

March 7, 2022

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

*Via e-mail:*

**Re: Request to Deny Colton Morris an Animal Welfare Act License and Enjoin his Ongoing Unlicensed Activity**

Dear Dr. Gibbens:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (USDA) investigate Colton Morris dba Circle M Livestock & Hauling (Circle M) (registration no. 55-T-0149) for operating as a dealer, exhibitor, and organizer of the Shelby Alternative Livestock Auction without a license in apparent violation of the Animal Welfare Act (AWA).

Since 2016, Morris has been selling regulated animals without an AWA license. *See* Table A (Colton Morris Unlicensed Animal Sales, 2016-2022). In the last couple of years, his sales have grown substantially, both in quantity and income generated. The culmination of Morris' years of unlicensed selling of exotic animals was the Shelby Alternative Livestock Auction, which took place on October 8-9, 2021 at the Cleveland County (N.C.) Agriculture & Livestock Exchange. Upon further investigation, PETA has determined that Morris—and not the Cleveland County Agriculture & Livestock Exchange (aka the “sale barn”)—was the operator of this auction sale. *See e.g.*, Ex. 1 (Shelby Alternative Livestock Auction [Facebook post](#) stating: “This sale is NOT put on and managed by the Veterinarians who own the previously used sale barn”). Indeed, Morris arranged for over 250 individual animals to be consigned to and sold at this event. *See* Table B (Shelby Auction Consignments). While public information on this is unavailable, commissions from these consignments would most likely have gone to Morris as the individual responsible for organizing.

The USDA cited Morris for selling water buffalo at the Shelby auction without a USDA license, and warned him that he could not engage in regulated activity “until a USDA license is obtained.” Ex. 2 (USDA Inspection Report, Dec. 29, 2021). Unsurprisingly, this citation and warning have apparently fallen on deaf ears, as Morris continues to sell animals regulated by the AWA without a license. He has also been clear about his intentions to “hold[] another auction at a new location in the future.” Ex. 1.

While Morris is registered as a carrier, registration is not an AWA license, and does not allow Morris to operate an auction sale or as a dealer. Morris has known this since at least June 2018, when he registered as a carrier and would have been required to “acknowledge receipt of” the AWA regulations and “agree to comply

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FOUNDATION

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Washington, DC 20036  
202-483-PETA

Los Angeles  
2154 W. Sunset Blvd.  
Los Angeles, CA 90026  
323-644-PETA

Norfolk  
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Norfolk, VA 23510  
757-622-PETA

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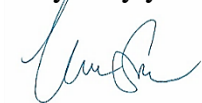
with” them. 9 C.F.R. § 2.26. Simply put, Morris is not an uninformed actor new to the AWA and its requirements. His actions appear to be intentional.

When individuals such as Morris intentionally circumvent the AWA requirements for years, there must be meaningful consequences. Allowing Morris to simply cure his 6 years of apparently unlawful activity by handing him a license encourages bad actors to operate under the USDA’s radar for as long as possible; it sends the message that if and when they get caught, nothing will happen.

In light of Morris’ lengthy history of engaging in regulated activity without an AWA license, any application from him for a license must be denied pursuant to 9 C.F.R. §§ 2.11(a)(1), (2), (6), (7) and 2.1(d). At an absolute minimum, the USDA must prevent Morris from organizing another Shelby Alternative Livestock Auction until he is properly licensed under the AWA.

Thank you for your attention to this important matter. Please inform me of the complaint number your agency assigns to this correspondence.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Michelle Sinnott".

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

## APPENDIX

### Legal Framework

The AWA prohibits a person from selling, dealing, or exhibiting regulated animals without a valid license from the USDA. 7 U.S.C. § 2134; 9 C.F.R. § 2.1. A license must be obtained *before* a person begins operating as a dealer, exhibitor, or operator of an auction sale. 9 C.F.R. § 2.1. “The failure of any person to comply with” the AWA or its implementing regulations—including the failure to obtain a license before engaging in regulated activity—“*shall* constitute grounds for denial of a license.” *Id.* § 2.1(d) (emphasis added). Agency regulations also provide that “[a] license will not be issued 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). As the USDA itself has acknowledged, “[t]he criteria for denial of an initial application are not discretionary.” USDA, National Environmental Policy Act Implementing Procedures, 83 FED. REG. 24003, 24008 (May 24, 2018) (citing 9 C.F.R. § 2.11).

The AWA further provides that before receiving a license, an applicant must demonstrate that their facilities comply with the AWA standards. 7 U.S.C. § 2133. Accordingly, agency regulations mandate that applicants “must be inspected by APHIS and demonstrate compliance with the Act and the regulations and standards . . . before APHIS will issue a license.” *Id.* § 2.3(b).

### Factual Background

Colton Morris owns and operates [Circle M Livestock & Hauling](#), which he advertises as a “USDA certified Transporter of Exotic & Domestic animals” based in Shelby North Carolina. Ex. 3. While Morris is currently registered with the USDA as a Class T-Carrier (registration no. 55-T-0149), during the first couple years of operating his business, he was not registered. Morris is not now, nor has he ever been, *licensed* under the AWA.

Based on social media posts, it appears that Morris began breeding, selling, and transporting AWA regulated animals in 2016. *See e.g.*, Table A at Ex. A-1 (May 21, 2016, [Facebook post](#) selling goats and pigs); *id.* at Ex. A-2 (June 4, 2016, [Facebook post](#) selling sugar gliders for \$150 each); *id.* at Ex. A-3 (June 20, 2016, [Facebook post](#) selling sugar gliders, alpacas, sheep, and a Nubian goat); Ex. 4 (Nov. 22, 2016, [Facebook post](#) advertising transport for “horses, cattle, exotics, etc.”); Table A at Ex. A-4 (Nov. 27, 2016, [Facebook post](#) selling a Zebu for \$500 that Morris says is a “[p]roven breeder”); *id.* at Ex. A-5 (Nov. 29, 2016, [Instagram post](#) advertising “Gir Brahma bulls” for \$1,500 each); Ex. 5 (Dec. 14, 2016, [Instagram post](#) stating that Morris hauled “a few Elk last month”). Morris did not have an AWA license or registration at any point during 2016.

Despite not having an AWA license, Morris continued to acquire, breed, and sell numerous exotic animals regulated under the AWA throughout 2017. *See e.g.*, Table A at Ex. A-6 (Jan 25, 2017, [Instagram post](#) selling water buffalo and Scottish highland cattle); Ex. 6 (Jan. 27, 2017, [Instagram post](#) announcing “[m]ore of our new arrivals #Muntjac #Blackbuck” and commenting that “I’ll sell you the pair”); Ex. 7 (March 24, 2017, [Instagram post](#) stating “[t]he new Roo”); Table A at Ex. A-7 (April 30, 2017, [Facebook post](#) selling red kangaroo for \$1,800); *id.* at Ex. A-8 (May 18, 2017, [Instagram post](#) of Morris with a zebra calf commenting that “I kinda regret selling him”); Ex. 8 (Oct. 4, 2017, [Instagram](#)

[post](#) introducing “Juliet, our Addax Antelope”); Ex. 9 (Nov. 4, 2017, [Instagram post](#) of a baby kangaroo where Morris admits that he “raise[s] and haul[s] a lot of exotics”).

Morris continued to operate under the USDA’s radar until April 2018, when PETA alerted the USDA to Morris’ unlicensed activity after he transported a one-week old giraffe to Zootastic Park in Troutman, North Carolina (license no. 55-C-0272). *See* USDA Complaint No. AC18-357. At that time, Morris had been operating for at least 2 years and was still not licensed under the AWA. *Id.* Following this complaint, in June 2018, Morris registered as a carrier. Ex. 10 (Excerpt of all North Carolina licensees and registrants as of June 1, 2018, showing Morris not listed); Ex. 11 (Excerpt from List of Active Licensees and Registrants as of July 2, 2018, listing Morris). Since registration is not an AWA license, Morris was *still* unlicensed.

After registering as a carrier, Morris continued business as usual. Throughout 2018, 2019, 2020, and 2021, Morris continued to breed, sell, and even exhibit animals regulated by the AWA without the required license. *See* Table A (listing sales including a 6 month old water buffalo for \$1,250, a baby zebra for \$5,000, a dromedary camel for \$5,500, water buffalo for \$2,300, and two capybaras for \$2,000); *see also* Ex. 12 (Sept. 30, 2019, [Instagram post](#) of zebra and camels with Morris stating “[i]f anyone is in the market for a baby zebra or camel I can accommodate you”); Ex. 13 (Dec. 21, 2019, [Facebook post](#) regarding exhibiting animals at a Bakersville, NC nativity scene); Ex. 14 (Nov. 10, 2021 [Facebook post](#) advertising animals available for nativity scenes). By 2021, Morris’ selling of exotic animals had grown into a steady and substantial business. Table A.

In October 2021, Morris’ conduct expanded into organizing an exotic animal auction sale. Morris was the main organizer and driving force behind the Shelby Alternative Livestock Auction, which took place on October 8-9, 2021 at the Cleveland County Agriculture & Livestock Exchange. Morris was listed as an organizer and main contact for the event on the event flyer. Ex. 15. Morris shared this flyer on his personal Facebook page and announced that he was in charge of organizing the consignments for the event. Ex. 16 (Sept. 24, 2021, [Facebook post](#) stating “You can message or text me 704-964-4222 with pictures and a short description if you have any animals you’d like to consign to the sale.”); *see also* Ex. 17 (Sept. 1, 2021, [Facebook post](#) stating “If you have animals you would like to consign please send pictures and a short description here to the Facebook page or text them to 704-964-4222”—which is Morris’ phone number). Prior to the event, Morris arranged for over 250 individual animals—including [water buffalo](#), [watusi](#), [warthogs](#), [coatimundis](#), [kinkajous](#), [zebras](#), [zebus](#), an [African crested porcupine](#) and many other species—to be consigned to the October 2021 auction. *See* Table B. Morris also appeared to be in charge of reserving seats and collecting payment for those reservations. Ex. 18 (Sept. 28, 2021, [Facebook post](#) stating “Any of my friends on here that plan on coming to the exotic sale in Shelby, NC and haven’t sent me a text to reserve seats please do so as we are nearly sold out already.”); Ex. 19 (Sept. 26, 2021, [Facebook post](#) stating “To reserve your seats please text 704-964-4222”—which is Morris’ phone number—and pay “via PayPal (Friends and family) to ShelbyALA@yahoo.com within 24 hours of reservation”). After the event, Morris—and only Morris—posted on the Shelby Alternative Livestock Auction Facebook page thanking “everyone for making this first sale such a success!” Ex. 20 (Oct. 10, 2021, [Facebook post](#) signed “Many Thanks, Colton”).

This event appeared to be a culmination of Morris’ years of unlicensed selling of exotic animals—activity that he seemingly recognized was a violation of the AWA. Indeed, Morris [notified sellers](#) at the auction that “[i]f an animal requires a USDA license” he would need a copy of the license or the license number upon check-in. Ex. 21. And yet, Morris himself was operating the auction sale and selling

animals at the auction without the required USDA license. The USDA even cited Morris for selling two Asiatic water buffalo at the October 2021 auction without a USDA license. Ex. 2. The USDA made clear that “[t]he sale of non domestic, exotic or wild animals is regulated activity *requiring a valid USDA license.*” *Id.* (emphasis added). The USDA also warned Morris that he could not engage in regulated activity “until a USDA license is obtained.” *Id.*

Unsurprisingly, since the October 2021 auction, Morris has continued to sell and exhibit animals regulated by the AWA without a license. *See* Table A (listing Dec. 2021 and Jan. 2022 sales, including African crested porcupines, camels, zebras, ostrich, emus, wildebeest, zebu, water buffalo, and watusi); *see also* Ex. 22 (Nov. 10, 2021, [Facebook post](#) advertising for “a few dates left to book animals for nativity scenes”). In addition, Morris had started organizing for another exotic livestock auction, on March 18-19, 2022. The flyer for this planned event listed Morris as the *sole* organizer and point of contact for the auction sale. Ex. 23. While this March auction has since [been cancelled](#) (Ex. 24), Morris has been clear about his intentions to “hold[] another auction at a new location in the future.” Ex. 1.

To date, Morris *still* does not have an AWA license.

## Argument

### **I. Morris is a prolific exotic animal dealer who has been buying, selling, and exhibiting regulated species for years without an AWA license in apparent violation of federal law.**

#### **A. Morris is operating as a dealer, which requires an AWA license.**

Under the AWA, a dealer is anyone who “for compensation or profit” transports, buys, sells, or negotiates the purchase or sale of any animal “for research, teaching, testing, experimentation, exhibition, or use as a pet.” 9 C.F.R. § 1.1. The term “animal” broadly encompasses any warm-blooded animal, with few exceptions. *Id.*; 7 U.S.C. § 2132(g). One of those exceptions is for domestic livestock species used for food or fiber, i.e. traditional farm animals raised, maintained, and sold for slaughter or other “food” purposes. *Id.* While farm animals “used or intended for use as food or fiber” are exempt, domestic and exotic livestock species used for exhibition, breeding, or pets *are* included within the AWA’s definition of animal. 9 C.F.R. § 1.1 (see definitions for “animal”, “exotic animal”, and “farm animal”). Thus, any person buying, selling, or negotiating the sale of any warm-blooded animal covered by the AWA—including domestic livestock species not used for food or fiber—is required to obtain an AWA license from the USDA. 9 C.F.R. § 2.1(a)(1).

Morris is a self-described “[b]reeder of exotic animals.” Ex. 25 ([TikTok](#) page for @circlelivestock); *see also* Ex. 9. He has an approximately 15 acre “brick and mortar” facility in Cherryville, North Carolina (3521 Sorrells Baxter Road, Cherryville NC 28021). Ex. 26 (property information card); Table A at Ex. A-51 ([Facebook post](#) stating “Circle M Livestock & Hauling is a brick and mortar entity with animals health and welfare our priority”). Morris possesses and breeds a number of exotic species, including [primates](#), [zebras](#), [watusi cattle](#), [Gyr zebu](#), [water buffalo](#), and [camels](#). Ex. 27 (primates); Ex. 28 (zebras); Ex. 29 (watusi); Ex. 30 (Gyr); Ex. 31 (water buffalo); Ex. 32 (camels). Morris also possesses and breeds a variety of domestic livestock species, including [Texas longhorn cattle](#), [llamas](#), [alpacas](#), and [donkeys](#). Ex. 33 (longhorn); Ex. 34 (llamas); Ex. 35 (alpaca); Ex. 36 (donkeys who were “pastured with cattle, sheep, goats, etc.”). Morris doesn’t just possess and breed these animals for his “own use or enjoyment” (9 C.F.R. § 2.1(a)(3)(viii)) – this is his highly profitable business.



Since 2016, Morris has sold well over 250 AWA regulated animals without a license. *See* Table A. Many of the animals he’s sold appear to have been born at his facility because they were days, weeks, or months old at the time of sale. *Id.* For example:

- 5-day old Gyr Brahma calf, sold for \$1,500 in April 2018
- 10-day old zebu calf, sold for \$1,200 in November 2018
- 6-day old Gyr Brahma calf, sold for \$1,500 in January 2019
- 8-day old zebu calf, sold for \$1,200 in January 2019
- 12-day old Gyr/Sardo Negro calf, sold for \$2,000 in May 2019
- 1-day old Gyr bull calf, sold for \$1,800 in March 2020

Based on sale prices listed on social media, even a conservative estimate for the income Morris has generated from these animal sales is substantial and has grown significantly since 2016/2017. *Id.*

- 2016-2017 – at least \$7,900
- 2018 – at least \$41,000
- 2019 – at least \$60,300
- 2020 – at least \$82,000
- 2021 – at least \$187,100

It is also evident from social media that the vast majority of animals that Morris has sold and continues to sell are intended for exhibition, personal pets, or personal use or enjoyment. *See e.g.*, Table A at Ex. A-9 ([Facebook post](#) selling an Indu Brahma bull that Morris states was “[u]sed to take pictures on at our local rodeo. Hundreds of kids, and adults [sic] has there picture made with him.”); *id.* at Ex. A-23 ([Facebook post](#) advertising for 6-month old water buffalo that Morris describes as “bottle raised, used on tv shows and petting zoos. Super friendly, comes to his name”); *id.* at Ex. A-29 ([Facebook post](#) selling an 8-day old zebu with Morris stating in the comments that “they make good pets”); Ex. 37 (March 27, 2019, [Facebook post](#) sharing a message from a “Happy Customer[.]” who loved the pet alpaca they purchased from Morris); Table A at Ex. A-9 ([Facebook post](#) selling water buffalo that Morris describes as “[g]entle, would work for petting zoos or make a great starter herd”); Ex. 38 (June 20, 2021, [Facebook post](#) selling Longhorn steer that Morris states “would do well for pictures or with some more training could be a good rider.”). The comments posted by potential buyers on many of his sale advertisements make clear that the intention of these buyers is to purchase an animal for exhibition or as a pet. *See generally* Table A Exhibits.

On a few occasions Morris has, in fact, sold cattle intended for use as food, but when he’s done so the advertisements for those animals clearly indicate the intention of the sale. *See e.g.*, Ex. 39 (Oct. 18, 2019, [Facebook post](#) advertising “[s]everal nice beef cows”); Ex. 40 (Aug. 19, 2020 [Facebook post](#), advertising “14 Beef steers” for sale, “[a]ccepting offers by weight” and indicating “[n]o antibiotics or dewormer since February”); Ex. 41 (Feb. 3, 2020, [Facebook post](#) advertising for “Beef cows”). In stark contrast to these handful of sales, most of the animals that Morris sells are not advertised in this way. *See generally* Table A Exhibits. Even if *some* of Morris’ sales are exempt from the AWA because the animals sold are used for food, he would still need an AWA license to sell exotic animals, which includes

water buffalo and other “species of foreign domestic cattle, such as Ankole, Gayal, and Yak.”<sup>1</sup> 9 C.F.R. § 1.1. Morris specializes in the sale of foreign domestic cattle breeds, such as Gyr (originating in India), Scottish Highland (originating in Scotland), Belted Galloway (originating in Scotland), Indu (originating in Brazil), Sardo Negro (originating in Mexico), and Zebu (originating in the Indian sub-continent). The sale of these foreign domestic cattle breeds requires an AWA license. In addition, Morris has also sold other exotic animals, such as camels, capybaras, zebras, kangaroos, wildebeest, and African crested porcupines—all of which would also require an AWA license. Thus, a handful of exempt sales does not erase the fact that Morris is selling exotic animals regulated by the AWA, which triggers the requirement for an AWA license.

As the six years of evidence in Table A demonstrate, Morris is operating as an exotic animal dealer, which means he needs to obtain a “valid license” from the USDA unless he is “exempt from the licensing requirements.” 9 C.F.R. § 2.1(a)(1).

### **B. Morris does not qualify for any of the licensing exemptions.**

The AWA regulations outline eight specific exemptions to the general requirement that any person operating as a dealer must obtain a license. 9 C.F.R. § 2.1(a)(1) (licensing requirement); *id.* § 2.1(a)(3) (exemptions to the licensing requirement). Half of these exemptions are for activity that the USDA has determined to be de minimis. *Id.* § 2.1(a)(3)(ii), (iii), (iv), and (vii). None of these four de minimis exemptions apply to regulated activity involving large exotic animals, such as water buffalo, zebra, and camels. *Id.* There is also an exemption for retail pet stores, which similarly doesn’t apply to the sale of exotic animals, large or small. *Id.* § 2.1(a)(3)(i); *see also id.* § 1.1 (definition of retail pet store). Thus, these exemptions are plainly inapplicable to Morris because he sells large exotic animals. *See* Table A.

Two of the remaining exemptions do not apply if the person is engaged in the *sale* of regulated animals. *Id.* § 2.1(a)(3)(viii) (“[a]ny person who buys animals solely for his or her own use or enjoyment and does not sell or exhibit animals”); *id.* § 2.1(a)(3)(v) (only applies to the transport of animals for “breeding, exhibiting in purebred shows, boarding (not in association with commercial transportation, grooming, or medical treatment”). Again, these two exemptions do not apply to Morris because he is selling, for profit, AWA regulated animals. *See* Table A.

The only possible exemption available to Morris is for “[a]ny person who buys, sells, transports, or negotiates the sale, purchase, or transportation of any animals used *only* for the purposes of food or fiber.” 9 C.F.R. § 2.1(a)(3)(vi) (emphasis added). However, as explained above, the vast majority of Morris’ sales do not involve animals used for food.

Morris is operating as a dealer and he is not “exempt from the licensing requirements under paragraph (a)(3).” 9 C.F.R. § 2.1(a)(1).

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<sup>1</sup> Table A does not include any sales of “beef cows” or other U.S. species of domestic cattle that are traditionally used as food.

**C. Morris' carrier registration is not a license and it does not save him from the licensing requirements.**

Exempted from the definition of a dealer is anyone acting *solely* as a carrier. 9 C.F.R. § 1.1 (emphasis added) (“Dealer means any person who. . .for compensation. . .delivers for transportation, or transports, *except as a carrier*, buys, or sells, or negotiates the purchase or sale of” any animal). A carrier is defined narrowly, as “the operator of any airline, railroad, motor carrier, shipping line, or other enterprise, which is engaged in the business of transporting any animals for hire.” 7 U.S.C. § 2132 (j). If someone who transports animals for hire is also engaged in the buying, selling, or negotiating the purchase or sale of regulated animals, they are a dealer—not a carrier—and they must be licensed under the AWA. 7 U.S.C. § 2136 (“every carrier. . .not licensed under section 2133 of this title shall register with the Secretary”); 9 C.F.R. § 2.25(a) (“Each carrier. . .not required to be licensed. . .shall register with the Secretary”).

Morris indisputably transports animals for hire. As discussed at length above, however, Morris sells and exhibits regulated animals for a substantial amount of financial gain. *See* Table A. In addition, Morris almost always states on his posts advertising for animal sales that delivery is available. *See generally* Table A Exhibits. In other words, Morris is using his transportation business to bolster his animal sales. He is a dealer who is selling regulated animals and delivering those animals to a buyer. Because his business is not limited to just transporting animals for hire, he is not a carrier.

Registration is not an AWA license, and is specifically reserved for individuals “not required to be licensed.” 9 C.F.R. § 2.25(a). Morris is required to be licensed, and thus, shouldn’t even be a registered carrier.

**II. Morris is the operator of the Shelby Alternative Livestock Auction and he cannot lawfully organize another event until obtaining an AWA license.**

Under the AWA, the operator of an auction sale is subject to the exact same licensing requirements and exemptions as a dealer. 9 C.F.R. § 2.1. An operator of an auction sale is defined as “any person who is engaged in operating an auction at which animals are purchased or sold in commerce.” 9 C.F.R. § 1.1. This definition focuses on the actions of the “person” organizing the auction—not the physical location where the auction is held. The [USDA’s guidance](#) emphasizes this point by explaining that “licenses must be acquired by radio and television stations that conduct auctions with bids on regulated animals.” The USDA’s guidance does not mention the location of where these radio and television station auctions are conducted—rather the focus is on the stations as being the organizers of the auction, which is the trigger for licensing.

Morris was the operator of the October 2021 Shelby Alternative Livestock Auction, and as established above, he does not have an AWA license. Morris was listed as an organizer for the event on the event flyer. Ex. 15. He arranged the consignments for the auction. Ex. 16-17; *see also* Table B. Morris was also in charge of reserving seats and collecting payment for those reservations. Ex. 18-19. After the event, Morris took *sole* credit when posting a thank you note on the Shelby Alternative Livestock Auction Facebook page. Ex. 20.

There is no publicly available evidence indicating that Morris is an employee or in any way connected to the business operations of the CCALE. *See* Ex. 42 (listing Vale Enterprises, LLC as the owner of the CCALE auction house); Ex. 43 (listing the company officials for Vale Enterprises as Melissa Matthews



and Steven Matthews). Morris has his own business—Circle M Livestock & Hauling. He appears to be an outside third party who arranged this October 2021 auction at the CCALE auction house.

While the CCALE—an AWA licensed dealer (license no. 55-B-0232)—was the venue for this auction, the evidence indicates that it was not the operator of the Shelby Alternative Livestock sale. The CCALE has cattle and small animal auctions on a regular basis. Ex. 44 (advertising cattle auctions every Tuesday at 11am); Ex. 45 (advertising small animal auctions every other Friday at 7pm). All the information regarding these auctions are on the CCALE’s [official website](#) and [Facebook page](#). The [contact information](#) listed for these weekly auctions is 704-419-2555 (the facility’s main phone number) and [contact@shelbyccale.com](mailto:contact@shelbyccale.com) (the facility’s main email). Any advertisements for animals that will be offered for sale at one of these weekly auctions is posted on the CCALE’s official [Facebook page](#). When the CCALE organizes and operates an auction sale it does so on *its* website and Facebook page.

The Shelby Alternative Livestock Auction was not organized on the CCALE’s official website or Facebook page. Rather, the Shelby Alternative Livestock Auction has its own [Facebook page](#), which appears to be run by Morris. It has its own email address ([ShelbyALA@yahoo.com](mailto:ShelbyALA@yahoo.com)), which is a Yahoo account, and not connected to the CCALE’s website ([@shelbyccale.com](mailto:@shelbyccale.com)). Ex. 19 (listing auction’s email). The CCALE even directed people to the Shelby Alternative Livestock Auction page “[f]or all information on this special exotic sale.” Ex. 46 (Oct. 7, 2021, [Facebook post](#)). All of the over 250 animal consignments that Morris organized before the event were advertised on the Shelby Alternative Livestock Auction page—and not the CCALE’s page. *See generally* Table B Exhibits. This was not an event organized by the CCALE.

Even if there were any lingering questions as to who was responsible for this auction, the Shelby Alternative Livestock Facebook page removes any doubt by stating that “[t]his sale is NOT put on and managed by the Veterinarians who own the previously used sale barn.” Ex. 1. The CCALE was just the “sale barn,” i.e. the venue for the sale. Morris is the *sole* organizer for the Shelby Alternative Livestock Auction. *See e.g.*, Ex. 23.

Morris does not have an AWA license, which means he cannot legally organize and operate the Shelby Alternative Livestock Auction until he obtains one. As documented above, Morris has been breeding, selling, and exhibiting exotic animals for years without an AWA license. Now he has expanded his apparent unlawful conduct to operating an auction sale. The USDA must intervene and prevent Morris from organizing another exotic livestock auction until he has obtained the proper license.

### **III. The USDA should not issue an AWA license to Morris because of his prolific and brazen apparent violations of the AWA.**

The AWA regulations mandate that “[t]he failure of any person to comply with any provision of the Act, or any of the provisions of the regulations or standards in this subchapter *shall* constitute grounds for denial of a license.” 9 C.F.R. § 2.1(d) (emphasis added). Morris’ six years of apparent AWA violations should result in a denial of a license should he apply for one.

Morris registered with the USDA as a carrier in June 2018. In order to register as a carrier, Morris would have been provided with “a copy of the regulations” along with the registration form, and would have been required to “acknowledge receipt of” those AWA regulations and “agree to comply with” them. 9 C.F.R. § 2.26. At which point, Morris would have been well aware that he was operating as a dealer due

to his exotic animal sales, which required an AWA license. Nevertheless, Morris choose to register as a carrier. Perhaps because the AWA requirements for carriers are significantly less than what is required of dealers, which means the USDA's oversight of carriers is not as stringent. By choosing to register as a carrier, Morris should have stopped selling regulated animals, but he didn't. He purposefully choose to register as a carrier, while continuing to operate as a dealer.

This same intentional disregard for the AWA played out at the October 2021 Shelby Alternative Livestock Auction. Morris evidently recognized that the sale of exotic animals triggered AWA licensing requirements because he [notified sellers](#) that “[i]f an animal requires a USDA license” he would need a copy of the license or the license number upon check-in. Ex. 21; *see also* USDA, [Licensing and Registration Under the Animal Welfare Act](#) (“Anyone consigning regulated animals to the auction must also be licensed as a dealer (unless one of the exemptions applies”). As the organizer of the auction, however, Morris didn't play by his own rules. Morris sold at least two Asiatic water buffalo without a USDA license. Ex. 2. In addition to selling animals at the Shelby Alternative Livestock Auction without an AWA license, Morris also organized the auction sale without an AWA license. What's more, a concerned citizen documented several egregious violations of the AWA during the event, all of which Morris should be responsible for as the auction sale organizer. *See* Complaint No. AC22-230.

Even after the USDA cited Morris for unlicensed exotic animal sales at the Shelby Alternative Livestock Auction and warned him not to engage in regulated activity until he obtains a license, he continued business as usual. Since the October 2021 auction, Morris has continued to sell and exhibit animals regulated by the AWA without a license. *See* Table A; *see also* Ex. 22.

Morris has demonstrated that he has little interest in being regulated by the AWA. A citation and a license application packet is not enough for this kind of prolonged and intentional violation of the AWA. As such, PETA requests that the USDA investigate and assess civil penalties pursuant to 7 U.S.C. § 2149(b). In addition, any application from Morris for a license must be denied pursuant to 9 C.F.R. §§ 2.11(a)(1), (2), (6), and (7). In light of Morris' lengthy history of engaging in regulated activity without an AWA license, it would be arbitrary, capricious, an abuse of discretion, not in accordance with applicable law, and contrary to the purposes of the AWA to issue him a license. 5 U.S.C. § 706(2)(a).