

January 12, 2022

Robert M. Gibbens, D.V.M.
 Director, Animal Welfare Operations
 USDA-APHIS-Animal Care

Via e-mail

Re: Request to Terminate SeaQuest Holdings, LLC’s Animal Welfare Act License

Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) terminate SeaQuest Holdings, LLC’s (SeaQuest)—owned and operated by Vince Covino—Animal Welfare Act (AWA) exhibitor license (number 88-C-0216) because the company pleaded guilty to a criminal misdemeanor for the unlawful purchase of wildlife.

The USDA may terminate a license for any reason that would require it to deny an initial license. 9 C.F.R. § 2.12. Those reasons include, if the licensee “has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals.” *Id.* § 2.11(a)(7). Under the AWA, a licensee is not only held responsible for their actions, but is also held directly responsible “for any act or omission by any person acting for it or in its employ.” 7 U.S.C. § 2139.

In April 2019, the Colorado Division of Parks and Wildlife (CPW) suspended SeaQuest Littleton’s (Site 005) state license for two years after SeaQuest racked up eight convictions for violating state wildlife laws. Ex. 1 at ¶ 55 (“SeaQuest Interactive Aquarium has five (5) separate criminal episodes resulting in a total of eight (8) total convictions”). These convictions included, among other issues, unlawful importation and possession of a sloth. *Id.* at ¶¶ 16-17. As a result of this license suspension, SeaQuest Littleton was prohibited from acquiring or possessing state regulated species and could not apply for a new license until April 2021. While SeaQuest applied for a new license in August 2021, it has yet to receive one and the CPW has expressed serious concerns with its application. Ex. 2.

On August 27, 2021, David Slater—SeaQuest Littleton’s General Manager—contacted the CPW asking if a Certificate of Veterinary Inspection (CVI) was needed to export a Russian tortoise to SeaQuest’s facility in Stonecrest, Georgia. Ex. 3. This sparked an investigation because the Russian tortoise is a state regulated species. *Id.* The CPW determined that SeaQuest had several state regulated species that it was not authorized to possess, including a painted turtle, a yellow-bellied slider, an ocellated skink, a Russian tortoise, and a snapping turtle. Ex. 4. While the CPW issued SeaQuest formal warnings for its unlawful possession of most of these animals (Ex. 5), the agency criminally charged SeaQuest for unlawfully purchasing

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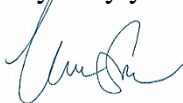
and possessing the snapping turtle. Ex. 6. On November 18, 2021, SeaQuest pleaded guilty to the unlawful purchase of a snapping turtle, a criminal misdemeanor. Ex. 7. The charge for unlawful possession was dropped, and SeaQuest was ordered to pay a \$250 fine. *Id.*

SeaQuest's guilty plea for the illegal purchase of a snapping turtle constitutes grounds to terminate its AWA license.¹ In addition, this criminal conviction combined with the eight previous convictions that resulted in SeaQuest's April 2019 state license suspension, prevent SeaQuest from obtaining an AWA license under the new licensing regulations. Under the USDA's roll-out for these new regulations, SeaQuest will be required to obtain a new 3-year license this year. When SeaQuest applies for that new license the USDA is required to deny it because the agency cannot issue a license to any applicant who has "been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect, or welfare of animals." 9 C.F.R. § 2.11(a)(7).

Please exercise your discretion to immediately terminate SeaQuest's license. Even if the agency refuses to act now, the USDA must deny SeaQuest's application for a new 3-year license. Any other result would be arbitrary, capricious, and contrary to law.

Thank you for your attention to this important matter.

Very truly yours,



Michelle Sinnott, Esq.
Associate Director, Captive Animal Law Enforcement

¹ The USDA has historically interpreted the prohibitions in 9 C.F.R. § 2.11 as extending to *any* Federal, State, or local law violations pertaining to the transportation, ownership, neglect, or welfare of *any* animal—not just those species regulated by the AWA. *See e.g.*, Ex. 8 (USDA denial of the AWA application for the Austin Aquarium under 9 C.F.R. § 2.11 because Ammon Covino—a formally listed managing member of the aquarium at that time—had been convicted of violating federal law relating to the illegal transporting, harvesting, and purchasing of lemon sharks and sting rays).