



April 22, 2015

Mr. Michael Stapleton
Paws and Claws Animal Sanctuary
6788 Gillette Road
Prospect, Ohio 43342
Via U.S. Mail

RE: Return of Incomplete Application and Letter of Warning Due to Possession of Dangerous Wild Animals

Dear Mr. Stapleton:

The Ohio Department of Agriculture (ODA) received your application for a Wildlife Shelter permit on March 21, 2014, and upon review found the application is incomplete. Ohio Revised Code Chapter 935 requires all applicants for a Wildlife Shelter permit to provide the information enumerated in the law. **Due to your failure to provide a complete application and comply with the requirements of Ohio Revised Code §§ 935.05 and 935.06, ODA is returning your application to you unprocessed, along with the check for your application fee.**

On the Wildlife Shelter Application Instructions form, it specifically states in bold "ALL INCOMPLETE/INCORRECT APPLICATIONS WILL BE RETURNED, UNPROCESSED." On or about August 13, 2014, ODA reached out to you via letter to alert you that your application was incomplete and missing several items. This letter is attached hereto as Exhibit A. ODA also made several telephone calls to you to notify you that your application was incomplete. ODA received a response from you on or about April 11, 2015, indicating that you were continuing to work on gathering application materials. Since August 2014, ODA has not received any further supplementation to your incomplete application at this point in time.

As you have failed to complete your application in accordance with ORC Chapter 935, you have failed to obtain a permit for the possession of dangerous wild animals as required under ORC §§ 935.05 and 935.06 and therefore are in violation of the law.

ORC §§ 935.05(A)(1) states that "A person that [. . .] wishes to continue to possess the dangerous wild animal on and after January 1, 2014, and that does not intend to propagate the animal shall apply for a wildlife shelter permit under this section."

Due to your failure to complete your application as indicated above, you have not been issued a permit with ODA for possession of dangerous wild animals in Ohio. Without a permit, you would need to demonstrate that you meet one of the exemptions outlined in ORC § 935.03(B). If you cannot show that you meet one of these exemptions, you may not possess dangerous wild animals in the state of Ohio. Please note that the deadline to apply for a permit by individuals already in possession of dangerous wild animals expired on December 31, 2013 and by law,



ODA can no longer issue permits for possession of those dangerous wild animals by those individuals who are not exempted under the law from obtaining a permit.

In order to cure the above violation, you have the following options regarding the possession of your dangerous wild animals:


- 1) Provide proof of exemption from permit requirements of ORC Chapter 935 as provided in ORC Section 935.03. Such proof would include but is not limited to membership in the Association of Zoos and Aquariums (AZA), Zoological Association of America (ZAA), or another provided exemption. If you desire to pursue this means, we would recommend consulting with legal counsel to ensure the requirements are met;
- 2) Voluntarily surrender the dangerous wild animals to ODA for placement with an approved rescue facility or animal sanctuary; or
- 3) Transport the dangerous wild animals out of state permanently (written documentation and proof needed to verify).

Please advise ODA of which option you choose and the required documentation that the action has been completed within thirty (30) days after receipt of this letter.

We hope that you understand that ODA's interest in this matter is one of ensuring the safety of the public regarding dangerous wild animals as well as equal application of the law to all individuals. We trust that you will take the necessary steps to ensure full compliance under the law. If you have any questions, please do not hesitate to contact us.

Sincerely,

OHIO DEPARTMENT OF AGRICULTURE



Dr. Melissa Simmerman
Assistant State Veterinarian

Cc: Mehek Cooke, Chief Legal Counsel



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