

March 20, 2014

Sheriff Larry Rhodes
Garvin County Sheriff's Office

Via e-mail: lrhodes@garvincountysheriff.net

Re: Request for Investigation of The Garold Wayne Interactive Zoological Park

Dear Sheriff Rhodes:

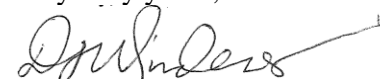
I am writing on behalf of my client, PETA, to request that you investigate the apparently fatal neglect and starvation of three birds at The Garold Wayne Interactive Zoological Park (GW), located at 25803 N. County Rd. 3250, Wynnewood, OK 73098, and operated by Joe Schreibvogel.

Earlier this month, GW posted photographs on its Facebook page of two blue-and-yellow macaws and a Goffin's cockatoo lying dead inside of filthy cages. As detailed herein, the photographs and their captions strongly suggest that the birds were owned by Schreibvogel. The condition of the cages indicates that the animals were likely suffering from neglect, trauma, stress, starvation, and dehydration before they died. The cages contain soiled and disintegrated newspapers that are covered with excrement, yet no trace of food is evident. The cockatoo apparently plucked the feathers from his chest before death, a sign of distress or disease. The accumulation of filth and absence of food or water in the cages suggests that Schreibvogel's staff had abandoned the birds entirely.

These appalling photographs appear to depict violations of Oklahoma's cruelty statute, which provides that "[a]ny person who shall willfully or maliciously ... deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or who shall cause, procure or permit any such animal to be so ... deprived of necessary food, drink, shelter, or veterinary care to prevent suffering ... shall be guilty of a felony." Okla. Stat. Ann. tit. 21, § 1685. As the apparent owner of these birds, Schreibvogel thus would have had a clear legal duty to ensure that they received adequate food, water, and veterinary care and that they did not suffer.

Although the U.S. Department of Agriculture (USDA) generally shares jurisdiction over animal exhibitions with state and local law-enforcement agencies, because the USDA does not apply the Animal Welfare Act (AWA) to birds, **your agency plays a critical role in protecting these animals**. Please investigate the cruel deaths of the birds at this facility and hold Schreibvogel accountable to the fullest extent of the law. PETA stands ready to assist in any way that it is able, including with securing qualified bird experts. Thank you for your attention to this important matter.

Very truly yours,



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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.)

APPENDIX

On March 5, 2014, GW posted photographs on its Facebook page of two blue-and-yellow macaws and one Goffin's cockatoo lying dead inside of cages. The cockatoo is missing nearly all the feathers that had been on her breast, and the cages are soiled with debris, excreta, feathers, and filth. The accompanying caption suggests that GW unsuccessfully attempted to press cruelty charges in Garvin, Okla., where GW is located. On the same date, Schreibvogel posted on his personal Facebook page that "the police let [the person] go that starved our birds." Hence, it appears that three birds under Schreibvogel's care were left to starve to death in their own filth.



Photograph of dead blue-and-yellow macaws posted on GW's Facebook page on March 5, 2014



Photograph of dead cockatoo posted on GW's Facebook page on March 5, 2014

The blue-and-yellow macaws and cockatoo depicted in the above photographs appear to have been under the care of Schreibvogel or an employee under his supervision at the time of their deaths. The condition of the cages suggests that they were severely neglected before they died. The newspapers at the bottom of the cages appear to have been smashed down by decomposing feces, and the bowls in the macaw cage are turned over—likely by the birds in search of food and water. The birds appear not to have had access to food or water at the time of their deaths. Birds are messy eaters, yet there is no trace of food among the decomposing newspapers, suggesting that they likely picked every last bit of food off them in an attempt to stay alive. The cockatoo was apparently very stressed before death, having plucked the feathers from his chest. Visible on the right side of the cockatoo photo are old bird feces gummed onto the bars of the cockatoo cage. Although birds can be poisoned by drinking water that has been infected with *E. coli* or other bacteria, a poisoning accident does not appear to be likely from the state of the cages. The accumulation of filth and absence of food and water suggest that the cages had not been cleaned for a long time and that GW staff had abandoned the birds.

The condition of the birds suggests that they were suffering from neglect, trauma, stress, starvation, and dehydration at the time of their deaths. Oklahoma's cruelty-to-animals law makes it a felony to "willfully or maliciously ... deprive any such animal of necessary food, drink, shelter, or veterinary care to prevent suffering; or [to] cause, procure or permit any such animal to be so ... deprived of necessary food, drink, shelter, or veterinary care to prevent suffering." Okla. Stat. Ann. tit. 21, § 1685. The law also makes it illegal to "willfully or maliciously torture, destroy or kill ... any animal," or to "cause, procure or permit any such animal to be so tortured, destroyed or killed." *Id.* These prohibitions protect "any animal in subjugation or captivity, whether wild or tame, and whether belonging to the person or to another," *id.*, including birds, *id.* § 1680.1. These birds, who were in subjugation and apparently owned by Schreibvogel, appear to have been deprived of necessary, life-sustaining food and drink. They also appear to have been deprived of necessary veterinary care to prevent or alleviate the suffering that the animals evidently experienced before they died. In addition, allowing the birds to starve to death destroyed or killed them and surely caused them to suffer. While "torture" is not defined in the law, [Merriam-Webster](#) defines it to mean "anguish of body or mind" and "something that causes agony or pain." Death by deprivation of water or food surely causes "anguish of body or mind," agony, and pain and therefore constitutes torture.

Although Schreibvogel appears to blame an unnamed third party for starving the birds, he apparently permitted the abuse to occur by failing to supervise the person properly or to monitor the animals. Moreover, Oklahoma courts have held that an employer may be criminally responsible for an act of an employee when it is "clearly shown that such act was reasonably within the scope of the agent's employment, or was an act done within the course of the principal's business." *Scroggs v. State*, 85 P.2d 764 (1938); *Morrison v. State*, 619 P.2d 203 (Okla. Crim. App. 1980). Whoever Schreibvogel put in charge of caring for the birds was acting as his employee or agent, and the person's neglect of the animals was within the scope of that person's employment. Hence, Schreibvogel is apparently responsible for the neglect of the birds, both as a principal and an employer.

Please investigate these apparent violations of Oklahoma law and hold all responsible parties accountable to the fullest extent of the law. Please immediately remove any animals found to be abused or neglected from their present custody under Okla. Stat. Ann. tit. 21, § 1680.4. PETA stands ready to assist in any way that it is able, including by helping to secure qualified, independent experts or to transfer any seized animals to reputable sanctuaries.