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June 14, 2017

Robert Gibbens, D.V.M.
Director, Animal Welfare Operations
USDA/APHIS/AC Western Region

Elizabeth Goldentyer, D.V.M.
Director, Animal Welfare Operations
USDA/APHIS/AC Eastern Region

Via e-mail: [REDACTED]

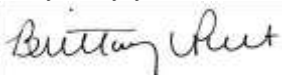
Dear Drs. Gibbens and Goldentyer:

I'm writing on behalf of PETA to request that the USDA investigate Jeffrey Lowe, dba "Greater Wynnewood Exotic Animal Park" (aka "G.W. Zoo"), and owner and registered agent of Neon Jungle OKC; Joseph Maldonado (license no. 73-C-0139); and Robert Engesser, dba "Jungle Safari" (license no. 58-C-0295), for the following apparent violations of the Animal Welfare Act (AWA), described in detail in the appendix:

- According to Oklahoma Department of Agriculture, Food, and Forestry Certificates of Veterinary Inspection (CVIs), G.W. Zoo transferred neonatal big-cat cubs to exhibitors in Florida, Illinois, Oregon, and Wisconsin on five occasions between January and May 2017. (*See Exhibit 1.*)
- Lowe has posted several photos to his public [Facebook page](#) of regulated animals—including a lemur and a tiger who have been exhibited at Neon Jungle OKC—being transported without appropriate carriers. (*See Photos 1–15.*) Lowe appears to be operating Neon Jungle OKC as a second site, and it must be approved by the USDA as such via demonstration of compliance with the AWA before he can legally conduct regulated activity there. He has indicated that he intends to open a third site in Las Vegas, called Neon Jungle Las Vegas. (*See Photos 16 and 17.*)
- Photos and videos posted to Neon Jungle OKC's [Facebook page](#) depict a baby lemur who has been separated from his or her mother and isolated from other members of his or her species. (*See Video and Photo 18.*)
- Robert Engesser—a traveling exhibitor based in Florida—was inexplicably listed as the recipient of a 5-week-old tiger cub delivered to Neon Jungle OKC's site. (*See Exhibit 2.*)

Please ensure that all animals at G.W. Zoo, Neon Jungle OKC, and Jungle Safari are handled in accordance with the AWA and hold Lowe, Maldonado, Engesser, and all other responsible parties fully accountable for any and all violations that you discover during your investigation. Please inform me of the complaint number that the USDA assigns to this correspondence. Thank you for your attention to this important matter.

Very truly yours,



Brittany Peet, Esq., Director, Captive Animal Law Enforcement
[REDACTED]

cc: Dr. Laurie Gage, Big Cat and Marine Mammal Specialist
[REDACTED]
Dr. Gwendalyn Maginnis, Nonhuman Primate Specialist
[REDACTED]
Dr. Nicolette Petervary, Regional Animal Care Specialist
[REDACTED]

Appendix

a. Interstate Shipments of Neonatal Tiger and Lion Cubs

According to CVIs, G.W. Zoo shipped three 2-week-old lion cubs to Special Memories Zoo in Wisconsin, a 4-week-old tiger cub to Robert Engesser in Florida, a 4-week-old "taliger" [*sic*] cub to Woody's Menagerie in Illinois, and two 3-week-old tiger cubs to A Walk on the Wild Side in Oregon. (See Exhibit 1.)

The USDA has issued an official policy statement acknowledging that neonatal nondomestic cat cubs 4 weeks old or younger "have special handling and husbandry needs" because cubs of this age "are not able to thermoregulate and lack a fully functioning immune system to fight off disease and infection." In addition, they "should be housed with their mother for as long as possible after birth to promote good health," and "[u]ntil these animals can thermoregulate and are immunocompetent, they should be housed in the controlled environment..." (See USDA, "[Handling and Husbandry of Neonatal Nondomestic Cats](#)," March 2016.) Licensees who ignore these guidelines and allow neonatal cubs to be exposed "to any form of public contact, including public feeding and handling, are considered noncompliant with the veterinary care and handling requirements of the Animal Welfare Act regulations" [*emphasis added*]. *id.*

Removing cubs from their mothers prematurely and subjecting them to the stresses and excessive handling inherent in transport apparently violates 9 C.F.R. § 2.131(b)(1) and (c)(3), which require that "[h]andling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma ... behavioral stress, physical harm, or unnecessary discomfort" and that "[y]oung or immature animals shall not be exposed to rough or excessive public handling or exhibited for periods of time which would be detrimental to their health or well-being."

The USDA acknowledged the risks inherent in shipping infant cubs when Stearns Zoological Rescue and Rehab was cited on February 16, 2017, for subjecting 3-week-old bobcats to interstate transport to Steven Higgs (dba "A Walk on the Wild Side" in Oregon), who had been cited on May 23, 2016, for his role in causing unnecessary stress and discomfort to the cubs for his receipt of the animals. Both inspection reports stated that "[i]t has been determined that transporting neonatal (<4 weeks old) nondomestic cats is not consistent with safe handling and protecting them from harm" and that the transport can cause "stress and discomfort."^{1,2} The Stearns inspection report added that "[b]ecause of their limited immunity, their health is at risk if they are exposed to potential pathogens. Transport at such a young age could expose them to pathogens that their immune system is not able to handle."³

The USDA has previously cited Maldonado for prematurely removing cubs from their mother and subjecting them to excessive handling:

Animals this young [19 days old] in the absence of their parents are not able to adequately thermoregulate and exposure to temperatures which may be comfortable for adults may still be detrimental to the health of young cubs. Exposure to an excessive number of people and other animals at this young age poses a disease risk to the cub. Even indirect exposure via the licensee who has contact with the members of the public and other animals can pose a similar risk to the cub of this age. The practices described above do not constitute handling the cub as carefully as possible and unnecessarily risks

¹See USDA Inspection Report, Stearns Zoological Rescue and Rehab, License No. 58-C-0883, February 16, 2017.

²See USDA Inspection Report, Steven Higgs, License No. 92-C-0159, May 23, 2016.

³See USDA Inspection Report, Stearns Zoological Rescue and Rehab, License No. 58-C-0883, February 16, 2017.

harm and discomfort. . . . The licensee must ensure that if [cubs] are to be removed from the mother that handling must be done as carefully as possible in a temperature regulated environment and that exposure to members of the public and other animals does not occur until the cubs are immunocompetent and vaccinated.⁴

G.W. Zoo's attending veterinarian, Dr. [REDACTED], has *repeatedly* signed off on the transport of neonatal cubs who have been prematurely separated from their mothers, which is inhumane and, according to the USDA's neonatal handling policy, a violation of the AWA. Accordingly, Dr. [REDACTED] is apparently either unqualified to provide adequate veterinary care to the animals at G.W. Zoo or without "appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use," as required by 9 C.F.R. § 2.40(a)(2). Please ensure that Dr. [REDACTED] receives appropriate training relating to the dangers of prematurely separating neonatal nondomestic cats from their mothers and transporting neonatal cubs and has proper authority to decline to sign such CVIs in the future, or that G.W. Zoo arranges for a qualified attending veterinarian who is able to exercise appropriate authority over animal care.

b. Dangerous Transport of Animals for Exhibition at Second Site

Lowe's business, Neon Jungle OKC, exhibits young exotic animals at a mall in Oklahoma City (59 miles from G.W. Zoo), where members of the public can pay to interact with the animals during operating hours of 11 a.m. to 8 p.m., Wednesday through Sunday. Lowe's public [Facebook page](#) contains photos of animal—including a young tiger and lemur who've recently been exhibited at Neon Jungle OKC—being transported loose in the cab of the truck, rather than secured safely in a travel carrier. This is in apparent violation of 9 C.F.R. §§ 3.137(a)(1) and 3.140(b), requiring that no exhibitor shall transport any live animal in a primary enclosure that does not have structural strength and security "sufficient to contain the live animals and to withstand the normal rigors of transportation" and "[w]ild or otherwise dangerous animals shall not be taken from their primary enclosure except under extreme emergency conditions" and that "[d]uring the course of transportation, in commerce, live animals shall not be removed from their primary enclosures unless placed in other primary enclosures or facilities conforming to the requirements provided in this subpart." (*See* Photos 1–13.)

Photos 14 and 15 indicate that Lowe also has apparently violated 9 C.F.R. § 3.87, which requires that any exhibitor "must not transport or deliver for transport in commerce a nonhuman primate unless it is contained in a primary enclosure, such as a compartment, transport cage, carton, or crate" and that "[t]he nonhuman primate is *at all times* securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to the animal, or to persons or animals nearby" [*emphasis added*]. 9 C.F.R. § 3.87(a)(3).

Lowe's nine hours of operation several days per week indicate that young animals may be subjected to excessive public handling. The USDA has recognized that cubs who are not afforded adequate rest can become exhausted and unresponsive. Tim Stark was cited on September 13, 2015, for failing to provide rest equal to the time of one performance at playtime sessions similar to Lowe's exhibition. The inspectors noticed exhausted cubs had "no choice but to cope with the situation"⁵ as they were dragged around after five hours of exhibition, with five hours still left in their scheduled day. The inspection report stated that "[y]oung growing animals normally take frequent naps during the day. Not allowing these animals to follow normal behavior as they grow many interfere with their development. It can also

⁴See USDA Inspection Report, Joe Schreiber, License No. 73-C-0139, August 5, 2015.

⁵See USDA Inspection Report, Timothy Stark, License No. 32-C-0204, September 13, 2015.

cause stress and possible illness"⁶ and required that Stark provide the cubs "with adequate rest, without public handling."⁷ Lowe apparently doesn't have pre-scheduled playtimes, so presumably, the young animals could be handled by the public for the entire duration of his operating hours.

The consistency of the operating hours of Neon Jungle OKC and the set-up inside a mall indicate that this is not a temporary exhibition but should be considered a second location on Lowe's license for G.W. Zoo, in accordance with 9 C.F.R. § 2.1(a)(2), requiring that "[a]ll premises, facilities, or sites where [a license applicant] operates or keeps animals shall be indicated on the application form or on a separate sheet attached to it." If Neon Jungle OKC has not been added as an approved location that has demonstrated compliance with AWA regulations, please ensure that Lowe's exhibition activities at this location *cease immediately*. Lowe is apparently also planning to open a Neon Jungle exhibit in Las Vegas (*see* this [Facebook page](#) and Photos 16 and 17), for which he would also need to demonstrate compliance with the AWA before engaging in any regulated activities at a third location, pursuant to 9 C.F.R. § 2.3(b), which states that "[e]ach applicant for an initial license must be inspected by APHIS and demonstrate compliance with the regulations and standards ... before APHIS will issue a license."

c. Young Lemur Denied Socialization With Other Lemurs

Lowe has also posted videos and photos of the young tiger and lemur exhibited at Neon Jungle OKC interacting with each other. (*See* Video and Photo 18.) In accordance with AWA regulations, this young lemur should be with his or her mother and other conspecifics. (*See* 9 C.F.R. § 3.81(a), requiring that exhibitors "follow an appropriate plan for environment enhancement adequate to promote the psychological well-being of nonhuman primates [which] must include specific provisions to address the social needs of nonhuman primates of species known to exist in social groups in nature.") Neither the public handling that this animal is subjected to nor his or her interactions with a different animal species (one that lemurs would *never* encounter in the wild) can be considered an appropriate substitution for the socialization that this animal requires with other lemurs.

9 C.F.R. § 3.81(a) further mandates that "[s]uch specific provisions must be in accordance with currently accepted professional standards, as cited in appropriate professional journals or reference guides, and as directed by the attending veterinarian." If Dr. [REDACTED] has signed off on this lemur's isolation without any justification, it is more evidence that she is unfit to be Lowe's attending veterinarian. (*See* 9 C.F.R. § 3.81(e)(1), allowing that "[t]he attending veterinarian may exempt an individual nonhuman primate from participation in the environment enhancement plan because of its health or condition, or in consideration of its well-being. The basis of the exemption must be recorded by the attending veterinarian for each exempted nonhuman primate. Unless the basis for the exemption is a permanent condition, the exemption must be reviewed at least every 30 days by the attending veterinarian.")

d. Transfer of Tiger Cub to Robert Engesser at Neon Jungle OKC

According to another Oklahoma CVI, G.W. Zoo transferred a 5-week-old tiger cub to Engesser on or about May 9, although the destination listed on the CVI was the Oklahoma mall at which Neon Jungle OKC operates. (*See* Exhibit 2.) It is unclear why the CVI was executed in this manner. Please investigate this CVI and other transfer paperwork to determine whether it was done in order to circumvent the mandates of the AWA.

⁶*Id.*

⁷*Id.*