

April 16, 2021

Isaak Stapleton
 Director of Food Safety and Animal Health
 Oregon Department of Agriculture
 Animal Health
 635 Capitol Street NE
 Salem, OR 97301

Via email: [REDACTED]@oda.state.or.us

Dear Mr. Stapleton,

I am writing on behalf of PETA to request that the Oregon Department of Agriculture (“ODA”) investigate Tamara Brogoitti for apparent violations of Oregon law regarding the possession of exotic animals. By employing a veterinarian who lives over a thousand miles away and who is not licensed to practice in the state, Brogoitti fails to ensure the health, safety, and welfare of a chimpanzee. She fails to properly confine the chimpanzee, who has been photographed multiple times roaming Brogoitti’s house and outdoors on her property, putting the safety of both the public and the chimpanzee at risk. Brogoitti has also misrepresented pertinent information regarding the age of the chimpanzee to ODA officials.

As described in more detail in the below appendix, Brogoitti is currently in possession of one chimpanzee named Buck,¹ who Brogoitti apparently allows to roam freely around various rooms of her home, as well as outside on her property.² Buck’s primary veterinarian is listed on her permit application as Dr. Douglas Pernikoff, who is located 27 hours away in Missouri and is not licensed to practice in the state of Oregon.³ Brogoitti’s exotic animal permit renewal inspection records state that Buck is twelve years old.⁴ However, Brogoitti has made multiple statements on social media indicating that Buck’s actual age is between sixteen and seventeen years old.⁵

Brogoitti has violated the law, ODA’s rules, and the terms of her permit in the following ways:

- Brogoitti employs a veterinarian who lives and practices nearly two thousand miles away who is not licensed to practice in Oregon in violation of state policy to “ensure the health, welfare, and safety of exotic animals.” Or. Rev. Stat. Ann. § 609.309.
- Brogoitti fails to maintain Buck in his permitted enclosure, instead allowing him to roam in her home and outdoors on her property in apparent violation

¹ Exhibit 1.

² Exhibit 2; Exhibit 3; Exhibit 4; Exhibit 5.

³ Exhibit 6; Oregon Veterinary Medical Examining Board, Online License Search, <https://ovmeb.onlineservice.oregon.gov/webs/ovmeb/register/#> (last visited Apr. 2, 2021) (Douglass Pernikoff is not listed as a licensee).

⁴ Exhibit 7.

⁵ Exhibit 8; Exhibit 9.

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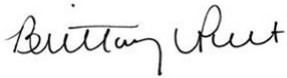
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of ODA's rule that all non-human primates be confined inside the "permitted Facility." Or. Admin. R. 603-011-0720(5)(a).

- By allowing Buck to roam on her property, Brogoitti also fails to "keep the animal under conditions of confinement or control that, given the nature of the animal, would be imposed by a reasonable and prudent keeper to avoid physical or financial risk to the public as a result of escape of the animal or otherwise." Or. Rev. Stat. Ann. § 609.325.
- Brogoitti violated the terms of her exotic animal permit by misrepresenting Buck's age to an ODA employee in connection with her permit renewal inspection.

PETA respectfully requests that ODA investigate the conduct described above and take all enforcement action available under the law, including revoking Brogoitti's exotic animal permit pursuant to its authority under Or. Rev. Stat. Ann. § 609.335(2).

Thank you for your prompt attention to this matter. I look forward to hearing from you.



Brittany Peet
Deputy General Counsel, Captive Animal Law Enforcement



APPENDIX

I. Buck's Listed Veterinarian is Not Licensed to Practice In Oregon

Brogioitti is able to keep Buck in the state of Oregon pursuant to an exotic animal permit issued by the ODA. Or. Rev. Stat. Ann. § 609.341(1) An exotic animal permit applicant must furnish the name, address, and phone number of the veterinarian intended to provide medical care for the animal(s). Or. Admin. R. 603-011-0705(3)(e). Buck's listed veterinarian is Dr. Douglas Pernikoff, of Glencoe, MO, approximately 1,820 miles away from Buck's permitted facility.⁶ Dr. Pernikoff is not licensed to practice veterinary medicine in Oregon, therefore he may not treat Buck or otherwise practice veterinary medicine in the state.⁷ Or. Rev. Stat. Ann. § 686.020(a)(1). Oregon's policy on regulating exotic animals is to "ensure the health, welfare, and safety of exotic animals". Or. Rev. Stat. Ann. § 609.309 If it is to be believed that Brogioitti instead transports Buck 27 hours to Missouri anytime he requires veterinary care, Buck's health, welfare, and safety are clearly at risk. Such an arrangement would render emergency veterinary care for Buck impossible and the provision of routine veterinary needs impracticable. Further, it appears that Brogioitti may have provided false information regarding Dr. Pernikoff's professional affiliation at her last inspection. Dr. Pernikoff and the Clarkson Wilson Animal Clinic were listed as Buck's veterinarian on the December 2020 inspection,⁸ but Dr. Pernikoff is not listed as a veterinarian on the clinic's website.⁹

II. Brogioitti Allows Buck to Roam the Property, Creating a Risk of Escape

Chimpanzees are classified as Class 1 non-human primates, and ODA provides specific requirements for their indoor and outdoor facilities. Or. Admin. R. 603-011-0720(1)(a); *id.* 603-011-0720. These rules require that all non-human primates be confined inside the "permitted Facility" and "shall only be allowed outside the Facility for medical treatment or for removal to another approved Facility." *Id.* 603-011-0720(5)(a). "Facility" is defined as "the cage(s), compound(s), room(s), building(s), or other premises specified in a Permit in which the exotic animal(s) is/are to be confined or maintained." *Id.* 603-011-0700(2). The enclosures noted in the permit inspection report are constructed from wood, chain link, and metal with the following dimensions:

- 10' x 11' x 7'
- 8' x 50' x 7'
- 8' x 4' x 7'
- 16' x 16' x 7'¹⁰

⁶ Exhibit 6; Exhibit 10.

⁷ Oregon Veterinary Medical Examining Board, Online License Search, <https://ovmeh.onlineservice.oregon.gov/webs/ovmeh/register/#> (last visited Apr. 2, 2021) (Douglass Pernikoff is not listed as a licensee).

⁸ Exhibit 6.

⁹ Meet the Team, Clarkson Wilson Veterinary Clinic <https://clarksonwilsonvet.com/veterinarians> (last viewed Mar. 26, 2020).

¹⁰ Exhibit 7.

Brogioitti has stated on social media that while the law required that she construct enclosures for Buck, she uses the enclosures as “guest rooms.”¹¹ Photographs posted by Brogoitti on Facebook dating back to 2014 show Buck roaming freely in her home and other parts of the property.¹² Photographs of Buck in various rooms of Brogoitti’s home were also submitted to ODA in connection with her permit renewal application.¹³ If ODA finds that the areas Buck has been photographed in are not within the above permitted facilities; Brogoitti should be found in violation of both Or. Admin. R. 603-011-0720(5)(a) and the terms of her exotic animal permit.

Oregon law also requires any individual in possession of a wild animal to “keep the animal under conditions of confinement or control that, given the nature of the animal, would be imposed by a reasonable and prudent keeper to avoid physical or financial risk to the public as a result of escape of the animal or otherwise.” Or. Rev. Stat. Ann. § 609.325. Chimpanzees are extremely dangerous and can seriously injure humans, even those they are familiar with. Their moods change erratically and they move quickly, and can easily damage property or maim individuals they encounter in a matter of minutes.¹⁴ Their upper body strength is upwards of five times that of an adult human male, and their teeth can bite through bone.¹⁵ It is within chimpanzee’s nature to be aggressive when they are in a high-stress situation, and if Buck were to escape, he could encounter an unfamiliar, stressful environment that could agitate him and lead to unpredictable consequences. Even though Buck is castrated, he still has his teeth and the strength of an adult male chimpanzee.¹⁶ Castration doesn’t remove the instincts of these intelligent wild animals, nor does it hinder their volatile nature. Captive chimpanzee attacks on humans have resulted in bites, lacerations, skin de-gloving, maulings, and amputation of fingers or other appendages.¹⁷

Allowing Buck to roam Brogoitti’s house and property creates a significant risk of escape, which in turn creates a risk of physical and financial harm to the public. Brogoitti has clearly failed to keep Buck confined under conditions that would be imposed by “a reasonable and prudent keeper to avoid physical or financial risk to the public as a result of escape.” Or. Rev. Stat. Ann. § 609.325.

III. Brogoitti Apparently Misrepresented Buck’s Age To ODA In Connection With Her Permit Renewal Application

Finally, Brogoitti appears to have misrepresented Buck’s age to ODA in connection with her permit renewal application, in which she certified that the information she submitted in connection with the permit renewal was true and correct, and inspection.¹⁸ Although the permit inspection states that as of December 2020 Buck was twelve years old,¹⁹ in 2014 Brogoitti posted

¹¹ Exhibit 8.

¹² Exhibit 2; Exhibit 3; Exhibit 4.

¹³ Exhibit 5.

¹⁴ Katherine Harmon, *Why Would a Chimpanzee Attack a Human?*, SCI. AM. (Feb. 19, 2009) <https://www.scientificamerican.com/article/why-would-a-chimpanzee-at/>.

¹⁵ Daniel Nasaw, *Chimpanzee Biographer: “You Can’t Trust Them”*, THE GUARDIAN (Feb. 19, 2009) <https://www.theguardian.com/world/deadlineusa/2009/feb/19/usa-animals>.

¹⁶ Exhibit 7.

¹⁷ See PETA, *Primate Incidents in the United States* <https://www.mediapeta.com/peta/pdf/primate-incident-list-us-only.pdf>.

¹⁸ Exhibit 5.

¹⁹ Exhibit 7.

on Facebook that she obtained Buck in 2004, which would make him at least sixteen years old.²⁰ A post from 2015 introduces Buck as a “ten year old ape,” again placing him at sixteen to seventeen years old.²¹

Because Brogoitti has publicly represented on more than one occasion that Buck is at least sixteen, it appears that she knowingly provided false information to ODA regarding Buck’s actual age. This information is material, as chimpanzees become much more dangerous to humans as they reach sexual maturity, which, in chimpanzees, occurs between ages 9-15.²² Thus, Brogoitti misrepresented information that is critically important to ensuring public safety in obtaining her permit renewal, in violation of the terms of her permit.

IV. Conclusion

As set forth above, Brogoitti has violated Oregon law, ODA’s rules, and the terms of her permit by engaging an out of state veterinarian as Buck’s primary medical provider, allowing Buck to roam freely on her property, and misrepresenting Buck’s age to ODA. PETA respectfully requests that ODA vigorously enforce its policy of “protect[ing] public against health and safety risks that exotic animals pose to the community, ensur[ing] the health, welfare and safety of exotic animals and ensur[ing] the security of facilities in which exotic animals are kept” by investigating the conduct described above and pursuing all appropriate relief. Or. Rev. Stat. Ann. § 609.309.

²⁰ Exhibit 8.

²¹ Exhibit 9.

²² Maryann Mott, *The Perils of Keeping Monkeys as Pets*, NAT’L GEOGRAPHIC (Sep. 16, 2003) <https://www.nationalgeographic.com/animals/article/news-monkeys-primates-pets-trade-ethics?loggedin=true>; Mike Crystal, *Chimpanzee Mating Habits*, SCIENCING (Jul. 20, 2018) <https://sciencing.com/chimpanzee-mating-habits-6703991.html>.