



Wilstem, Inc.  
P.O. Box 88  
French Lick, IN 47432

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

#### **Date of Alleged Violation: September 15, 2020**

**9 C.F.R. § 3.127(d)** Facilities, outdoor. Perimeter fence.

On or after May 17, 2000, all outdoor housing facilities (i.e., facilities not entirely indoors) must be enclosed by a perimeter fence that is of sufficient height to keep animals and unauthorized persons out. Fences less than 8 feet high for potentially dangerous animals, such as, but not limited to, large felines (e.g., lions, tigers, leopards, cougars, etc.), bears, wolves, rhinoceros, and elephants, or less than 6 feet high for other animals must be approved in writing by the Administrator. The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility, and so that it can function as a secondary containment system for the animals in the facility. It must be of sufficient distance from the outside of the primary enclosure to prevent physical contact between animals inside the enclosure and animals or persons outside the perimeter fence.

You failed to construct a perimeter fence of sufficient height to keep animals and unauthorized persons out.

During an inspection, APHIS officials observed a thirty-foot section of the perimeter fence in a wooded area of the facility with four sections of fencing that were raised five to eight inches from the ground.

The fence must be constructed so that it protects the animals in the facility by restricting animals and unauthorized persons from going through it or under it and having contact with the animals in the facility.

#### **Date of Alleged Violation: August 8, 2020**

**9 C.F.R. § 3.125(a)** Facilities, general. Structural strength.

The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities



shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

You failed to construct housing facilities of such material and of such strength as appropriate for animals. During an inspection, APHIS officials identified that a kangaroo (“Perth”) escaped its enclosure by jumping over a five-foot fence. The animal was not found until two days later.

The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.

**Date of Alleged Violation: May 13, 2020**

**9 C.F.R. § 2.40** Attending veterinarian and adequate veterinary care (dealers and exhibitors).

(b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

You failed to use appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

During an inspection, APHIS officials identified that after three elands escaped their enclosure, and were loose on the grounds of the facility, Wilstem, Inc. personnel attempted to recapture the animals using a tranquilizer dart gun. After hearing the sound of the dart gun, the animals ran into various areas of the facility. A female eland ran into a fence post and broke its neck. The method of recapture was not approved by the attending veterinarian and resulted in unnecessary pain, discomfort and death.

**Date of Alleged Violation: On or about February 5, 2020 or February 6, 2020**

**9 C.F.R. § 2.131(b)(1)** Handling of animals.

Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.

You failed to handle animals expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.



On or about February 5, 2020 or February 6, 2020, Wilstem, Inc. personnel euthanized a llama by dropping the live animal in a hole intended for burial and crushing its skull with an excavator bucket. The use of heavy machinery is not an approved method of euthanasia in the program of veterinary care or the attending veterinarian.

The penalty for the alleged violation(s) described above is \$8,000.