rescue & Rehab Center, Inc.*, Registration Number: CH23363 (October 29, 2012).

<sup>24</sup> Exhibit 2.

<sup>25</sup> Stearns is the off-screen narrator in these videos. Her voice clearly matches the videos in which she does appear on camera. *See, e.g.*, Exhibit 28, MommyandGracieShow, *Playing with Baby Tigers at Dade City’s Wild Things with The Toy Bunker* (Oct. 21, 2015), [https://youtube.com/watch?v=pXYW\\_U5JVsl](https://youtube.com/watch?v=pXYW_U5JVsl) (Kathy Stearns appears onscreen at 6:25).

...<sup>26</sup> In another video solicitation posted to Facebook on January 14, 2016, Stearns says that DCWT “will need your continued support” and encourages the public to “please donate.”<sup>27</sup>

Stearns also makes written solicitations for contributions through various websites. For example, Stearns frequently solicits donations for DCWT through her personal Facebook page, where she represents herself as “Director at Dade City’s Wild Things.” She routinely shares posts from the DCWT Facebook page on her personal page, adding her own text, such as “Please DONATE,”<sup>28</sup> “[y]our donation will make a difference in an animals [sic] life,”<sup>29</sup> and “WE NEED YOUR HELP . . . DONATE NOW!!!!”<sup>30</sup> Additionally, Stearns is currently soliciting donations for DCWT through an active fundraising campaign on a crowd-fundraising platform called Generosity, with a stated goal of raising \$25,000 for the medical expenses of a DCWT tiger cub named Ariel.<sup>31</sup> The campaign website lists Stearns as the organizer and contact for the fundraising campaign, and encourages members of the public to make donations through the website, and to share the campaign page on social media. Stearns shared the campaign on her own Facebook page on January 27, 2016, with the note “Help Ariel.” All of these requests for donations clearly qualify as “solicitations” under Florida law. DCWT and Stearns are therefore knowingly violating the Act by permitting Stearns to solicit donations despite her plea of nolo contendere to a crime involving theft.

## **II. DCWT and Stearns Are Making Fraudulent and Misleading Solicitations.**

DCWT and Stearns have repeatedly and continuously made fraudulent and misleading solicitations in violation of the Act, including:

- solicitations misrepresenting that the organization required debt relief when it was not in debt,
- misleading solicitations about the medical treatment of a tiger cub named Ariel, and
- solicitations falsely stating that donations to DCWT are tax deductible, after the organization’s tax exempt status was revoked by the IRS.

Under the Act, it is unlawful “to obtain a contribution by means of any deception, false pretense, misrepresentation, or false promise.” Fla. Stat. § 496.415(13). It is also unlawful to “[f]ail to apply contributions in a manner substantially consistent with the solicitation” or to “[m]isrepresent or mislead anyone by any manner, means, practice, or device whatsoever to

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<sup>26</sup> Exhibit 29, Dade City’s Wild Things, *Donations and how they support “Ariel” a special needs tiger cub*, Facebook (December 1, 2015), <https://www.facebook.com/DCwildthings/videos/1113136725371119/>.

<sup>27</sup> Exhibit 30, Dade City’s Wild Things, *Tiger Cub Ariel Special Needs Tiger Recovery*, Facebook (Jan. 14, 2016), <https://www.facebook.com/DCwildthings/posts/1140580119293446>.

<sup>28</sup> Exhibit 31, Kathy Stearns, *Please DONATE*, Facebook (Nov. 9, 2015), <https://www.facebook.com/kathy.stearns.wildthings/posts/877427425705212?theater>.

<sup>29</sup> Exhibit 32, Dade City’s Wild Things, *We really need some support today. Just \$5.00 can make a difference.*, Facebook (Nov. 5, 2015), <https://www.facebook.com/kathy.stearns.wildthings/posts/875799155868039?theater>.

<sup>30</sup> Exhibit 33, Dade City’s Wild Things, *WE NEED YOUR HELP – HELP US SUPPORT THESE ANIMALS MEDICAL EXPENSES*, Facebook (Nov. 3, 2015), <https://www.facebook.com/DCwildthings/photos/a.149406711744130.24012.139681772716624/1098609936823798/?type=3&permPage=1>.

<sup>31</sup> Exhibit 11.

believe . . . that any of the proceeds of the solicitation or sale will be used for charitable or sponsor purposes, if that is not the fact.” Fla. Stat. §§ 496.415(7), 496.415(16). Lastly, an organization may solicit contributions “only for the purpose expressed in the solicitation for contributions or the registration statement . . . and apply contribution only in a manner substantially consistent with that purpose.” Fla. Stat. § 496.411(1).

**A. DCWT Made Fraudulent Solicitations About the Zoo’s Financial Position in an Apparent Effort to Raise Funds for Stearns’ Personal Use.**

In 2014, DCWT engaged in a fraudulent “free the zoo from debt” campaign evidently aimed at raising funds for Stearns’ personal use.<sup>32</sup> While the solicitations claimed that donations would enable DCWT to “pay off [its] property,” DCWT does not and did not at the time own any real property. Furthermore, when the solicitations were made, Stearns was in personal bankruptcy with hundreds of thousands of dollars of personal debt, and was facing dismissal of her case for failure to make required payments to the bankruptcy trustee, while DCWT had no mortgages or notable debt.

DCWT posted the fraudulent debt-relief solicitations on its Facebook page as events dated June 1, 2014, and July 31, 2014.<sup>33</sup> The solicitations asked prospective donors to “Help US at Dade City’s Wild Things Free the Zoo from Debt,” and claimed that, “[w]e have the opportunity to be debt free and own our own property.”<sup>34</sup> They stated a fundraising goal of \$450,000, and asserted that matching donations would be made “if we reach our goal to pay off our property.”

The campaign’s stated purpose to “pay off [DCWT’s] property” was clearly fraudulent, given that the property on which DCWT operates is owned by Stearns and her husband, and DCWT did not own any real property in 2014.<sup>35</sup> Pasco County real property records show that Stearns and her husband own the 36909 Blanton Rd. property where the DCWT zoo is located,<sup>36</sup> and the 37237 Meridian Ave. property where DCWT operates its gift shop.<sup>37</sup> They have owned both properties continuously since the 1990s.<sup>38</sup> DCWT, on the other hand, did not own any land or buildings in 2014, according to financial statements it filed with the Department.<sup>39</sup>

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<sup>32</sup> Exhibit 34, Dade City’s Wild Things, *FREE THE ZOO @ DADE CITY’S WILD THINGS*, Facebook, <https://www.facebook.com/events/527042127407560/> (last visited Feb. 3, 2016); Exhibit 35, Dade City’s Wild Things, *FREE THE ZOO @ DADE CITY’S WILD THINGS*, Facebook, <https://www.facebook.com/events/299138393580145/> (last visited Feb. 3, 2016).

<sup>33</sup> *Id.*

<sup>34</sup> *Id.*

<sup>35</sup> Exhibit 36, Pasco County Property Appraiser, *Record of 36909 Blanton Road* (May 18, 2016); Exhibit 37, Pasco County Property Appraiser, *Record of 37237 Meridian Avenue* (July 20, 2016); Exhibit 12.

<sup>36</sup> Exhibit 36; Exhibit 38, Johnson, Auvil & Schrader, P.A., *Warranty Deed* (Sep. 30, 1994).

<sup>37</sup> Exhibit 37; Exhibit 39, Jerome G. Schrader, *Warranty Deed* (Aug. 15, 1996).

<sup>38</sup> *Id.*

<sup>39</sup> See Exhibit 12. The only assets reported on DCWT’s 2014 financial statement, which covers calendar year 2014, were “Cash, savings, and investments” and “Inventory.” *Id.*

<sup>39</sup> Exhibit 40, Bankruptcy petition, United States Bankruptcy Court, Middle District of Florida, *Voluntary Petition: Kathryn Patricia Stearns* (Nov. 6, 2013).

While DCWT solicited funds to “free the zoo” and “pay off [its] property,” Stearns was involved in personal bankruptcy proceedings for debts totaling \$811,089,<sup>40</sup> and the vast majority of that debt was in the form of two mortgages on the zoo premises totaling \$701,095. After mediation to modify one of the mortgages failed in May 2014,<sup>41</sup> DCWT began its “free the zoo” campaign in June 2014, and Stearns stopped making required monthly payments to the bankruptcy trustee. In July 2014, the bankruptcy trustee moved to dismiss Stearns’ case for her failure to make required payments,<sup>42</sup> and the bankruptcy judge ordered Stearns to cure the default to prevent dismissal of her case.<sup>43</sup> Two and a half weeks after the judge’s order was entered, DCWT made its second fraudulent “free the zoo” solicitation.

While Stearns had substantial personal debt in 2014, there is no evidence that DCWT was in \$450,000 worth of debt—the stated fundraising goal for the debt-relief campaign—or had any meaningful debt at the time, as its 2014 financial statements showed total liabilities of \$1,500 at the beginning of 2014, and total liabilities of \$0 at the end of 2014. Given DCWT’s lack of debt in 2014, it is clear that the organization used its debt-relief campaign to illegally solicit funds to pay Stearns’s personal debt.

#### **B. DCWT Made a Series of Fraudulent Solicitations About a Tiger Cub’s Medical Condition and Treatment.**

DCWT and Stearns have made a series of fraudulent video solicitations in which they claim to have successfully used “swim therapy” to treat a tiger cub named Ariel, who was born with a severe neurological disorder, and in which they splice together footage of Ariel with footage of a different, healthy cub to support their fraudulent recovery claims.<sup>44</sup> The videos were posted on DCWT’s Facebook and YouTube pages in December 2015 and January 2016, are still accessible on those sites, and are part of an ongoing fundraising effort seeking to capitalize on Ariel’s condition, which includes the active crowd-funding campaign Stearns is conducting, referred to above.

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<sup>40</sup> *Id.*

<sup>41</sup> Exhibit 41, United States Bankruptcy Court, Middle District of Florida, Tampa Division, *Report to the Court on Mediation Conference: Kathryn Patricia Stearns* (May 7, 2014) (informing the court that the parties were at an impasse and all issues required court intervention).

<sup>42</sup> Exhibit 42, United States Bankruptcy Court, Middle District of Florida, Tampa Division, *Trustee’s Motion to Dismiss for Failure to Make Payments to the Trustee* (July 11, 2014). As of July 11, 2014, Stearns was delinquent in payments totaling \$2,694.00, which included the July monthly payment. *Id.*

<sup>43</sup> Exhibit 43, United States Bankruptcy Court, Middle District of Florida, Tampa Division, *Order on Trustee’s Motion to Dismiss for Failure to Make Payments to the Trustee and Granting Period to Cure Default* (July 14, 2014). The order reserved ruling on the Motion to Dismiss, and gave Stearns until October 6, 2014 to cure the default. *Id.* On February 24, 2016, after Stearns again failed to make required payments, the judge dismissed the case. Exhibit 44, United States Bankruptcy Court, Middle District of Florida, Tampa Division, *Order Dismissing Confirmed Chapter 13 Case for Failure to Make Plan Payments* (Feb. 24, 2016). Stearns moved for reconsideration and the judge reinstated the case on April 19, 2016, and ordered that Stearns pay \$7,350.00 by May 6, 2016, and \$14,700.00 by June 6, 2016, including delinquencies. Exhibit 45, United States Bankruptcy Court, Middle District of Florida, Tampa Division, *Order Granting Debtor’s Motion to Reconsider Order Dismissing Case* (Doc. No. 126) (April 19, 2016).

<sup>44</sup> Exhibit 7; Exhibit 8; Exhibit 29; Exhibit 30.

In the videos, Stearns makes the following false and misleading solicitations:

- “[T]hrough your donations to Wild Things, we are able to do amazing things, like with Ariel, who came to us recently with a severe head tilt and near blindness. With acupuncture and water therapy, we have successfully gone from a tiger who could barely float to a swimming tiger with a bright future. Your donations do make a difference. Help us break records and do more for our animals and continue our in-field support through our endangered species conservation fund.”<sup>45</sup>
- “[H]ydrotherapy, as in the case of humans, is an incredible benefit for Ariel . . . . Through the swimming, the buoyancy of the water decreased the force of gravity and improved her functional abilities . . . . For future treatments and recovery, including her eye surgery, we will need your continued support. Please donate to Ariel.”<sup>46</sup>

In an effort to mislead viewers to believe that “swim therapy” has cured or substantially improved Ariel’s condition, DCWT spliced together footage of Ariel exhibiting symptoms of a severe neurological disorder, including a head tilt and inability to hold herself upright in the water and walk on land, and footage of a different tiger cub swimming freely.<sup>47</sup> In light of distinct markings on the cubs and the rapid and dramatic nature of the transformation ostensibly demonstrated by the videos, experts have opined that Ariel and the tiger cub presented as a recovered Ariel cannot be the same cub.<sup>48</sup>

First, the distinct markings on the tigers demonstrate that they are not the same cub. Experts agree that stripes are a reliable means of identifying tigers and remain constant throughout a tiger’s life.<sup>49</sup> Stearns herself has stated that tiger “patterns are different as a fingerprint, so you’ll find something different about their pattern on each one, even within the same [litter]. Either way, it will be a stripe or a spot somewhere. And whatever they’re born with, the entire pattern stays their whole life, it doesn’t change. It just gets bigger with them.”<sup>50</sup> The differences in markings on the two tiger cubs presented in the DCWT videos are most prominent on the left side of the tigers’ faces. As shown in the screenshots below, the tiger exhibiting symptoms of a severe neurological disorder, Ariel (first screenshot), has two unconnected parallel lines that run vertically down the left side of her face, while the tiger that is presented as a recovered Ariel swimming easily (second screenshot) has two parallel lines on the left side of his or her face which are connected at the bottom.

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<sup>45</sup> Exhibit 8.

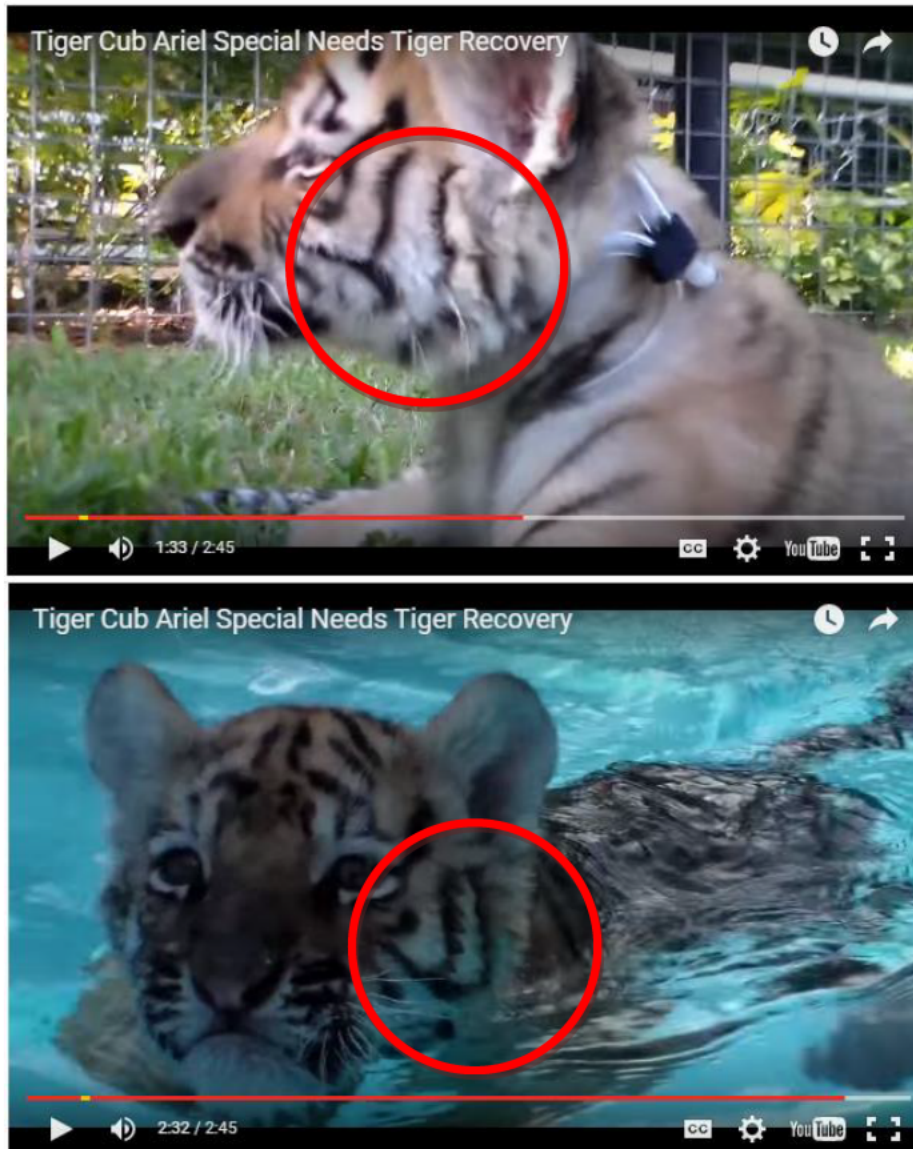
<sup>46</sup> Exhibit 7.

<sup>47</sup>Exhibit 46, Declaration of Jay Pratte, ¶¶ 3-5, June 1, 2016; Exhibit 47, Statement of Dr. Heather Rally Re a Tiger Cub Named “Ariel” with Neurological Disease at Dade City’s Wild Things, at ¶¶ 2-7, May 18, 2016.

<sup>48</sup> *Id.*

<sup>49</sup> Exhibit 46, Pratte Decl., ¶ 3.

<sup>50</sup> Exhibit 28 (Stearns begins making these comments at approximately 6:22).



Furthermore, given the age of the cubs depicted in the videos and the severity of the neurological symptoms exhibited by Ariel, experts agree that it is not medically possible that the second cub depicted could be Ariel.<sup>51</sup> According to one expert, “From a medical standpoint, it is not possible to cure, or dramatically improve, a congenital neurological disorder of the apparent severity suffered by ‘Ariel’ using hydrotherapy and acupuncture alone within the timeframe implied by the cub’s age in the video.”<sup>52</sup> In fact, according to another expert, forcing Ariel into the water only caused her “to panic” and “thrash[] around in an attempt to escape,”<sup>53</sup> and to exhibit extreme stress, as demonstrated by her “freezing” posture and distress calls in the videos.<sup>54</sup>

<sup>51</sup> Exhibit 46, ¶ 5; Exhibit 47, ¶ 5.

<sup>52</sup> Exhibit 47, ¶ 3.

<sup>53</sup> *Id.*

<sup>54</sup> Exhibit 46, ¶ 7.

Contrary to DCWT's claim that it uses swimming as a form of therapy, the facility has a long history of abusing tiger cubs by forcing them to swim against their will, including with members of the public.<sup>55</sup> The USDA has instituted litigation against DCWT over its pattern of "forc[ing] young and juvenile tigers to 'swim'" and because it exposed the animals to unnecessary "injury, disease, and harm."<sup>56</sup> The USDA found that DCWT "has continued to mishandle animals, particularly infant and juvenile tigers, exposing these animals and the public to injury, disease, and harm."<sup>57</sup> The USDA documented repeated instances in which the young tigers cried out and tried to escape during forced swim sessions, only to be grabbed and pulled back into the water.<sup>58</sup> The USDA's complaint also identified a litany of additional alleged Animal Welfare Act (AWA) violations at DCWT involving other tigers, lions, and baboons.<sup>59</sup>

In light of these facts, DCWT is clearly attempting to raise funds by using false statements and deceptive video editing to mislead the public into believing it has cured or substantially improved Ariel's condition with "swim therapy."

### **C. DCWT Falsely Claims That Contributions to DCWT are Tax Deductible.**

DCWT's tax-exempt status was revoked by the IRS on May 15, 2013,<sup>60</sup> but DCWT continues to claim that contributions to DCWT are tax deductible. On multiple pages of its website, DCWT states, "If you care to make a tax-deductible donation now, call 352-567-WILD (9453)."<sup>61</sup> These false representations clearly violate the Act, which provides that it is unlawful to "obtain a contribution by means of any deception, false pretense, misrepresentation, or false promise." Fla. Stat. § 496.415(13).

### **III. DCWT and Stearns Have Violated the Act By Making a Series of Misrepresentations in Documents Filed with the Department.**

As part of an October 2015 agreement settling a complaint against DCWT for violating the Act by soliciting funds after its charitable registration expired in July 2015, DCWT agreed to pay a fine, file a registration statement with the Department, and comply with all provisions of the Act.<sup>62</sup> Immediately thereafter, DCWT violated the Act yet again by making several false and misleading statements in the registration statement and financial statements it filed with the

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<sup>55</sup> See Exhibit 3, at ¶¶ 2-10.

<sup>56</sup> *Id.*

<sup>57</sup> *Id.* at ¶ 5.

<sup>58</sup> *Id.* at ¶¶ 8-9.

<sup>59</sup> *Id.* at ¶¶ 10-12.

<sup>60</sup> Exhibit 48, IRS Exempt Organizations Select Check, <https://apps.irs.gov/app/eos/displayRevocation.do?dispatchMethod=displayRevokeInfo&revocationId=549750&ein=050535204&exemptTypeCode=al&isDescending=false&totalResults=6&postDateTo=&ein1=&state=FL&dispatchMethod=searchRevocation&postDateFrom=&country=US&city=&searchChoice=revoked&indexOfFirstRow=0&sortColumn=ein&resultsPerPage=25&names=stearns+zoological&zipCode=&deductibility=all> (last accessed Sep. 20, 2016).

<sup>61</sup> Exhibit 49, Dade City's Wild Things, Corporate Sponsorship Opportunities, <http://dadecityswildthings.com/sponsor/> (last accessed Sep. 20, 2016); Exhibit 51, Dade City's Wild Things, Endangered Species Conservation Fund, <http://dadecityswildthings.com/escf-org/> (last accessed May 3, 2016)

<sup>62</sup> Exhibit 17.

Department in October and December 2015, pursuant to the settlement agreement. In these documents, DCWT misrepresented that:

- Stearns would not solicit or handle contributions,<sup>63</sup> and
- The majority of DCWT's 2014 revenue was derived from the sale of assets, and it earned no revenue from program service.<sup>64</sup>

Under the Act, it is "unlawful" to "[s]ubmit false, misleading, or inaccurate information in a document that is filed with the department, provided to the public, or offered in response to a request or investigation by the department, the Department of Legal Affairs, or the state attorney." Fla. Stat. § 496.415(2).

#### **A. DCWT Misrepresented that Stearns Would Not Solicit or Handle Contributions.**

DCWT provided misleading and inaccurate information in the registration statement filed with the Department on October 5, 2015, by not listing Stearns as a "person(s) who will (or would) be responsible for any solicitation or fundraising activities," or a "person(s) who exercises control of funds. (i.e. the person(s) who collects the money, makes deposits, writes checks, or has custody and responsibility for the final distribution of the contributions, etc.), and by stating on the application that Stearns "would not handle contributions."<sup>65</sup> Stearns clearly continues to solicit contributions for DCWT, as discussed in Section I above. In fact, she created a new charitable solicitation campaign earlier this month,<sup>66</sup> and PETA was recently contacted by a whistleblower who claims that this solicitation is fraudulent as well.<sup>67</sup>

Additionally, we urge the Department to investigate whether Stearns handles funds for DCWT. Given that the organization has no treasurer and only two officers—its President, Randall Stearns, and its Secretary, Dorothy Krummel—and that Stearns is one of only three directors of DCWT,<sup>68</sup> it seems implausible that Stearns plays no role in the collection and depositing of funds and writing checks. Furthermore, she signed and certified the accuracy of the financial statements filed with the Department in conjunction with the 2015 registration statement, indicating she was responsible for DCWT's finances at the time.<sup>69</sup>

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<sup>63</sup> Exhibit 5.

<sup>64</sup> Exhibit 12.

<sup>65</sup> See Exhibit 51, Fl. Dep't of Agric. and Consumer Servs., Solicitation of Contributions Registration Application, available at <http://forms.freshfromflorida.com/10100.pdf> (last accessed July 25, 2016).

<sup>66</sup> See also, Exhibit 52, gofundme, "Click here to support Dade City Hurricane Hermine Relief by Kathy Stearns," <https://www.gofundme.com/dcwildthings> (last accessed Sep. 7, 2016).

<sup>67</sup> A concerned whistleblower contacted PETA and said that Stearns and DCWT are fraudulently representing that a tiger enclosure was damaged by Hurricane Hermine. The whistleblower has informed PETA that DCWT was not affected by Hurricane Hermine and that the damage was due to a DCWT employee cutting tree limbs that fell on a tiger enclosure. According to the whistleblower, Kathy Stearns saw the damaged cages and informed the staff that they would attribute the damage to Hurricane Hermine and solicit donations. PETA can provide the whistleblower's sworn statement upon request.

<sup>68</sup> Exhibit 5; Exhibit 2.

<sup>69</sup> See Exhibit 12.

## **B. DCWT Provided False Information about its Revenue Sources in a Financial Statement Filed with the Department.**

In the most recent financial statement filed with the Department, which covered the fiscal year January 1, 2014 through December 31, 2014, DCWT and Stearns<sup>70</sup> falsely stated that the majority of DCWT's revenue that year came from the sale of assets, and that DCWT earned no income from program service.<sup>71</sup>

DCWT falsely represented that, during fiscal year 2014, it derived the majority of its revenue,<sup>72</sup> \$263,929.37, from the sale of assets other than inventory, when it had no such assets to sell. As discussed above, Pasco County real property records show that the property on which DCWT operates has been owned by Stearns and her husband continuously since the 1990s, and was not owned or sold by DCWT in 2014.<sup>73</sup> Additionally, in a 2013 IRS Form 990 on file with the Department, DCWT reported that it had no assets other than cash and accounts receivable, and left blank the line for land, buildings and equipment. Furthermore, in its 2014 financial statement, DCWT reported net assets at the beginning of the year of only \$5,275.00,<sup>74</sup> and stated that its only assets at the beginning of the year were cash, savings, investments, and inventory.

Additionally, DCWT falsely represented that it earned no revenue in 2014 from program services, while it continued to offer the same facility tours that historically accounted for the majority of its program service revenue. For example, in financial statements on file for the fiscal years immediately preceding 2014, DCWT reported program service revenue in the amount of \$408,859 in 2013 and \$324,428.09 in 2012.<sup>75</sup> The vast majority of this revenue was attributed to tours: one hundred percent of its 2013 program service revenue was reportedly generated from "tours, etc." and \$318,499.83 of its 2012 program service revenue reportedly came from "tours, etc."<sup>76</sup> Consistent with its historic revenue-generating activities, throughout 2014, DCWT continued to charge the public for tours, including selling tiger swim sessions for \$200 per session,<sup>77</sup> big cat feeding sessions for \$19.99 per person,<sup>78</sup> a zoo camp for children that

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<sup>70</sup> Stearns signed the financial statement and falsely certified that she was "a CPA authorized to complete this Financial Statement and that the information provided is true and accurate." *Id.* Stearns is not listed in the Florida Department of Business & Professional Regulation database of all CPAs licensed in Florida, available at <https://www.myfloridalicense.com/wl11.asp?mode=2&search=Name&SID=&brd=&typ=> (last visited June 16, 2016).)

<sup>71</sup> Exhibit 12.

<sup>72</sup> The only other revenue recorded on the financial statement is \$14,159.39, classified as revenue from sales of inventory. *Id.*

<sup>73</sup> Exhibit 36; Exhibit 37; Exhibit 38; Exhibit 39.

<sup>74</sup> It appears that the net asset value listed for the beginning of 2014 on DCWT's fiscal year 2014 financial statement, \$5,215, is different from the end of year asset balance on the 2013 financial statement submitted to the Department, \$2,215.89. *See* Exhibit 12; Exhibit 53, Stearns Zoological Rescue & Rehab Center, Inc, 2013 Financial Statement. The Department provided this 2013 Financial Statement to PETA in response to an April 2016 public records request.

<sup>75</sup> Exhibit 53; Exhibit 54, IRS Return of Organization Exempt from Income Tax (Form 990) for Fiscal Year 2012.

<sup>76</sup> *Id.*

<sup>77</sup> Exhibit 55, Dade City's Wild Things, *Swim with a Tiger Cub*, Facebook post (March 2014), [www.facebook.com/media/set/?set=a.756207457730716.1073741906.139681772716624&type=3](http://www.facebook.com/media/set/?set=a.756207457730716.1073741906.139681772716624&type=3).

<sup>78</sup> Exhibit 56, Dade City's Wild Things, *Big Cat Feed*, Facebook, (January 2014), [www.facebook.com/media/set=a.728264837191645.1073741894.139681772716624&type=3](http://www.facebook.com/media/set=a.728264837191645.1073741894.139681772716624&type=3).

cost \$165 for three days,<sup>79</sup> and private tiger cub encounters at rates of \$224.95 for two people and \$399 for four people.<sup>80</sup> These tours and encounters were frequently advertised on DCWT's Facebook page along with numerous photographs and videos of patrons who apparently purchased these services.<sup>81</sup> As such, it appears that DCWT incurred significant program service revenue in 2014 which it failed to report to the Department in its financial statement.

#### IV. CONCLUSION

In sum, DCWT and Stearns have willfully and knowingly violated the Act on numerous occasions and continue to do so, including by permitting Stearns to solicit contributions after she entered a plea of nolo contendere to a crime involving theft, repeatedly making fraudulent solicitations, and submitting documents to the Department containing misleading and inaccurate information. Despite being the subject of multiple enforcement actions by the Department, DCWT and Stearns persist in violating the Act and deceiving the people of Florida. PETA respectfully requests that the Department and Office of the Attorney General carry out the purpose of the Act, which is to "protect the public" and "to prohibit deception, fraud, and misrepresentation in the solicitation and reporting of contributions,"<sup>82</sup> by investigating the conduct described above and pursuing all appropriate relief.

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<sup>79</sup> Exhibit 57, Dade City's Wild Things, *2014 Zoo Camp at Dade City's Wild Things*, Facebook (January 10, 2014), [www.facebook.com/events/204059669799942/](http://www.facebook.com/events/204059669799942/) (camp session running from July 15, 2014, through July 17, 2014).

<sup>80</sup> Exhibit 58, Dade City's Wild Things, *Private Tiger Encounter*, [www.facebook.com/DCwildthings](http://www.facebook.com/DCwildthings) Facebook, January 11, 2014.

<sup>81</sup> See, e.g., Exhibit 5.

<sup>82</sup> Fla. Stat. § 496.402 (2011).