

April 22, 2014

The Honorable Greg Mashburn  
 District Attorney, District 21  
 201 W. Grant St., Rm. 305  
 Pauls Valley, OK 73075

Via e-mail: [garvin@okdist21.org](mailto:garvin@okdist21.org) and UPS overnight delivery

Re: Request for Investigation of Joseph Schreibvogel's Alleged Failure to  
 Provide Suffering Bear With Veterinary Care

Dear Mr. Mashburn:

I am writing on behalf of PETA to request that your office investigate allegations that Joseph Schreibvogel, operator of The Garold Wayne Interactive Zoological Park ("G.W. Zoo"), 25803 N. County Rd. 3250, Wynnewood, OK 73098, allowed a severely injured bear to languish for *two weeks*, apparently without veterinary care to prevent suffering, and likely exacerbated the animal's suffering by sedating and attempting to suture his wounds on three separate occasions, which would violate 21 Ok. St. Ann. § 1685.

On April 15, 2014, [REDACTED] contacted PETA to report that during a visit to G.W. Zoo on the afternoon of April 14, she observed a lethargic and unresponsive bear lying in a cage at the facility, where she also observed fresh blood. [REDACTED] attests that when she asked a person she believed to be a G.W. Zoo employee about the bear, the employee told her that the bear was sick, that he had been mauled by another bear, that he had three "gashes" on his back, and that he had been losing a lot of blood. (See Exhibit 1, Affidavit of [REDACTED].) The employee allegedly told [REDACTED] that a veterinarian had observed the animal but believed that his wounds were too large to stitch up. *Id.* The employee did not indicate that the bear had been treated by a veterinarian in any way, including provision of antibiotics to prevent infection or analgesics to prevent suffering. *Id.* My subsequent conversation with the Oklahoma Department of Wildlife Conservation revealed that after the facility's veterinarian opined that the animal's wounds were too large to stitch, the nonveterinary staff at the facility allegedly disregarded that advice and attempted to sedate the bear and sew up the wounds themselves on *three separate occasions*.

As elaborated in the attached appendix, the evidence indicates that Schreibvogel, who operates G.W. Zoo and holds a U.S. Department of Agriculture (USDA) Animal Welfare Act (AWA) license (lic. no. 73-C-0139) that allows animals to be exhibited at the facility, allowed this bear to languish, bleeding and too injured or weak to access food or water, apparently "without veterinary treatment to prevent suffering," and then furthered that cruelty by either attempting to sew the animal's wounds himself on three separate occasions or allowing another layperson to do so, which would violate 21 Ok. St. Ann. § 1685.

Please investigate [REDACTED] allegations and the additional evidence and pursue criminal charges against Schreibvogel for any and all violations of Oklahoma's cruelty-to-animals law. You can reach me directly at [BrittanyP@petaf.org](mailto:BrittanyP@petaf.org) or 202-540-2191.

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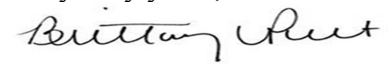
PETA FOUNDATION IS AN  
 OPERATING NAME OF FOUNDATION  
 TO SUPPORT ANIMAL PROTECTION.

AFFILIATES:

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

I look forward to hearing from you.

Very truly yours,

A handwritten signature in cursive script that reads "Brittany Peet".

Brittany Peet  
Counsel

cc: Carol Dillingham, Assistant District Attorney

Enclosures

## Appendix

According to a post on Schreibvogel's Facebook account, the bear was attacked and injured *two weeks* before ██████ reported his condition to PETA. (Exhibit 2.) During this time, the bear was apparently demonstrably suffering and bleeding and left languishing in a small dirt-floored cage, in which he was too injured or weak to access food or water and was simply left to bleed out without veterinary intervention, while intermittently being sedated and stitched up by a layperson. (See Exhibit 1.) PETA immediately alerted the Oklahoma Department of Wildlife Conservation and the USDA upon learning of the bear's condition, and both visited the facility to investigate the incident. These agencies should therefore have information that will assist in your investigation, and PETA respectfully requests that you collaborate with these agencies in your investigation. The USDA informed PETA that the bear was euthanized on April 15.

In addition to the obvious cruelty inherent in allowing a layperson to attempt to repair this bear's wounds repeatedly, G.W. Zoo behaved recklessly in sedating the bear *three times*, presumably via tranquilizer dart, in a manner that could be considered malpractice if performed by a licensed veterinarian. As explained by G.W. Zoo's own veterinarian, JoAnn Green, in sworn testimony in federal court:

We usually use a dart gun to get the drugs into the animal. It's not a simple process at all. Sometimes, the animals can move and the dart can go into parts of the animal that it was not intended to go into. It is a dangerous procedure. When you are responsible for that animal's life, when that dart injects that medicine into that animal, if you haven't calculated its weight and its circulatory system or its overall health status correctly, that animal could die.

Exhibit 3, *Terry Wilkins, et al. v. David Daniels, et al.*, 2:12-CV-1010, 59, Transcript of Preliminary Injunction Hearing, (S.D. Ohio 2012).

In her testimony, Dr. Green also emphasized the danger inherent in darting geriatric animals, and when asked if it would be appropriate to dart a geriatric serval, she testified that "I would consider it malpractice to put this serval under anesthesia." *Id.* Identical risks exist for bears. An April 15 Facebook post by Schreibvogel indicates that the bear was likely geriatric, as Schreibvogel refers to him as "my very first bear I ever had," and the oldest USDA inspection report of Schreibvogel's facility in PETA's possession, from 1999, indicates that Schreibvogel had bears at that time, meaning that the bear was at least 15 years old. (Exhibit 4-5.) The apparently repeated, reckless sedation of this bear by laypersons, seemingly without veterinary supervision or even pre-anesthetic blood work, placed this already critically injured, likely geriatric bear at serious risk and furthered the cruelty inflicted upon the animal in this instance.

### **Oklahoma's Cruelty-to-Animals Law**

Oklahoma law prohibits "depriving [any animal of] veterinary care to prevent suffering" and "willfully set[ting] on foot, instigat[ing], engag[ing] in, or in any way further[ing] any act of cruelty to any animal, or any act tending to produce such cruelty." (Okla. Stat. Ann. tit. 21, § 1685.) A perfunctory visual examination by a veterinarian who apparently did nothing more than conclude that

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█████ can be reached at ██████ or ██████ ██████ requests that her identity not be made public.

the bear's lacerations were too large to be stitched falls far short of the minimum requirement to provide veterinary care sufficient to prevent suffering. Schreibvogel willfully allowed the bear to suffer in this condition for another *two weeks* after the attack, and by the time that PETA learned of his condition, the bear's welfare was abysmal—the animal reportedly lacked even the energy that he needed to feed himself or take a drink of water after suffering in this condition and being repeatedly sedated while a layperson attempted to sew his wounds. This appalling treatment of the bear and the attendant cruelty is precisely the type of suffering that Oklahoma's cruelty-to-animals law is designed to prevent, and Schreibvogel's despicable conduct in this case, along with his history of animal abuse and the mysterious animal deaths at his facility, further support pursuing charges against him in this case.

### **Schreibvogel's History of Disregarding Laws Concerning Animal Protection and Public Safety**

Schreibvogel has a long history of endangering animals and humans at G.W. Zoo and of racking up citations and violations from regulatory agencies. Most recently, on March 31, 2014, Schreibvogel was cited by the Occupational Safety and Health Administration for violations, including for an October 2013 tiger attack at G.W. Zoo that resulted in an employee being severely injured, losing part of her arm, and almost bleeding to death. (Exhibit 6)

The AWA was promulgated, as amended, "to insure that animals use[d] for exhibition purposes ... are provided humane care and treatment." (7 U.S.C. § 2131.) Schreibvogel is routinely cited for AWA violations at G.W. Zoo and is currently the subject of at least four USDA investigations, including one for an incident that involved the deaths of two tiger cubs in May 2013 and another involving the deaths of 23 baby tigers (and possibly hundreds of other animals at G.W. Zoo) over a seven-month period in 2009 to 2010. Although Schreibvogel has accumulated a lengthy dossier of AWA violations concerning animal care, including, most recently, a March 10, 2014, citation for failure to provide four juvenile bears with untreated skin conditions with adequate veterinary care (Exhibit 7), these USDA violations have not deterred Schreibvogel from continuing to violate the AWA and other animal-protection laws. (*See generally* Exhibit 8.)

Please note that the USDA enforces only the *minimal* standards of the AWA—which is not a cruelty law. The AWA thus does not preempt more protective state and local laws, such as Oklahoma's cruelty-to-animals law. *See* 7 U.S.C. § 2143(a)(8) (AWA standards "shall not prohibit any State (or a political subdivision of such State) from promulgating standards in addition to those standards promulgated by the Secretary"). The USDA has only about 100 inspectors for nearly 10,000 licensed facilities, meaning that it is utterly impossible for it to monitor each facility within its jurisdiction adequately. The USDA's own auditors have also repeatedly criticized its poor enforcement of the AWA, and when the USDA does institute formal enforcement proceedings against a licensee, the process takes years. Because of these limitations, Schreibvogel's long history of animal abuse and neglect, and his disregard for animal-protection laws, your office's role in taking action against him in this instance is *critical* in order to prevent further animal suffering.

G.W. Zoo is also notorious for mysterious animal deaths. In March 2014 alone, PETA learned of the suspicious deaths of a chimpanzee and three birds at the facility. (Exhibits 9-10) Photographs of the dead birds suggested that they had suffered from neglect, trauma, stress, starvation, and dehydration before they died. The Humane Society of the United States (HSUS) conducted an undercover investigation of Schreibvogel's facility in 2011, which revealed additional suspicious animal deaths at G.W. Zoo. (*See* "HSUS Investigation Reveals Dead Tigers, Safety Threats at Oklahoma's GW Exotic Animal Park," *The Humane Society of the United States*, News Release, available at [http://www.humanesociety.org/news/press\\_releases/2012/05/ok\\_exotics\\_investigation.html](http://www.humanesociety.org/news/press_releases/2012/05/ok_exotics_investigation.html), last

accessed Sept. 20, 2013.) At least five tigers died at Schreibvogel's facility during the HSUS investigation—two of them had been sick for months and may have been shot by G.W. Zoo employees. A 6-year-old tiger named Hobbes died without receiving veterinary care, and a 6-week-old cub being raised inside Schreibvogel's home somehow sustained head injuries and had to be euthanized. *Id.*

### **Schreibvogel's Chronic Lack of Resources to Care for Animals Adequately**

G.W. Zoo also apparently lacks adequate resources to provide the animals it uses with adequate food or care. G.W. Zoo and Schreibvogel's Facebook pages regularly post "Cut Off" notices from water and electricity utilities, imploring the public to urgently donate so that the zoo can provide the reportedly 1,400 animals it holds captive with basic care. At the same time, GW Zoo continues its rampant breeding program and continues to take in animals from other facilities, even though it admittedly cannot afford to care for the animals already in its own facility. When a facility lacks the resources to provide animals with minimum care, the animals will suffer, and this proposition is regularly proved at G.W. Zoo. [REDACTED] reports that on April 14, she observed two wolves in a small cage on which a sign had been posted indicating that because members of the public had not sponsored the animals, they were being held in the small cage and would die if they were not sponsored.