

November 22, 2022

Dorothy Pelanda  
Director  
Ohio Department of Agriculture

**Via e-mail:** [REDACTED]

Re: Request for Investigation of Cyril Vierstra

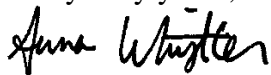
Dear Director Pelanda:

I am writing on behalf of PETA to request that the Ohio Department of Agriculture (ODA) inspect Cyril Vierstra and Union Ridge Wildlife Center (URWC), located at 35863 Huston Road, Wilkesville, OH 45695 for possible violations of the Ohio Dangerous Wild Animals and Restricted Snakes Act and regulations governing the import of nondomestic animals.

As detailed in the attached appendix, Vierstra, who operates URWC, possessed a male chimpanzee named Tonka, who has been the subject of a federal Endangered Species Act lawsuit to which PETA is a party, between July 2021 and February 2022. According to public records requests submitted by PETA, as well as conversations with PETA representatives, Vierstra failed to notify the ODA of his possession of this dangerous wild animal and failed to obtain and submit the legally required import permit and health certificate. These failings appear to have been intentional—as part of Vierstra’s actions as an apparent accomplice in a scheme with Tonka’s owner to violate a federal court order requiring the chimpanzee to be surrendered to a Florida great ape sanctuary. Vierstra has previously violated state permit and import requirements in relation to chimpanzees and thus was aware of those requirements with respect to Tonka. Vierstra also recently pleaded guilty to a felony conviction for crimes committed when he served as Vinton Township Fiscal Officer.

For these reasons, PETA respectfully requests that you investigate Vierstra and assess all available penalties, including but not limited to revoking Vierstra’s permits to keep dangerous wild animals in the state. PETA stands ready to assist the ODA in identifying reputable placement facilities for confiscated animals.

Very truly yours,



Anna Whistler  
Counsel, Captive Animal Law Enforcement  
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PETA FOUNDATION IS AN OPERATING  
NAME OF THE FOUNDATION TO  
SUPPORT ANIMAL PROTECTION.

ENTITIES:

- PETA U.S.
- PETA Asia
- PETA India
- PETA France
- PETA Australia
- PETA Germany
- PETA Switzerland
- PETA Netherlands
- PETA Foundation (U.K.)

## APPENDIX

### Legal Framework and Factual Background

#### *Ohio Dangerous Wild Animals and Restricted Snakes Act*

The Dangerous Wild Animals and Restricted Snakes Act (the Act) regulates and requires registration of “dangerous wild animals,” including chimpanzees and most other nonhuman primate species. Ohio Rev. Code § 935.01(C). The registration process requires those interested in keeping dangerous wild animals to have a microchip permanently implanted in the animal, comply with requirements concerning the care and housing of the animal, and obtain either a wildlife shelter permit or a wildlife propagation permit. *Id.* § 935.04(C), (D), and (E). An individual may also apply for a rescue facility permit in lieu of the wildlife shelter or wildlife propagation permits. *Id.* § 035.101(A)(1)–(2).

A rescue facility permit is available only to nonprofit organizations that operate “a place of refuge where abused, neglected, unwanted, impounded, abandoned, orphaned, or displaced dangerous wild animals are provided care for their lifetime or released back to their natural habitat.” *Id.* § 935.01(K). An organization is not a rescue facility and therefore cannot obtain a rescue facility permit if it “use[s] the animal[s] in any manner for profit,” “breed[s] the animal[s],” or “allow[s] the public the opportunity to come into contact with the animal[s].” *Id.*

The Act authorizes the Director to investigate if there is reason to believe that a dangerous wild animal is possessed by someone not issued a permit, or if a permittee treats or keeps a dangerous wild animal in a manner that violates the Act or its implementing regulations. *See id.* §§ 935.20(A)(1), 935.20(A)(3). If the Director determines that such a violation has occurred, the Director must initiate a court proceeding for seizure of the animal(s). *See id.* § 935.20(H). A violation of the Act or its related rules may constitute a minor misdemeanor, a misdemeanor of the first degree, or a felony of the fifth degree, depending on the nature of the violation. *See id.* §§ 935.99, 935.18, 935.29.

As a required governmental form, a rescue facility permit application is subject to the state’s laws on the falsification of records. In pertinent part, section 2921.13(A) of the Ohio Revised Code reads:

No person shall knowingly make a false statement, or knowingly swear or affirm the truth of a false statement previously made, when any of the following applies: . . .

(3) The statement is made with the purpose to mislead a public official in performing the public official’s official function. . . .

(5) The statement is made with the purpose to secure the issuance by a governmental agency of a license, permit, authorization, certificate, registration, release, or provider agreement.

(6) The statement is sworn or affirmed before a notary public or another person empowered to administer oaths. . . .

(11) The statement is made on an account, form, record, stamp, label, or other writing that is required by law.

*Id.* § 2921.13(A). A violation of these subsections is a misdemeanor of the first degree. *Id.* § 2921.13(F)(1).

### *Regulations*

Individuals seeking a rescue facility permit must submit the required application to the Director, including descriptions of each dangerous wild animal in the applicant's possession; a declaration that each dangerous wild animal has been sterilized or should not be sterilized for medical reasons; and a declaration that the applicant will not allow public contact with the animals. *See* Ohio Admin. Code 901:1-4-16(A)(3), (9), (13). Persons issued a rescue facility permit under the Act must comply with the care and housing rules set forth by the ODA and those adopted under the federal Animal Welfare Act. Ohio Rev. Code § 935.12(B). The ODA's rules define minimum requirements that must be met for all dangerous wild animals, as well as rules specific to certain species.

Permit holders must also comply with the ODA's importation regulations. 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 . . ." Ohio Admin. Code 901:1-17-12(A)(1). Moreover, "[a]nimals which are defined as dangerous wild animals or restricted snakes . . . must be in compliance with all of the rules and requirements of [Chapter 935 of the Ohio Revised Code] and have a certificate of veterinary inspection in order to be imported into the state of Ohio." *Id.* 901:1-17-12(C). Lastly, "[a] copy of a certificate of veterinary inspection must be forwarded to the Chief, Division of Animal Health . . . within seven days of issuance." *Id.* 901:1-17-01(E).

## **I. Tonka**

In 2017, PETA filed a lawsuit against Connie Casey, operator of Missouri Primate Foundation (MPF), alleging that the mistreatment of chimpanzees there, including a male chimpanzee named Tonka, violated the Endangered Species Act. After PETA filed the lawsuit, Casey transferred ownership of the chimpanzees to animal dealer Tonia Haddix in a failed attempt to moot the lawsuit. Haddix was subsequently added as a defendant in the suit. Ultimately, the court ordered Haddix to turn over the seven chimpanzees at MPF for placement at a sanctuary accredited by the Global Federation of Animal Sanctuaries (GFAS), which PETA was overseeing. However, when PETA arrived on the day of the transfer, Tonka was missing, and Haddix claimed that he had died. Haddix subsequently repeated that false claim under oath in federal court in a hearing relating to Tonka's whereabouts. In fact, Haddix and Vierstra apparently conspired to illegally move Tonka across state lines without the required health certificates and import permit that would create public records revealing their scheme. They concealed him at URWC for more than six months, until Tonka was moved across state lines—again without the legally required health certificate—from URWC to a cage in Haddix's basement in Missouri. PETA learned that Tonka was alive in June 2022 and obtained an emergency court order that led to his rescue and transfer to a GFAS-accredited chimpanzee sanctuary.

In a June 2022 phone call between Vierstra and PETA Foundation General Counsels for Animal Law and for Captive Animal Law Enforcement, Jared Goodman and Brittany Peet, Vierstra

stated that Tonka, whom he claimed to refer to as “Joe” while he was at URWC,<sup>1</sup> had been held there between July 2021 and February 2022. Text messages to Peet from Vierstra, in which he pleads with Peet to transfer Tonka *back* to URWC, and a photograph of Tonka at URWC sent to Peet by Vierstra’s friend, ██████████, corroborate Vierstra’s claim that Tonka resided at URWC. *See* Exhibit A<sup>2</sup> and Exhibit B.<sup>3</sup> However, according to public records received by PETA, neither Vierstra, URWC, nor anyone on their behalf obtained the legally required health certificates for Tonka’s import and export into and out of Ohio, applied for an import permit for Tonka, or attempted to notify the ODA of Tonka’s presence in the state, as required by law. Indeed, the most recent Rescue Facility Permit Renewal Application for URWC, which identifies Vierstra as a designated employee, failed to list Tonka as an animal transferred to URWC since the previous application even though Tonka had arrived at URWC approximately four months before the renewal application was submitted on November 29, 2021, and remained at the facility. *See* Exhibit C.<sup>4</sup> Additionally, because Tonka was not sterilized during the time he was at URWC, the affidavit of sterilization included in URWC’s Renewal Application is an apparent false statement made under oath. *See id.* There was also no health certificate provided to the state for either Tonka’s import in July 2021 or export in February 2022.

This is not the first time Vierstra has violated the state’s permit and import requirements. In July 2020, he was ordered to quarantine a spider monkey and two chimpanzees after failing to comply with the Act and the importation requirements pertaining to certificates of veterinary inspection. *See* Exhibit D.<sup>5</sup> Vierstra was clearly well aware of the requirements when he acquired Tonka, and chose instead to intentionally violate the state’s laws, apparently as part of a scheme to aid and abet Tonka’s owner’s violation of the federal court order requiring Tonka’s surrender.

## **II. Other Dangerous Wild Animals at URWC**

According to evidence obtained earlier this year by a concerned citizen who stayed at URWC’s Airbnb, where guests are granted unattended access to the facility’s animal exhibits as part of their stay, Vierstra has violated other requirements under the Dangerous Wild Animals Act and its implementing regulations.

First, Vierstra appears to have violated the Act’s prohibition against using dangerous wild animals in any manner for profit by marketing the presence of such animals on his property to attract visitors for overnight stays. *See* Ohio Rev. Code § 935.01(K); *The Suite at Union Ridge Wildlife Center*, AIRBNB<sup>6</sup>; Exhibit E.<sup>7</sup> In fact, the presence of dangerous wild animals is so essential to the Airbnb experience offered by Vierstra that the rental space contains large windows looking directly into the Japanese macaque enclosure. *See* Video 1; Video 2; Ohio Rev.

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<sup>1</sup> The use of an alias for Tonka further evidences the conspiracy to hide him.

<sup>2</sup> Photo of Tonka—“Joe”—sent to Brittany Peet by Vierstra’s friend, ██████████, after ██████████ called Peet to inform her that Tonka had been at URWC.

<sup>3</sup> Text messages sent to Brittany Peet from Vierstra indicating that Tonka had been held at URWC.

<sup>4</sup> Copy of URWC’s Rescue Facility Permit Certification and its Rescue Facility Permit Renewal Application submitted Nov. 29, 2021.

<sup>5</sup> Ohio Dep’t of Agric. Quarantine Order (July 1, 2020).

<sup>6</sup> <https://www.airbnb.com/rooms/43478270> (last accessed Nov. 7, 2022).

<sup>7</sup> PDF of Airbnb rental advertisement, including one guest review in which the guest describes having had the opportunity to feed monkeys.

Code § 935.01(4)(C)(19) (defining “dangerous wild animals” to include nonhuman primates such as Japanese macaques). Because the Act expressly prohibits a rescue facility from using a dangerous wild animal in any manner for profit,<sup>8</sup> it appears that Vierstra has violated the requirements of URWC’s permit. *See* Ohio Rev. Code § 935.01(K). It should be noted that Vierstra was recently convicted of engaging in a pattern of corrupt activity, tampering with records, and theft of more than \$287,000 when he served as Vinton Township Fiscal Officer. *See* Exhibit F<sup>9</sup>, Exhibit G.<sup>10</sup> He used those public funds for his own benefit and to fund URWC, and now faces a sentence up to twenty years in prison and over \$300,000 in restitution to the township. For these reasons, Vierstra’s marketing of the dangerous wild animals on Airbnb and his use of the rental proceeds should be thoroughly investigated.

Vierstra also appears to have violated the Act by allowing the public to engage in direct contact with dangerous wild animals. *See* Ohio Rev. Code §§ 935.01(19)–(20) (defining “dangerous wild animal” to include most nonhuman primates generally and black spider monkeys specifically). In addition to a statement made by one Airbnb reviewer describing direct contact with monkeys, the visitor reported that Vierstra allowed them to have direct interactions with spider monkeys, whom the witness was able to feed by hand. *See* Exhibit E; Video 3; Video 4. Under the Act, a permitted rescue facility cannot allow any public interactions with dangerous wild animals. *See* Ohio Admin. Code § 901:1-4-16(A)(13). Indeed, a rescue facility permit applicant is required to submit a signed affidavit “attesting that the applicant will not allow members of the public to be in physical contact with a dangerous wild animal possessed by the applicant.” *Id.* § 901:1-4-16(4). By allowing the public to have direct contact with dangerous wild animals, Vierstra blatantly violated the terms of the Affidavit of No Contact with the Public made by Michael Pennington in the 2021 Rescue Facility Permit Renewal Application. *See* Exhibit C. Those terms read, in pertinent part:

2. Affiant, in making this statement to the Ohio Department of Agriculture, swears and affirms that he/she is certifying that the facility where the dangerous wild animals in Affiant’s possession are currently held will not be open to the public for any type of activity which involves physical contact of any kind by the public.

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<sup>8</sup> It is not clear from the rental listing whether the proceeds from the overnight rentals support URWC as a nonprofit or whether Vierstra profits personally, but such a distinction may be inconsequential; in a case considering an analogous prohibition against commercial use of animals protected by the Endangered Species Act, one federal court concluded:

There may be legitimate questions about how to assess the meaning of “profit” when considering animal transfers between non-profit zoos. However, it seems clear that the AZA trading scheme is a centrally important mechanism by which [the zoo] can grow, transform, and market itself. Because the transfer of [the protected animals] is part of this scheme, it appears axiomatic that the transfer would be, at least in part, carried out “in the pursuit of gain or profit.”

*Elephant Just. Project v. Woodland Park Zoological Soc’y, Inc.*, No. C15-0451-JCC, 2015 WL 12564233, at \*3 (W.D. Wash. Apr. 7, 2015).

<sup>9</sup> Pretrial Order, Aug. 9, 2022, *Ohio v. Cyril Vierstra*, No. 21CR0087 (Vinton County Ct. Com. Pl.); Entry of Guilty Plea, Oct. 26, 2022, *Ohio v. Cyril Vierstra*, No. 21CR0087 (Vinton County Ct. Com. Pl.).

<sup>10</sup> *Former Vinton Co. Township Fiscal Officer Pleads Guilty to Felony*, Scioto Valley Guardian (Oct. 28, 2022).

3. Affiant further swears and affirms that the dangerous wild animals will not have physical contact with any member of the public while in the possession of the Affiant.

*Id.*

Additionally, the witness reported that the outdoor enclosure for the Japanese macaques was insufficient because the railing surrounding the enclosure does not prevent a visitor from having direct access to the macaques if the visitor reaches over it, and that the outdoor and indoor enclosures for the spider monkeys lacked secondary barriers to prevent the public from engaging in direct contact with dangerous wild animals, such as fencing or railing. *See* Exhibit H; Video 5. The ODA's rules require a secondary enclosure, which "serves as a perimeter fence surrounding all primary enclosures" such that "it protects the animals in the enclosure by restricting animals and unauthorized persons from outside of the facility from having contact with the animals in the facility." Ohio Admin. Code § 901:1-4-01(J).

### **CONCLUSION**

For the aforementioned reasons, and in light of Vierstra's previous violations and recent felony conviction, PETA respectfully requests that the ODA investigate Vierstra. If the Director determines that Vierstra has violated the Act or its implementing regulations, PETA urges the Director to revoke URWC's Rescue Facility permit and initiate a proceeding for confiscation of the animals held there, pursuant to Section 935.20(H) of the Act. As previously noted, PETA is ready and willing to assist the ODA in identifying reputable placement facilities for confiscated animals.