

November 22, 2022

Robert Gibbens, DVM  
Director, Animal Welfare Operations  
USDA/APHIS/Animal Care

Via e-mail [REDACTED]; [animalcare@usda.gov](mailto:animalcare@usda.gov)

Re: Request to investigate CY for unlicensed exhibition

Dear Dr. Gibbens,

I am writing on behalf of PETA to request that the U.S. Department of Agriculture (“USDA”) investigate CY (née Cyril Vierstra) and Union Ridge Wildlife Center (URWC) for exhibiting USDA-regulated species in apparent violation of the Animal Welfare Act (AWA), 7 U.S.C. § 2134, and its regulations, 9 C.F.R. §§ 2.1, 2.11.

CY does not hold an AWA exhibitor’s license and is disqualified from being relicensed. On May 9, 2022, CY’s AWA license (no. 31-C-0259) was cancelled. Despite no longer having a valid license, CY continues to exhibit nonhuman primates, tigers, wildebeest, and other USDA-regulated animals to the public exactly as he did before—by using URWC as a vacation rental.<sup>1</sup> Further, CY is unable to obtain a new license. Under AWA regulations, a person who provides false and fraudulent statements or records to the USDA or any other government agency is disqualified from holding an AWA license. *Id.* § 2.11(a)(7). On October 26, 2022, CY pled guilty to multiple felony charges arising out of false, fraudulent, and corrupt activities while serving as the Vinton Township fiscal officer. Further, as detailed in the attached appendix, CY has made other false statements to the USDA and the Ohio Department of Agriculture regarding the animals in his care.

Accordingly, PETA respectfully requests that the USDA investigate CY and URWC for exhibiting animals without a license and deny any potential future applications to license CY under the AWA.

Thank you for your attention to this important matter.

Sincerely,



Cydnee Bence  
Legal Fellow, PETA Foundation  
[REDACTED]

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- PETA U.S.
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- PETA Germany
- PETA Netherlands
- PETA Foundation (U.K.)

<sup>1</sup> Ex. 1, *The Suite at Union Ridge Wildlife Center*, AIRBNB.

## Appendix

### I. CY and UWRC are exhibiting animals without a license in apparent violation of the AWA.

The AWA defines “exhibitor” as “any person (public or private) exhibiting any animals, which were purchased in commerce or the intended distribution of which affects commerce, or will affect commerce, to the public for compensation, as determined by the Secretary ... whether operated for profit or not.” 7 U.S.C. § 2132(h). Under longstanding USDA interpretation, a person is an exhibitor under the act, “simply by making animals available to the public.” *In re Lloyd A. Good, Jr.*, 49 Agric. Dec. 156, 174 (1990).

CY makes animals available to the public by using URWC as a vacation rental, specifically advertising that guests will have access to USDA-regulated animals.<sup>2</sup> CY uses the online platform Airbnb to advertise a room for rent at the facility for \$149 USD per night.<sup>3</sup> CY emphasizes that “there are exciting animals on premises, and surrounding your space,” and guests who rent a room at the facility, have “access to explore the property,” “see the animals,” enjoy “viewing and [the] company of Japanese Snow Macaques,”<sup>4</sup> who are held immediately adjacent to and visible from the rental. Guest reviews indicate that since CY’s license was cancelled in May, dozens of people have paid to visit URWC and view the animals exhibited there.<sup>5</sup> Recent guests specifically mention that they had “up close and personal” encounters with animals, fed the animals, walked around the facility to see the animals, and had coffee and breakfast with Japanese Macaques while in their guest room.<sup>6</sup>

This conduct indisputably qualifies as exhibition, and by exhibiting animals at URWC without a license, CY and UWRC are in apparent violation of the AWA. 7 U.S.C. § 2134; 9 C.F.R. §§ 2.1, 2.11.

### II. CY is disqualified from being relicensed under the AWA for false statements and fraudulent documents provided to the USDA and other government agencies.

AWA regulations state that “[a] license *will not be issued* to any applicant who ... [h]as made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies.” 9 C.F.R. § 2.11(a)(7) (emphasis added). Consequently, CY cannot hold an AWA license as he has pled guilty to multiple felony charges related to fraud and false statements while in office;<sup>7</sup> was previously cited for lying to USDA agents;<sup>8</sup> surreptitiously and apparently illegally imported and exported a chimpanzee between Ohio and Missouri without required permits and health certificates;<sup>9</sup> and URWC made several false statements in an application to the Ohio Department of Agriculture, which includes several sworn affidavits.<sup>10</sup> These false and fraudulent activities disqualify CY and UWRC from holding an AWA license.

On October 26, 2022, CY pled guilty “to felony counts of engaging in a pattern of corrupt activity, theft in office, and tampering with records, plus a misdemeanor count of dereliction of duty” after he was caught

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<sup>2</sup> Ex. 1.

<sup>3</sup> *Id.*

<sup>4</sup> Ex. 2, *About this space, The Suite at Union Ridge Wildlife Center*, AIRBNB.

<sup>5</sup> Ex. 3, *Reviews, The Suite at Union Ridge Wildlife Center*, AIRBNB.

<sup>6</sup> *Id.*

<sup>7</sup> Press Release, Ohio Auditor of State, Former Vinton Township Officer Pleads Guilty to Stealing Public Funds for Personal Expenses, Including Roadside Zoo Costs (Nov. 1, 2022), <https://ohioauditor.gov/news/pressreleases/Details/6073>.

<sup>8</sup> Ex. 4, USDA Inspection Report, License No. 31-C-0259 (May 31, 2017).

<sup>9</sup> Ex. 5, Letter from Jared Goodman, PETA to Robert M. Gibbens, D.V.M., USDA (October 20, 2022).

<sup>10</sup> Ex. 6, Union Ridge Wildlife Center, Inc., Renewal Application for Rescue Facility Permit (Nov. 29, 2021).

stealing \$287,500 of public funds.<sup>11</sup> The Ohio Auditor of State found that between 2016 and 2020, while CY was the Vinton Township fiscal officer, he “created fake invoices, billing slips, and other fraudulent documents” to use township money for “for personal expenses, including costs associated with a roadside zoo he operated.”<sup>12</sup> Due to his financial mismanagement, the township incurred an additional “\$18,000 in interest and fees owed to the Internal Revenue Service for unremitted tax withholding attributable to CY.”<sup>13</sup> CY has admitted to making false and fraudulent statements and provided false and fraudulent records to the Vinton Township Board of Trustees. Accordingly, this conduct alone disqualifies him from holding a license pursuant to section 2.11(a)(7).

On May 31, 2017, the USDA cited CY for interfering with APHIS officials.<sup>14</sup> CY claimed that wild dogs had penetrated the fence and killed three lynx.<sup>15</sup> Additionally, a disposition form at URWC stated that two female lynx were transferred to a non-USDA licensed facility in Indiana in October or November 2016. CY claimed he purchased the lynx from a breeder a day before transferring them, but did not have any acquisition records.<sup>16</sup>

On June 2, 2017, CY admitted that wild dogs had not killed the lynx and that he had created false disposition forms.<sup>17</sup> CY admitted that his personal domestic dog had killed the lynx by pushing in the door to the lynx enclosure.<sup>18</sup> The hinges of the door were allegedly worn and rusted and CY had stopped locking the perimeter fence, instead closing the gate with a bungee cord.<sup>19</sup> This lack of security allowed the dog to push through the door and attack the lynx. CY further admitted that he had never taken possession of the two female lynx, and they were never transferred to the Indiana facility.<sup>20</sup> Rather, he claims created the documents in hopes that he could “replace” two of the deceased lynx “before anyone realized that the three lynx were no longer at the facility.”<sup>21</sup> Setting aside that this explanation makes little sense, CY nonetheless admits to making false statements and providing false documents to the USDA, in violation of the AWA.

In addition to providing false statements and records, a person who is “otherwise unfit to be licensed” such that their licensure “would be contrary to the purposes of the Act” does not qualify for an AWA license. 9 C.F.R. § 2.11(a)(7). CY’s conduct in connection with the chimpanzee Tonka disqualifies him and URWC from obtaining an AWA license for this additional reason.

In late July 2021, Tonia Haddix transferred chimpanzee Tonka to CY in violation of a federal court order.<sup>22</sup> Haddix had falsely claimed that Tonka had died on May 30, 2021, and sent Tonka to CY and UWRC to prevent his transfer to an accredited sanctuary.<sup>23</sup> On June 3, 2022, CY told PETA representatives that he accepted Tonka believing that he was a different chimpanzee named “Joe.”<sup>24</sup> He further asserted that he

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<sup>11</sup> Press Release, Ohio Auditor of State, Former Vinton Township Officer Pleads Guilty to Stealing Public Funds for Personal Expenses, Including Roadside Zoo Costs (Nov. 1, 2022), <https://ohioauditor.gov/news/pressreleases/Details/6073>; see Ex. 7, Plea of Guilty/Entry, Ohio v. CY f/k/a Cyril Vierstra, No. 21-CR-0087 (Ohio Ct. Comm. Pleas Oct. 26, 2022).

<sup>12</sup> *Id.* (referring to Union Ridge Wildlife Center).

<sup>13</sup> *Id.*

<sup>14</sup> Ex. 4.

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Id.*

<sup>20</sup> *Id.*

<sup>21</sup> *Id.*

<sup>22</sup> Ex. 5.

<sup>23</sup> *Id.*

<sup>24</sup> Ex. 5.

kept Tonka until late winter or early spring of 2022, and acknowledged that he imported and exported the chimpanzee without the required state permits and health certificates, in apparent violation of the AWA and Ohio law.<sup>25</sup>

Further, during this period, URWC required a new Ohio State Rescue Facility Permit. Part of the renewal process requires disclosing any addition, transfer, or loss of wild animals possessed since the previous permit.<sup>26</sup> A renewal application was submitted on November 29, 2021—approximately four months after receiving Tonka and while he remained at the facility.<sup>27</sup> However, CY and URWC did not disclose that they had acquired Tonka, or as CY claims to know him, “Joe.”<sup>28</sup> By failing to disclose that he was housing Tonka, a false application was submitted to the Ohio Department of Agriculture.

Additionally, to renew the permit, the applicant must sign an affidavit swearing that “each male dangerous wild animal that is possessed by the applicant has been sterilized.”<sup>29</sup> Under Ohio law, a chimpanzee is a “dangerous wild animal.” Ohio Rev. Code § 935.01(C)(19). Tonka, an adult male chimpanzee, was not sterilized at the time he was in CY’s possession.<sup>30</sup> Accordingly, because Tonka had not been sterilized, the URWC’s sworn certification to the Ohio Department of Agriculture to the contrary is an apparent false statement made under oath.

CY’s false statements, false documents, dishonesty, and lack of candor with the USDA and the State of Ohio make him and UWRC unfit to hold an AWA license. Considering CY’s deceitful and fraudulent conduct, issuing CY a license would be contrary to the purposes of the Act.

### III. Conclusion

CY and UWRC do not have a license to exhibit animals yet they continue to exhibit animals at the roadside zoo by marketing the facility as a vacation rental. They invite members of the public to pay hundreds of dollars to stay at URWC and interact with animals. Further, CY *cannot* be licensed under the AWA due to his history of making false statements and submitting false documents to the USDA and Ohio Department of Agriculture. For these reasons, PETA urges the USDA investigate CY and UWRC for violations of the AWA and deny any of their or any of their agent’s future applications for AWA licenses.

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<sup>25</sup> *Id.*; Ohio Admin. Code § 901:1-17-12(A)(1) (any non-domestic animal imported into the state must be “[a]ccompanied by a permit issued prior to entry and a certificate of veterinary inspection issued within thirty days prior to entry”); *Id.* § 901:1-17-01(E) (“[a] copy of a certificate of veterinary inspection must be forwarded to the Chief, Division of Animal Health . . . within seven days of issuance.”).

<sup>26</sup> Ex. 6.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Id.*

<sup>30</sup> Tonka was sterilized only after he was moved to a reputable, accredited sanctuary.