

October 5, 2023

USDA/APHIS/Animal Care

Via e-mail: ac.complaints@usda.gov

Re: Request to Investigate Apparent Animal Welfare Act Violations at Mount Hope Auction Inc. (License No. 31-B-0031)

Dear USDA Animal Care:

I am writing on behalf of PETA to request that the U.S. Department of Agriculture investigate Mount Hope Auction Inc. (license no. 31-B-0031) for the following apparent Animal Welfare Act (AWA) violations—detailed in the attached appendix—which were documented by myself and a colleague on September 15 during the Mid-Ohio Alternative Animal & Bird Sale. The next auction is scheduled for [November 2-4](#).

We witnessed multiple animals in need of urgent veterinary care, including animals who were emaciated, lethargic, had fractured or dislocated legs, open wounds, diarrhea, hair or feather loss, overgrown hooves, unshorn coats, or were exhibiting abnormal repetitive behaviors. In addition, multiple animals appeared to be without any water for extended periods of time, while others were confined to unsafe cages and pens that prevented the animals from being able to stand up or turn around, or that were overcrowded, all of which put the animals in danger of injury.

In addition, Ashley Kokas appeared to be illegally selling regulated animals during this auction. (Video 1.) Ashley Kokas previously exhibited and sold animals under Kokas Exotic license (license no. 31-A-0031), which was revoked on August 29, 2023,¹ and it does not appear that Ashley Kokas is licensed herself. Furthermore, as an officer, agent, and/or employee of a licensee whose license has been revoked, and whom, upon information and belief, participated in the activity upon which the order of revocation was based, Ashley Kokas is not eligible to be licensed under the AWA should she submit an application. 9 C.F.R. § 2.9.

Please investigate these apparent violations, and hold the consigning exhibitors, dealers, Mount Hope Auction, and any other responsible parties accountable to the fullest extent of the law. Please also ensure that all animals, as well as their veterinary records and living conditions, are inspected at the November Mid-Ohio Alternative Animal & Bird Sale to make certain that the apparent violations observed on September 15 do not recur, and that the animals receive adequate veterinary care, have regular access to potable water, are not handled in a manner that causes unnecessary discomfort, and are able to engage in normal postural adjustments even while confined to temporary areas.

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

¹ USDA Consent Decision and Order, Craig Kokas, dba Kokas Exotics, AWA Docket No. 23-J-0024 (August 29, 2023).

Please also ensure that inspectors are prepared to confiscate animals who “appear to be suffering as a result of” any licensee failing to comply with AWA regulations, and that they are instructed to immediately inform local law enforcement officers, who were present and readily identifiable at the September auction, of conditions that may constitute cruelty to animals pursuant to 9 C.F.R. § 2129 and 7 U.S.C. § 2145. As described below, there were multiple animals with unrelieved suffering observed, as well as multiple instances of apparent cruelty to animals observed at the September auction, but no indication that these instances were reported to law enforcement or that suffering animals were confiscated.

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

Very truly yours,



Rebecca Smudzinski, M.A.
Manager of Captive Animal Welfare, Captive Animal Law Enforcement

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cc: Dr. Dana Miller, Supervisory Animal Care Specialist (dana.miller2@usda.gov)
██████████, Veterinary Medical Officer (██████████)

Appendix

a. A Fox with a Fractured Leg

A sapphire red fox (consignor no. 7142) had a fractured right foreleg at the mid radius and ulna. (Photo 1 and Video 2.) Wildlife Veterinarian Dr. Mason Payne opined that based on how much laxity is present at the site, this appears to be a somewhat acute, non-healed fracture that would require intensive orthopedic surgery to repair, or considering the severity of the injury, amputation might be warranted. A veterinary examination and radiographs are needed to assess the fracture, then surgery to either amputate or repair the limb, as well as antibiotics and heavy pain medications before and after the surgery. Dr. Payne further opined that it is possible that the fractured bone has protruded through the skin, which would pose a risk of infection, sepsis, and death if not treated.

My colleague and I reported this fox's injury to two USDA inspectors on site, including Veterinary Medical Officer, [REDACTED]. Please hold both Mt. Hope Auction and the consignor accountable for this clear violation of 9 C.F.R. § 2.40. During the auction, it appeared that this fox was not sold and would therefore still be with the consignor. Please ensure that the fox has been evaluated and is being treated by a qualified veterinarian.

b. A Silver Chukar Partridge with a Fractured Leg

A silver chukar partridge appeared to have a fractured and/or dislocated right leg. (Video 3, Video 4, and Video 5.) Dr. Payne opined that a veterinary examination and radiographs are needed to assess the leg, along with splinting or surgery depending on the severity, as well as pain medication.

This chukar was confined to a cage that did not have a consignor number on it. The cage below it, which also contained silver chukar partridges, was marked with consignor no. 5250 and consignee no. 897, so this may be the same consignor of the injured chukar. If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this chukar and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

c. An Alpaca Was Lethargic and Emaciated

An alpaca (consignor no. 1397) was emaciated and appeared lethargic, laying down with his or her head on the ground. (Photo 2 and Video 6.) Dr. Payne opined that this alpaca requires a veterinary examination and diagnostics, including bloodwork and a fecal float to determine the cause. Dr. Payne further opined that this alpaca likely needed IV fluids considering how weak the animal appeared.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

d. A Sheep Exhibited Lameness

A sheep had a severe right forelimb lameness. (Video 7, Video 8, and Video 9.) Dr. Payne opined that this could be due to a fracture (acute or chronic), tendon/ligament injury, joint dislocation, joint infection, congenital deformity, hoof foreign body, hoof infection, or other causes. A veterinary examination and radiographs of the leg are needed to assess what is causing the lameness. According to Dr. Payne,

treatment could include splinting, pain medications, antibiotics, surgery, laser therapy, and/or acupuncture depending on the cause.

This sheep was confined to pen no. 97, but the ear tag number was not completely visible. If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

e. A Goat with an Open Wound on the Left Ear

A goat had an open wound on the left ear pinna that may have been caused by a torn ear tag. (Photos 3-4.) Dr. Payne opined that an open wound like this can lead to infection or fly strike and a veterinary examination is needed to determine the best course of treatment to ensure neither occurs, as well as pain medication. Dr. Payne further opined that there is exposed cartilage that may need to be surgically removed in order for the wound to heal properly, along with suturing the site to reduce the risk of infection and fly strike.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

f. A Fox Was Repetitively Shaking Their Head and Had Ocular Discharge

Another red fox (consignor no. 6393) had mild ocular discharge and was repetitively shaking his or her head. (Video 10.) Dr. Payne opined that this could indicate an upper respiratory infection or external parasites such as fleas or ear mites and a veterinary examination is needed to determine the cause and treat accordingly.

My colleague and I reported this fox's condition to two USDA inspectors on site, including Veterinary Medical Officer, [REDACTED]. If you determined that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. It appeared that this fox was sold during the auction. Please inspect this fox and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

g. A Sheep with Nasal Discharge

A sheep (consignor no. 2019) had nasal discharge. (Video 11.) Dr. Payne opined that this appears to be moderate bilateral seropurulent nasal discharge that is indicative of an upper respiratory infection. A veterinary examination and bacterial culture of the discharge are needed to determine the appropriate antibiotic treatment.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of this animal, please inspect this animal and his or her veterinary records to ensure that he or she has been evaluated and treated by a qualified veterinarian.

h. A Chicken with a Possible Swollen Coelomic Cavity

A chicken (consignor no. 4339) had an area of feather loss under that tail that appeared swollen. (Photo 5.) Dr. Payne opined that this may be a distended coelomic cavity, which is common in chickens, and that ascites (water belly) is likely. According to Dr. Payne, this could be caused from infection, neoplasia, organ dysfunction, egg binding, or other systemic disease and that a veterinary examination, as well as aspiration of the coelomic cavity and cytologic analysis of the fluid is needed to determine how to appropriately treat the issue.

If you determine that the animal was not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. It appeared that this chicken was not sold during the auction, as there is no consignee number on the cage, and may still be with the consignor. Please inspect this chicken and her veterinary records to ensure that she has been evaluated and treated by a qualified veterinarian.

i. Multiple Animals Were Underweight and Some Had Diarrhea

Two nilgai (consignor nos. 2751 and 2752) were emaciated. (Photos 6-9.) Multiple sheep and goats (viewable consignor nos. 2189, 769, 779, 2358, 2174, 843, 2721) were underweight and some were emaciated. (Photos 10-21, Video 12, Video 13, and Video 14.) Multiple cattle (viewable consignor nos. 1063, 1064, 1127) were underweight. (Photos 22-24.) Dr. Payne opined that their poor body conditions are likely caused by inadequate diet, internal parasites, or an underlying medical condition, and requires veterinary evaluation and diagnostics, including bloodwork and fecal floats to determine the cause and treat accordingly.

Many of the underweight goats and sheep also had diarrhea, with feces stuck to their tails and rear legs. (Photos 16-21, 25-26, Video 12, Video 13, and Video 14.) A coati and two zebu (consignor nos. 1083 and 1189) also had apparent diarrhea. (Photos 27-29.) Dr. Payne opined that diarrhea can be caused from an inadequate diet, infection (parasites, bacteria, fungus, or viruses), neoplasia, autoimmune disorders, or other systemic illness and should be examined by a veterinarian if the condition is consistent.

If you determine that these animals were not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they have been evaluated and treated by a qualified veterinarian. Please also ensure that all of these animals are receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a), which requires that “food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health.”

j. A Llama and a Donkey with Hair Loss

A llama (consignor no. 1475) had hair loss along the spine and a donkey foal had an area of hair loss on the head. (Photos 30-33.) Dr. Payne opined that the llama is exhibiting moderate multifocal alopecia and hyperkeratosis, and the donkey is exhibiting severe focal alopecia of the cranium with mild exudate around the edges, both of which could be due to fungal or bacterial skin infections, external parasites, poor nutrition, chronic trauma, or autoimmune diseases, among other causes. Dr. Payne further opined that veterinary examinations and skin scrapings are needed to determine the cause and treat accordingly.

If you determine that these animals were not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine

the consignee of these animals, please inspect them and their veterinary records to ensure that they have been evaluated and treated by a qualified veterinarian. Please also ensure that these animals are receiving an adequate diet pursuant to 9 C.F.R. § 3.129(a).

k. Multiple Birds with Feather Loss

Multiple birds had feather loss, including three macaws (one with consignor no. 4999 and consignee no. 882) with feather loss on their chest, abdomen, or legs and neck; two budgies with feather loss on their wings; a cockatiel with feather loss on the back of his or her head; two Senegal parrots (consignor no. 6505) with feather loss on their heads; a silver chukar partridge (consignor no. 5250 and consignee no. 897) with feather loss on his or her back; and three emu (one in pen no. 168) with feather loss on their necks. (Photos 34-47, Video 15, and Video 16.) Dr. Payne opined that feather loss could be indicative of parasites, skin infection, trauma, nutritional imbalance, or systemic disease and a comprehensive physical examination is needed to determine the cause and treat accordingly. Feather loss could also be the result of aggression from conspecifics, a sign of incompatibility, or the result of self-plucking induced by pain or psychological distress, often the result of confinement in barren environments depriving birds of essential features and opportunities to engage in healthy and natural behaviors.

If you determine that these animals were not provided with adequate veterinary care pursuant to 9 C.F.R. § 2.40, please hold both Mt. Hope Auction and the consignor accountable. If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they have been evaluated and treated by a qualified veterinarian. Please also ensure that these animals are receiving an adequate diet pursuant to 9 C.F.R. § 3.155(a), which requires that the “diet for birds must be appropriate for the species, size, age, and condition of the bird. The food must be wholesome, palatable to the birds, and free of contamination. It must be of sufficient quantity and nutritive value to maintain a healthy condition and weight range of the bird and to meet its normal daily nutritional requirements.” Please also ensure that these birds are not being housed incompatibly pursuant to 9 C.F.R. § 3.160(b), which requires that “[b]irds may not be housed with other animals, including members of their own species, unless they are compatible, do not prevent access to food, water, or shelter by individual animals, and are not known to be hazardous to the health and well-being of each other.”

In addition, should you determine that the feather loss on any of the birds is the result of self-plucking, an abnormal repetitive behavior due to psychological distress, please hold please Mt. Hope Auction and the consignor accountable. Licensees “must develop, document, and follow a species-appropriate plan for environment enhancement adequate to promote the psychological well-being of birds.” 9 C.F.R. § 3.154. Because these birds “show signs of being in psychological distress through behavior or appearance,” they “must be provided special attention regarding enhancement of their environment, based on the needs of the individual species and/or individual bird and in accordance with the instructions of the attending veterinarian.” 9 C.F.R. § 3.154(c).

l. A Donkey and Zebu with Overgrown Hooves

A donkey and a zebu (consignor no. 1625) had overgrown front hooves. (Photos 48-51.) Hooves require regular corrective trimming, and inadequate treatment can lead to serious health and welfare concerns, including pain and discomfort associated with overextension of digital flexor tendons, sole abscesses, infections, osteoarthritis, and chronic lameness.

If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they are receiving adequate veterinary care and routine hoof care from an

experienced and reputable farrier pursuant to 9 C.F.R. § 2.40. Please also hold both Mt. Hope Auction and the consignor accountable for any failures to provide adequate veterinary care prior to and at the auction.

m. Multiple Llamas with Matted Coats

At least four llamas (consignor nos. 1361, 1469, 1471, and 1472) had thick, matted coats in need of shearing. (Photos 52-53.) Dr. Payne opined that matted coats can be uncomfortable by pulling on the skin and can lead to fly strike or skin infection if not kept clean. The USDA previously cited another licensee, Laughing Valley Ranch, for failing to shear animals with matted coats, stating that “matted hair coats can cause discomfort for the animals and lead to skin disease and other medical conditions.”²

If you are able to determine the consignee of these animals, please inspect them and their veterinary records to ensure that they are receiving adequate veterinary care pursuant to 9 C.F.R. § 2.40. Please also hold both Mt. Hope Auction and the consignor accountable for any failures to provide adequate veterinary care prior to and at the auction.

n. Multiple Animals Lacked Water

Multiple animals lacked water due to temporary water dishes or buckets being tipped over or crushed, or they had dirty water due to confinement in cramped cages, including rabbits, the emaciated nilgai, eland, zebras, sheep and goats, skunks, a raccoon, foxes, and multiple birds. (Photos 9, 54-67, Video 16, Video 17, Video 18, Video 19, and Video 20.)

Many animals appeared to be without water at the beginning of the day and at no time did we see anyone attempting to provide any of the animals with water throughout the day, in apparent violation of 9 C.F.R. § 3.63(a), which requires that “[i]f live rabbits are to be transported for a period of more than 6 hours, they shall have access to food and water or a type of food, which provides the requirements for food and water in quantity and quality sufficient to satisfy their food and water needs, during transit,” *Id.* § 3.139(a), which requires that “[d]ealers, exhibitors, ... and operators of auction sales shall provide potable water to all live animals transported in their own primary conveyance at least every 12 hours after such transportation is initiated,” and *Id.* § 3.164(b), which requires that “[d]ealers, exhibitors, ... and operators of auction sales must provide potable water to all weaned birds transported in their own primary conveyance at least every 12 hours after such transportation is initiated.” Please hold both Mt. Hope Auction and the consignor accountable for any failures to provide animals with water during the auction.

o. Multiple Animals Were Confined to Cramped and/or Overcrowded Cages, Some in Disrepair

Multiple rabbits were confined to cramped cages that didn’t allow them to freely move around. (Photos 68-70.) Some of the rabbit cages also had broken mesh with sharp metal points that could easily injure the animals. (Photos 58-59.)

Multiple birds, including ducks, a young rhea, and peafowl were confined in cages so narrow or small that they could not stand up or turn around, and many cages had large openings to allow the birds’ heads or tails to stick out because they were too small to fully contain the animals. (Photos 71-78, Video 21, and Video 22.) Several other birds, including quail and chickens, were confined to cages that were overcrowded, preventing the birds from moving around at all. (Photos 79-83 and Video 23.)

² USDA Inspection Report, William Lee III, Laughing Valley Ranch, license number 84-C-0088, March 1, 2018, and June 14, 2016.

These inadequate cages appear to violate 9 C.F.R. § 3.61(a)(2) and (c), which requires that “[t]he interior of the enclosure shall be free from any protrusions that could be injurious to the live rabbits contained therein,” and “[p]rimary enclosures used to transport live rabbits shall be large enough to ensure that each rabbit contained therein has sufficient space to turn about freely and to make normal postural adjustments.” The inadequate cages for birds appear to violate 9 C.F.R. § 3.162(a)(3) and (e), which requires that birds are “at all times securely contained within the enclosure and cannot put any part of its body outside the enclosure in a way that could result in injury to itself, to handlers, or to other persons or to animals nearby,” and that “[p]rimary enclosures used to transport live birds must be large enough to ensure that each bird contained therein has sufficient space to turn about freely and to make normal postural adjustments.”

Cramped enclosures are an ongoing problem at Mt. Hope Auction, as they have been repeatedly cited for confining animals in cages that did not allow them to make normal postural movements.³

p. Multiple Sheep and Goats Were Confined to Crowded Pens

Most of the goats and sheep were confined to small pens that were crowded and prevented the animals from moving around freely, often resulting in animals headbutting, kicking, or biting each other. (Video 12, Video 24, Video 25, and Video 26.)

These pens are unsafe and put the animals at risk of injury, in apparent violation of 9 C.F.R. § 3.137(b) and (c), which requires that “animals transported in the same primary enclosure shall be of the same species and maintained in compatible groups,” and that “enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.”

q. A Raccoon and a Fox Exhibited Abnormal Repetitive Behavior

A raccoon (consignor no. 6644) and a silver fox (consignor no. 6395) exhibited abnormal repetitive behaviors indicative of psychological distress. The raccoon was frantically pacing. (Video 19.) And the fox was repetitively pawing and biting at the cage. (Video 20 and Video 27.) These animals were also without water.

The abnormal repetitive behaviors exhibited by these animals suggests that Mt. Hope Auction was not handling them “in a manner that does not cause . . . physical harm, or unnecessary discomfort” or “under conditions consistent with their good health and well-being,” in apparent violation of 9 C.F.R. § 2.131(b)(1) and (d)(1). Moreover, neither Mt. Hope Auction nor the consignors of these animals appeared to provide these animals with sufficient space to engage in species-typical behaviors as indicated by their abnormal behaviors, in apparent violation of 9 C.F.R. § 3.137(c), which requires that “enclosures used to transport live animals shall be large enough to ensure that each animal contained therein has sufficient space to turn about freely and to make normal postural adjustments.” Pursuant to *id.* § 3.128, “[i]nadequate space may be indicated by evidence of . . . stress, or abnormal behavior patterns.”

The USDA has previously stated “[a]bnormal behavior patterns can be indicative of physical or psychological issues that may require medical treatment or habitat/husbandry modification, and must be

³ USDA Inspection Reports, Mt. Hope Auction, license number 31-B-0031, March 23, 2023, and November 9, 2022.

evaluated by the attending veterinarian in order to receive appropriate treatment and management.”⁴ In addition, the USDA has noted that the abnormal behavior of pacing “can indicate stress, frustration or an underlying medical condition.”⁵ If you are able to determine the consignees of these animals, please inspect them and their veterinary records to ensure that they have been evaluated by a qualified veterinarian pursuant to 9 C.F.R. § 2.40.

⁴ USDA Inspection Report, Kathleen M. Futrell, dba Waccatee Zoo, license number 56-C-0230, May 9, 2017.

⁵ USDA Inspection Report, Denver Zoological Foundation, license number 84-C-0002, March 27, 2017.