

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:

Zachery Keeler, an individual,  
doing business as  
Even Keel Exotics, LLC

Respondent.

AWA Docket No. [23-J-0076](#)

COMPLAINT

REC'D - USDA/OALJ/HCO  
2023 JUL 18 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.*) (AWA or Act), and the regulations (9 C.F.R. Part 2) (Regulations) and standards (9 C.F.R. Part 3) (Standards) issued thereunder. Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Zachery Keeler is an individual whose address is in the State of Michigan. Respondent's address will not be provided in the Complaint to protect the Respondent's personal privacy, but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint and future documents.
2. At all times mentioned herein, the Respondent was a dealer, as that term is defined in the Act and the Regulations, and held AWA Class B "Dealer" license No. 34-B-0225.

ALLEGED VIOLATIONS

3. On or about May 30, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: a male wallaby escaped from its enclosure and was missing for 48 hours before being captured and returned. 9 C.F.R. § 3.125(a).

4. On or about August 19, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.40) by failing to provide adequate veterinary care to animals and/or failing to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, as follows:

- a. a red fox had a round area of hair loss with crusting on the front aspect of his right carpus. 9 C.F.R. § 2.40(b)(3).
- b. a red fox had two irregular shaped spots with hair loss and crusting on the top of his nose. 9 C.F.R. § 2.40(b)(3).
- c. a red fox had hair loss and crusting on the top of his head with scabbing present. 9 C.F.R. § 2.40(b)(3).
- d. a cavy was hairless with thickened skin and an open wound on the tip of his right ear. 9 C.F.R. § 2.40(b)(3).

5. On or about August 19, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: a red kangaroo, two Patagonian cavy, and three African crested porcupines were housed outside without a perimeter fence surrounding the primary enclosures. 9 C.F.R. § 3.127(d).

6. On or about August 22, 2021, the Respondent failed to maintain sufficient distance and/or barriers between a black fox and the public during a public exhibit, which resulted in a black fox biting a toddler. 9 C.F.R. § 2.131(c)(1).

7. On November 30, 2021, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

8. On or about December 3, 2021, the Respondent violated the Regulations (9 C.F.R. § 3.125(a)) by failing to provide structurally sound housing facilities that adequately contained the animals housed within, as follows: a hedgehog escaped its enclosure and was found by an employee running loose in the building. 9 C.F.R. § 3.125(a).

9. On or about January 11, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

- a. a rabbit did not have access to potable water at all times or as often as necessary. 9 C.F.R. § 3.55.
- b. a capybara did not have access to potable water at all times or as often as necessary. 9 C.F.R. § 3.130.
- c. a hog did not have access to potable water at all times or as often as necessary. 9 C.F.R. § 3.130.
- d. an enclosure housing one kinkajou had excessive fecal build-up. 9 C.F.R. § 3.131.
- e. three enclosures housing approximately 18 sugar gliders had excessive fecal build-up. 9 C.F.R. § 3.131.
- f. a six-inch PVC pipe and a wooden rod were covered in fecal material. 9 C.F.R. § 3.131.

10. On or about February 17, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

11. On or about March 8, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: an African crested porcupine did not have access to potable water at all times or as often as necessary. 9 C.F.R. § 3.130.

12. On or about March 23, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

13. On or about April 20, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows:

- a. one African crested porcupine was housed in an enclosure with sharp points and areas where the animal chewed exposing several screws. 9 C.F.R. § 3.125(a).
- b. a fox enclosure had a den on a shelf that was missing a board measuring approximately 4 inches. 9 C.F.R. § 3.125(a).
- c. three African crested porcupines were housed outside without a perimeter fence surrounding the primary enclosures. 9 C.F.R. § 3.127(d).
- d. a cavy did not have access to potable water at all times or as often as necessary. 9 C.F.R. § 3.130.
- e. three hedgehog enclosures, housing eleven hedgehogs, had excessive fecal build up. 9 C.F.R. § 3.131(a).

14. On or about May 3, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

15. On or about May 13, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the Standards, as follows: a fox enclosure had a den on a shelf that was missing a board measuring approximately 4 inches. 9 C.F.R. § 3.125(a).
16. On or about August 9, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.
17. On or about October 18, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.
18. On or about December 6, 2022, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.
19. On or about January 10, 2023, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.
20. On or about January 31, 2023, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

21. On or about March 14, 2023, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

22. On or about April 7, 2023, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

23. On or about May 18, 2023, the Respondent violated the Regulations (9 C.F.R. § 2.126) by failing to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failing to make a responsible adult available to accompany APHIS officials during the inspection process.

#### REQUEST FOR EXPEDITED HEARING

1. Complainant alleges that the Respondent has failed to provide access to his place of business and records to APHIS officials during business hours to conduct an inspection and failed to make a responsible adult available to accompany APHIS officials during the inspection process on twelve attempts to inspect since November 2021.

2. Respondent's chronic refusal to allow APHIS access to his facility to ensure compliance with the Act, Regulations, and Standards, and the serious nature of the violations found when granted access, warrants an expedited hearing.

3. Therefore, and in conformity with sections 1.141(a) and 1.143(b) of the Rules of Practice that govern proceedings under the Animal Welfare Act (7 C.F.R. §§ 1.141(a), 1.143(b)), Complainant requests that this proceeding be set for expedited hearing, unless

Respondent fails to file an answer within the prescribed time or files an answer admitting all the material allegations of the Complaint.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact violated the Act and the Regulations and Standards issued under the Act, this complaint shall be served upon the Respondent. Respondent shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this Complaint. APHIS requests that this matter proceed in accordance 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), including revocation of AWA license 34-B-0225 and civil penalties, as warranted under the circumstances.

Done at Washington, D.C.

this \_\_\_\_\_ day of \_\_\_\_\_ 2023

**MICHAEL WATSON**

Digitally signed by MICHAEL

WATSON

Date: 2023.07.18 08:13:24 -04'00'

Dr. Michael Watson  
Acting Administrator  
Animal and Plant Health Inspection Service

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