

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: )  
 ) AWA Docket 23-J-0024  
Craig Kokas d/b/a Kokas Exotics, )  
 )  
Respondent, ) COMPLAINT

REC'D - USDA/OALJ/HCO  
2023 FEB 2 8:30 AM

There is reason to believe that the respondent named herein has violated the Animal Welfare Act, as amended (7 U.S.C. 2131 § *et seq.*) (the AWA or Act), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 *et seq.*) (the regulations). Therefore, complainant, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

I.

1. Respondent Craig Kokas d/b/a Kokas Exotics (hereinafter, respondent) is an individual with a business mailing address of 3153 Prospect-Upper Sandusky Road, Prospect, Ohio 43342.

2. At all times material herein, respondent was and is a dealer as that term is defined in the Act and regulations.

3. At all times material herein, respondent held and continues to hold a USDA Class A Breeder license (31-A-0031).

II.

4. Respondent operates a breeding facility that as of March 2022 had an inventory of 533 animals, including cats, ferrets, foxes, skunks, raccoons, mink, groundhogs, hedgehogs, rabbits, coatis, sugar gliders, guinea pigs, deer, alpaca, and wallabies. Complainant's Animal Care Inspectors (ACIs) have been conducting at least one annual inspection of respondent's facility

every year since 2014 except 2020, when they did not inspect the facility due to the COVID-19 pandemic.

5. Complainant's ACIs inspected respondent's facility in 2016 and found one (1) non-critical non-compliant item (NCI).

6. Complainant's ACIs inspected respondent's facility four (4) times in 2018 and found one (1) non-critical NCI.

7. Complainant's ACIs inspected respondent's facility one (1) time in 2019 and found two (2) non-critical NCIs.

8. Complainant's ACIs inspected respondent's facility seven (7) times in 2021 and, as detailed below, found 15 non-critical NCIs, six (6) direct NCIs, and one (1) critical NCI.

9. Complainant's ACIs inspected respondent's facility six (6) times between January and August 2022, as detailed below, found twenty-six (26) non-critical NCIs, seven (7) direct NCIs, and two (2) critical NCIs.

10. On or about September 23, 2022, complainant's ACIs delivered to respondent a Notice of Intent to Confiscate (NOIC) a minimally responsive Bennett's wallaby and striped skunk that they had observed during their inspection the previous day, and respondent voluntarily relinquished the animals to the complainant.

11. On September 27, 2022, complainant suspended respondent's USDA Breeder license for a period of twenty-one (21) days.

12. On November 8, 2022, complainant inspected respondent's facility and found that respondent's continued failure to maintain a Sika deer enclosure and a perimeter fence had resulted in two (2) dogs entering that enclosure and separating two (2) fawns from the herd, leading to their escape from respondent's facility.

13. On November 15, 2022, complainant inspected respondent's facility and found that he had recovered the two (2) fawns whose escape from his facility had been noted in the previous inspection, but he still had not fixed the Sika deer enclosure and the perimeter fence.

### III.

14. On or about September 16, 2021, respondent violated the Act and regulations as follows:

a. Respondent failed to assure that he had an Attending Veterinarian (AV) with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in violation of 9 C.F.R. § 2.40(a)(2). Specifically, facility personnel were performing surgical procedures (anal saccullectomy) on skunks without proper oversight by an AV, a sterile room and sterile instruments for the procedures, and guidelines on how to perform the procedure and provide post-procedural care and pain control.

b. Respondent did not have identification for nine (9) adult domestic cats and three (3) juvenile domestic cats on the premises, in violation of 9 C.F.R. § 2.50(a).

c. Respondent did not maintain a Record of Acquisition (APHIS Form 7005) for the aforementioned twelve (12) domestic cats, which he was housing at his facility for breeding purposes, in violation of 9 C.F.R. § 2.75(a)(1).

d. Respondent did not maintain up-to-date Acquisition and/or Disposition records for the other animals at his facility, in violation of 9 C.F.R. § 2.75(b)(1).

e. Respondent kept members of a domestic breed of cats in outdoor housing even though that breed might not have been able to tolerate all of the weather conditions of the area where respondent's facility was located, in violation of 9 C.F.R. § 3.4(a)(1).

f. Respondent kept domestic cats in outdoor enclosures that were not impervious to moisture, in violation of 9 C.F.R. § 3.4(c).

g. Respondent kept domestic cats in outdoor enclosures that did not having elevated resting surfaces that were impervious to moisture, elevated off the floor, and large enough to fit all of the cats in the primary enclosures at the time comfortably, in violation of 9 C.F.R. § 3.6(b)(4).

h. Respondent did not ensure that wire enclosures for a variety of animal species were structurally sound and maintained in good repair to safely contain the animals therein and protect them from injury, in violation of 9 C.F.R. § 3.125(a).

i. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

j. Respondent did not keep all food receptacles clean and sanitary and replace those that he could not keep maintained, in violation of 9 C.F.R. § 3.129(b).

k. Respondent did not keep all water receptacles clean and sanitary, in violation of 9 C.F.R. § 3.130.

l. Respondent did not take adequate measures to ensure that excreta was being removed from the enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

15. On or about October 25, 2021, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

16. On or about November 22, 2021, respondent violated the Act and regulations as follows:

a. Respondent's employees interfered with APHIS inspectors' ability to inspect his facility by failing to properly identify all regulated animals that were present at respondent's facility and make them available for inspection, in violation of 9 C.F.R. § 2.4.

b. Respondent's Attending Veterinarian (AV) did not have appropriate authority to oversee the provision of veterinary care to respondent's animals and respondent did not have an adequate written program of veterinary care, in violation of 9 C.F.R. § 2.40(a)(2).

c. Respondent's program of veterinary care did not provide adequate instructions for treating some of the medical conditions and injuries that some of the animals were found to have during the inspection and respondent had not consulted his AV about those animals' medical conditions, in violation of 9 C.F.R. § 2.40(b)(2).

d. Respondent did not have disposition records for twelve (12) cats that had been removed from his facility since his last inspection, in violation of 9 C.F.R. § 2.75(a)(1).

e. Respondent failed to maintain up to date acquisition and disposition records for many of the animals at his facility, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

f. Respondent kept rabbits at his facility in an enclosure that did not provide the rabbits with adequate shelter from cold weather, in violation of 9 C.F.R. § 3.52(c).

g. Respondent failed to clean the rabbit enclosure at his facility, thereby failing to keep it free from excreta and other debris, in violation of 9 C.F.R. § 3.56(a)(1).

h. Respondent failed to ensure that numerous wire enclosures and at least one wooden enclosure were structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

i. Respondent stored an open bag of feed in a container that had moldy feed spilled on the floor, risking potential contamination of the feed in the open bag with mold spores, and he stored open bags of canid feed without any measures to prevent contamination, mold, or spoilage, in violation of 9 C.F.R. § 3.125(c).

j. Respondent failed to give three skunks and over 110 foxes access to appropriate shelter sufficient to protect them from local climatic condition and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

k. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

l. Respondent housed over thirty (30) foxes and five (5) raccoons in enclosures with shelter boxes that did not provide the animals with sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, in violation of 9 C.F.R. § 3.128.

m. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

n. Respondent failed to provide access to potable water to support the health and comfort of animals at the facility, in violation of 9 C.F.R. § 3.130.

o. Respondent failed to hire a sufficient number of trained personnel to maintain the professionally accepted level of animal husbandry for the numbers and types of animals at his facility, in violation of 9 C.F.R. § 3.132.

17. On or about December 2, 2021, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

18. On or about December 15, 2021, respondent violated the Act and regulations as follows:

a. Respondent failed to give approximately twenty (20) arctic foxes access to appropriate shelter sufficient to protect them from local climatic condition and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

b. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

c. Respondent failed to give approximately 20% of the foxes, raccoons, and skunks at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

19. On or about December 27, 2021, respondent violated the Act and regulations as follows:

a. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

20. On or about January 26, 2022, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

21. On or about February 7, 2022, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

22. On or about February 8, 2022, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

23. On or about March 23, 2022, respondent violated the Act and regulations as follows:

a. Respondent's Attending Veterinarian (AV) still did not have appropriate authority to oversee the provision of veterinary care to respondent's animals and respondent still did not have an adequate written program of veterinary care, in violation of 9 C.F.R. § 2.40(a)(2).

b. Respondent failed to maintain an inventory of animals at his facility and up-to-date acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

c. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d). As a result, two arctic foxes were able to escape the facility when a tree fell on their enclosure and damaged it, and respondent was not able to recover them.



d. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

e. Respondent failed to give approximately 35% of the foxes, raccoons, skunks, ferrets, mink, and groundhogs at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

24. On or about August 15, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to assure that he had an Attending Veterinarian (AV) with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in violation of 9 C.F.R. § 2.40(a)(2).

Specifically, facility personnel were still performing anal saccullectomies on skunks without proper oversight by an AV and proper guidelines on how to perform the procedure.

b. Respondent failed to daily observe all animals at his facility to assess their health and well-being, thereby resulting in a number of animals being identified during the inspection as being in need of veterinary care, in violation of 9 C.F.R. § 2.40(b)(3). The animals included a male skunk with a testicular injury, numerous foxes whose nails needed to be trimmed, and raccoons, foxes, skunks, and coatimundis that were engaging in abnormal behaviors signifying pain, psychological stress, or poor welfare.

c. Respondent failed to maintain proper records of total offspring born of any animal while in his possession and under his control, in violation of 9 C.F.R. § 2.75(b)(1).

d. Respondent failed to ensure that numerous wire enclosures and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting in conditions that

could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

e. Respondent failed to give many arctic foxes access to appropriate shelter sufficient to protect them from local climatic condition and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

f. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

g. Respondent housed foxes, raccoons, and coatimundis in enclosures with shelter boxes that did not provide the animals with sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, in violation of 9 C.F.R. § 3.128.

h. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

i. Respondent failed to give skunks, ferrets, and mink at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

j. Respondent did not take adequate measures to ensure that excreta was being removed from the enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

k. Respondent did not take adequate measures to prevent the accumulation of trash and debris in animal enclosures at his facility, in violation of 9 C.F.R. § 3.131(c).

1. Respondent failed to hire a sufficient number of trained personnel to maintain the professionally accepted level of animal husbandry for the numbers and types of animals at his facility, in violation of 9 C.F.R. § 3.132.

25. On or about August 31, 2022, respondent violated the Act and regulations as follows:

a. Respondent conducted activities that were not authorized by his Class-A breeder license, in violation of 9 C.F.R. § 2.1(b)(1). Specifically, he annually exhibited a groundhog without first obtaining a Class B Dealer or Class C Exhibitor license and he purchased two ring-tail lemurs even though his Class A Breeder license did not allow him to buy or sell exotic animals not born at his facility.

b. Respondent's program of veterinary care did not provide adequate instructions for treating baby skunks that had undergone anal sacculectomies and a bobcat with poor body condition, and respondent had not consulted his AV about those animals' medical conditions, in violation of 9 C.F.R. § 2.40(b)(2).

c. Respondent failed to daily observe all animals at his facility to assess their health and well-being, thereby resulting in approximately 35 animals being identified during the inspection as being in need of veterinary care, in violation of 9 C.F.R. § 2.40(b)(3).

d. Respondent failed to maintain an inventory of animals at his facility and complete and accurate acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

e. Respondent failed to make four (4) raccoons available to APHIS inspectors for inspection, thereby preventing the inspectors from assessing those animals, their enclosures, and level of care, in violation of 9 C.F.R. § 2.126(a)(4).

f. Respondent failed to have a contingency plan for handling/assisting animals at his facility in the event of an emergency, in violation of 9 C.F.R. § 2.134(a).

g. Respondent failed to ensure that numerous wire enclosures and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

h. Respondent failed to give approximately forty (40) foxes access to appropriate shelter sufficient to protect them from local climatic condition and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

i. Respondent failed to provide a method for efficiently draining excess water from a sika deer enclosure, thereby resulting in the animals having to stand in muddy bogs in the enclosure and around their feeder, in violation of 9 C.F.R. § 3.127(c).

j. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

k. Respondent housed approximately forty (40) foxes in enclosures with shelter boxes that did not provide the animals with sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, in violation of 9 C.F.R. § 3.128. Respondent also kept arctic foxes and red foxes in enclosures located next to each other,

even though red foxes prey on arctic foxes in the wild, thereby causing the arctic foxes extreme stress.

l. Respondent failed to provide foxes, raccoons, skunks, ferrets, mink, and a bobcat with an appropriate diet of sufficient nutritive value and quantity for optimal animal health and welfare, in violation of 9 C.F.R. § 3.129(a).

m. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

n. Respondent failed to give foxes, raccoons, skunks, and mink at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

o. Respondent did not take adequate measures to ensure that excreta was being removed from the enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

26. On or about September 13, 2022, respondent failed to allow complainant's inspectors to enter his facility to examine his records and inspect the facility, in violation of 9 C.F.R. § 2.126(a).

27. On or about September 22, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to assure that he had an Attending Veterinarian (AV) with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in violation of 9 C.F.R. § 2.40(a). Specifically, APHIS inspectors observed a wallaby in need of emergency veterinary care but respondent's AV refused to provide said care on the ground that he did not have any knowledge of or experience

working with wallabies. The next day, complainant's inspectors served respondent with a Notice of Intent to Confiscate (NOIC) the wallaby.

b. Respondent did not provide adequate veterinary care to the wallaby that was found to be in need of emergency veterinary care during the inspection, in violation of 9 C.F.R. § 2.40(b)(2).

c. Respondent failed to daily observe all animals at his facility to assess their health and well-being, thereby resulting in approximately fifteen (15) animals being identified during the inspection as being in need of veterinary care, in violation of 9 C.F.R. § 2.40(b)(3).

d. Respondent failed to maintain an inventory of animals at his facility and complete and accurate acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

e. Respondent failed to ensure that numerous wire enclosures and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

f. Respondent failed to give approximately eighty-seven (87) foxes access to appropriate shelter sufficient to protect them from local climatic condition and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

g. Respondent failed to provide a method for efficiently draining excess water from a sika deer enclosure, thereby resulting in the animals having to stand in muddy bogs in the enclosure and around their feeder, in violation of 9 C.F.R. § 3.127(c).

h. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

i. Respondent housed nearly ninety (90) foxes in enclosures with shelter boxes that did not provide the animals with sufficient space to allow each animal to make normal postural and social adjustments with adequate freedom of movement, in violation of 9 C.F.R. § 3.128. Respondent also continued to keep arctic foxes and red foxes in enclosures located next to each other, even though red foxes prey on arctic foxes in the wild, thereby causing the arctic foxes extreme stress.

j. Respondent failed to provide foxes, raccoons, skunks, ferrets, and mink with an appropriate diet of sufficient nutritive value and quantity for optimal animal health and welfare, in violation of 9 C.F.R. § 3.129(a).

k. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

l. Respondent failed to give foxes and other animals at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

m. Respondent did not take adequate measures to ensure that excreta was being removed from the enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

n. Respondent did not take adequate measures to prevent the accumulation of weeds, trash, and debris in animal enclosures at his facility, in violation of 9 C.F.R. § 3.131(c).

o. Respondent failed to ensure that two (2) red foxes that were housed in the same enclosure were compatible with each other and did not interfere with each other's health or cause each other discomfort, in violation of 9 C.F.R. § 3.133.

28. On or about October 4, 2022, respondent violated the Act and regulations as follows:

a. Respondent did not have an AV who was able to provide adequate veterinary care, in violation of 9 C.F.R. § 2.40(a).

b. Respondent failed to maintain an adequate program of veterinary care, thereby resulting in eleven (11) animals (foxes, raccoons, skunks, mink, and alpacas) that were found to be in need of veterinary care during the inspection, in violation of 9 C.F.R. § 2.40(b)(2).

c. Respondent failed to daily observe all animals at his facility to assess their health and well-being, thereby resulting in eleven (11) animals (foxes, skunks, and mink) being identified during the inspection as being in need of veterinary care, in violation of 9 C.F.R. § 2.40(b)(3).

d. Respondent failed to maintain an inventory of animals at his facility and complete and accurate acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

e. Respondent failed to ensure that numerous wire enclosures and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).



f. Respondent failed to give approximately ninety-four (94) animals access to appropriate shelter sufficient to protect them from the elements and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

g. Respondent failed to provide a method for efficiently draining excess water from a sika deer enclosure, thereby resulting in the animals having to stand in muddy bogs in the enclosure and around their feeder, in violation of in violation of 9 C.F.R. § 3.127(c).

h. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

i. Respondent failed to provide foxes, raccoons, skunks, ferrets, mink, and alpacas with an appropriate diet of sufficient nutritive value and quantity for optimal animal health and welfare, in violation of 9 C.F.R. § 3.129(a).

j. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

k. Respondent failed to give the majority of the animals at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

l. Respondent did not take adequate measures to ensure that excreta was being removed from the enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

m. Respondent did not take adequate measures to prevent the accumulation of weeds, trash, and debris in animal enclosures at his facility, in violation of 9 C.F.R. § 3.131(c).

29. On or about October 13, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to assure that he had an Attending Veterinarian (AV) with appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, in violation of 9 C.F.R. § 2.40(a)(2).

b. Respondent failed to daily observe all animals at his facility to assess their health and well-being, thereby resulting in seven (7) animals (skunks, a fox, and an alpaca) being identified during the inspection as being in need of veterinary care, in violation of 9 C.F.R. § 2.40(b)(3).

c. Respondent failed to give approximately 30% of the animals at his facility sufficient access to potable water to support their health and comfort, in violation of 9 C.F.R. § 3.130.

30. On or about October 26, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to maintain an inventory of animals at his facility and complete and accurate acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

b. Respondent failed to ensure that wire enclosures for foxes, skunks, and ferrets and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

c. Respondent failed to give approximately fifty-eight (58) foxes access to appropriate shelter sufficient to protect them from the elements and to prevent their discomfort, in violation of 9 C.F.R. § 3.127(b).

d. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

e. Respondent failed to keep food receptacles clean and sanitary, to repair or replace broken ones, and to take measures to prevent molding, contamination (including by rainwater), and deterioration or caking of food, in violation of 9 C.F.R. § 3.129(b).

f. Respondent did not take adequate measures to ensure that excreta and other debris were being removed from the fox, ferret, and mink enclosures as often as necessary to prevent contamination of the animals within the enclosures, in violation of 9 C.F.R. § 3.131(a).

g. Respondent did not take adequate measures to prevent the accumulation of weeds, trash, and debris in animal enclosures at his facility, in violation of 9 C.F.R. § 3.131(c).

31. On or about November 8, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to maintain an inventory of animals at his facility and complete and accurate acquisition and disposition records for many of the animals, thereby preventing complainant's inspectors from being able to track animals being used in regulated activities to ensure their legal acquisition, proper care, and humane transportation, in violation of 9 C.F.R. § 2.75(b)(1).

b. Respondent failed to ensure that wire enclosures for foxes, skunks, and ferrets and the fencing of a sika deer enclosure were structurally sound and maintained in good repair, resulting

in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

c. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d). As a result, some dogs entered a sika deer enclosure and caused two (2) fawns to be separated from the herd. The fawns escaped their enclosure but subsequently were recaptured.

d. Respondent did not take adequate measures to prevent the accumulation of weeds, trash, and debris in animal enclosures at his facility, in violation of 9 C.F.R. § 3.131(c).

32. On November 15, 2022, respondent violated the Act and regulations as follows:

a. Respondent failed to ensure that the fencing of a sika deer enclosure was structurally sound and maintained in good repair, resulting in conditions that could result in animals getting injured or being allowed to escape, in violation of 9 C.F.R. § 3.125(a).

b. Respondent's facility did not have a perimeter fence and he did not obtain a variance from the Administrator for all of the species at his facility that required a perimeter fence, in violation of 9 C.F.R. § 3.127(d).

### III.

By reason of the facts alleged herein, respondent has violated the Act and regulations promulgated thereunder.

The Animal and Plant Health Inspection Service requests:

1. That unless respondent fails to file an answer within the prescribed time, or files an answer admitting all the material allegations of the complaint, or enter into a consent decision

as provided in section 1.138 of the Rules of Practice (7 C.F.R. § 1.138), this proceeding be set down for oral hearing in conformity with the rules of practice; and

2. WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondent has in fact violated the Act and the Regulations issued under the Act, this Complaint shall be served upon Respondent. Respondent shall file an answer with the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R §1.130 et seq.). Failure to file a timely answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in conformity with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the facts and circumstances of this case.

Done at Washington, D.C.

this 1<sup>st</sup> day of Feb. 2023

A large black rectangular redaction box covering the signature of the Administrator.

Administrator  
Animal and Plant Health Inspection Service  
U.S. Department of Agriculture

Thomas N. Bolick  
Attorney for Complainant  
Marketing, Regulatory, and Food Safety Programs Division  
Office of the General Counsel  
Room 2319, South Building  
U.S. Department of Agriculture  
14<sup>th</sup> and Independence Avenue, S.W.  
Washington, DC 20250-1400  
(202) 690-2032