

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 07-0077; UNDATED ORDER</p> <p>IN RE: AMARILLO WILDLIFE REFUGE, INC., A TEXAS NON-PROFIT CORPORATION RESPONDENT</p>	<p>In March 6, 2007, the Animal and Plant Health Inspection Service (APHIS) filed an order to show cause why the Animal Welfare license of Respondent Amarillo Wildlife Refuge, Inc. should not be terminated. On April 2, 2007, Charles Azzopardi, Respondent's director, filed a letter as Respondent's Answer in which he requested a hearing contending that there were mitigating circumstances why the license should not be terminated even though Azzopardi admitted to pleading guilty to the misdemeanor of selling and transporting endangered species, including clouded leopards and tigers in interstate commerce. APHIS responded stating that Respondent's request for a hearing should be denied since the license termination was based on a criminal conviction. On May 8, 2007, the Administrative Law Judge (ALJ) originally assigned to the matter denied Respondent's request for a hearing and granted APHIS leave to amend or supplement the pleadings. The replacement ALJ agreed with APHIS's response to the May 8, 2007 order stating that an order to show cause constitutes a valid complaint. However, the ALJ concluded that APHIS should explain its reasons for denying the license. The ALJ explained that there was no evidentiary basis for establishing, as the policy of APHIS, license termination of someone convicted of the same crime as Azzopardi. (See also <i>U.S. v. Carmel Azzopardi, WCCLAS Federal Case Law Summary.</i>)</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. D-05-0005; AUGUST 29, 2008</p> <p>IN RE: ANIMALS OF MONTANA, INC., A MONTANA CORPORATION PETITIONER</p>	<p>The owner of Petitioner Animals of Montana, Inc., Troy Allen Hyde, (Hyde) pleaded guilty to willfully violating The Lacey Act and the Endangered Species Act when:</p> <p>(a) In May, 1999, Hyde committed a misdemeanor trafficking violation of The Lacey Act, by arranging the transport of a tiger cub, an endangered species, from Minnesota to Montana. Hyde bought the tiger cub for \$750 from individuals who had no permit or license to engage in interstate commercial activity with endangered species. Thus, the tiger cub was sold in violation of the Endangered Species Act, and Hyde’s subsequent knowing transport to Montana was a violation of The Lacey Act. (The individuals in Minnesota who sold the tiger cub wrote the transaction was a “permanent breeding loan” rather than the sale that it was. Hyde however, did not intend to breed the tiger.)</p> <p>(b) In May, 2000 Hyde committed a misdemeanor violation of the Endangered Species Act, by arranging the transport of a tiger, an endangered species, from Minnesota to Montana in the course of commercial activity. Hyde bought the tiger, Keeno, for \$1,000 from the same individuals referenced above who had no permit or license to engage in interstate commercial activity with endangered species. (The individuals in Minnesota who sold the tiger wrote that the transaction was a “donation” rather than the sale that it was.)</p> <p>The Administrative Law Judge, based on Hyde’s violation of The Lacey Act and the Endangered Species Act, terminated Petitioner Animals of Montana, Inc.’s Animal Welfare license and ordered that any legal entity in which Petitioner has an interest be disqualified for two years from obtaining or holding an Animal Welfare license. <i>(See also In re: Zoocats, Inc., et al., herein; and U.S. v. Troy Allen Hyde, and U.S. v. Kraft, et al., WCCLAS Federal Case Law Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 00-0032; FILED NOVEMBER 6, 2006</p> <p>IN RE: BRIDGEPORT NATURE CENTER, INC., HEIDI M. BERRY RIGGS, AND JAMES LEE RIGGS, DOING BUSINESS AS GREAT CATS OF THE WORLD PETITIONER</p>	<p>The Administrator of the Animal and Plant Health Inspection Service, (APHIS) filed a complaint alleging that Respondents violated the Animal Welfare Act (AWA) by unsafely exhibiting their exotic cats during “close encounter” photo opportunities with the public at fairs. The Administrative Law Judge (ALJ) decided that the Respondents violated §§2.100(a) and 2.131(b)(1) of the Regulations and Standards (C.F.R. §§2.100(a) and 2.131(b)(1)) when they, on several occasions during state fairs, allowed their tiger to leave the feeding platform; be draped over the laps of people and children seated in the crowd; and allowed a minor person to hold the feeding bottle for the tiger. The ALJ found that the numerous other allegations of improperly handling exotic cats in public in violation of the AWA were not proved by a preponderance of the evidence. The ALJ’s decision did not address if any action was taken against the Respondents for their violation of §§2.100(a) and 2.131(b)(1).</p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 98-0006; FILED JULY 10, 1998</p> <p>IN RE: CHARLES CATHEY, DOING BUSINESS AS T-BO’S LOUNGE PETITIONER</p>	<p>The proceeding was brought under the Animal Welfare Act (AWA) by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS). Respondent was found to have willfully violated the AWA for operating as an exhibitor, as defined in the AWA and regulations, without a licence; and (a) during a public exhibition of dangerous animals, namely two cougars, failed to provide a sufficient distance or barrier between the cats and the general viewing public to assure the safety of the cougars and the public, and (b) during a public exhibition of dangerous animals, namely two cougars, failed to have the cats under the direct control and supervision of a knowledgeable and experienced animal handler. The Administrative Law Judge ordered Respondent, his agents and employees, successors and assigns, directly or through any corporate or other device to cease and desist from violating the AWA and from: (a) engaging in any activity for which a license is required under the AWA without being licensed as required; (b) failing, during public exhibition of dangerous animals to have animals the direct control and supervision of a knowledgeable and experienced animal handler; and (c) failing, during public exhibition of dangerous animals to have a sufficient distance or barrier between the animals and the general viewing public to assure the safety of the animals and the public. In addition, Respondent was assessed a civil penalty of \$3,000 and disqualified from obtaining an AWA license for a period of six months.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 04-0015; UNDATED</p> <p>IN RE: COASTAL BEND ZOOLOGICAL ASSOCIATION, FORMERLY KNOWN AS CORPUS CHRISTI ZOOLOGICAL ASSOCIATION, A TEXAS CORPORATION DOING BUSINESS AS CORPUS CHRISTI ZOO, ROBERT BROCK, AN INDIVIDUAL; MICHELLE BROCK, AN INDIVIDUAL; BODIE KNAPP, AN INDIVIDUAL DOING BUSINESS AS WAYNE’S WORLD SAFARI; AND CHARLES KNAPP, AN INDIVIDUAL RESPONDENTS</p>	<p>The Administrative Law Judge (ALJ) concluded that Respondents Robert and Michelle Brock, as agents for the Corpus Christi Zoological Association and as individuals, violated the Animal Welfare Act (AWA) when they sold animals including two tigers for exhibition and Respondent Bodie Knapp violated the AWA when he failed to obtain adequate veterinary guidance before he handled and immobilized two tigers and failed to maintain accurate records that contained the required information. The ALJ ordered that Respondents Robert and Michelle Brock and Corpus Christ Zoological Association cease and desist from violating the AWA, assessed a \$2,750 civil penalty, and be denied licenses under the AWA. Respondent Bodie Knapp was ordered to cease and desist from violating the AWA and was assessed a \$5,000 civil penalty. All charges against Respondent Charles Knapp were dismissed. <i>(N.B. The violations conducted by Respondents took place between October 13 and December 17, 2003.)</i></p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 04-A032; FILED MARCH 22, 2007</p> <p>IN RE: JAMES BRANDON GARRETSON, AN INDIVIDUAL, DOING BUSINESS AS JUNGLE PARADISE ZOO AND GARRETSON FAMILY TIGERS, AND NICOLE LYNETTE AMMON, AN INDIVIDUAL, DOING BUSINESS AS INTERNATIONAL WILDLIFE CENTER RESPONDENTS</p>	<p>The Administrative Law Judge (ALJ) decided that Respondents Garretson and Ammon willfully violated the Animal Welfare Act (AWA) when Respondent Ammon failed to properly handle seven tigers thereby causing the tigers to experience behavioral stress and to become “extraordinarily hungry.” As a result, the tigers grabbed and severed the arm of a young woman standing just outside their enclosure, causing her death. The ALJ also decided that Defendant Garretson threatened and verbally abused Dr. Gaj, an official of the Animal and Plant Health Inspection Service (APHIS). Respondents Garretson’s and Ammon’s privileges to carry out AWA licensed activities were revoked and they were permanently disqualified from obtaining, holding or using any AWA license. Additionally, Respondent Garretson was ordered to pay a \$32,560 civil penalty. Respondent Ammon was ordered to pay a \$20,940 civil penalty. <i>(See also In re: James B. Garretson herein; and U.S. v. James Brandon Garretson, WCCLAS Federal Case Law Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. D-07-0050; FILED DECEMBER 28, 2007</p> <p>IN RE: JAMES B. GARRETSON PETITIONER</p>	<p>Petitioner Garretson represented himself in this appeal of the November 27, 2006 denial of his application for an Animal Welfare Act license. The Administrative Law Judge (ALJ) granted Respondent Administrator of the Animal and Plant Health Inspection Service (APHIS) November 1, 2007 Motion for Summary Judgment which Petitioner did not oppose. The ALJ found that the Secretary of Agriculture revoked the privilege of Petitioner to engage in activities requiring an Animal Welfare Act license and permanently disqualified Petitioner from obtaining any Animal Welfare Act license, directly or indirectly. The ALJ also found that Petitioner Garretson had a history of threatening and abusing APHIS officials in the course of carrying out their duties. (<i>See In re: James Brandon Garretson, et al., herein; and U.S. v. James Brandon Garretson, WCCLAS Federal Case Law Summary.</i>)</p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 04-0012; FILED OCTOBER 8, 2004</p> <p>IN RE: DENNIS HILL, AN INDIVIDUAL, DOING BUSINESS AS WHITE TIGER FOUNDATION; AND WILLOW HILL CENTER FOR RARE & ENDANGERED SPECIES, LLC, AN INDIANA DOMESTIC LIMITED LIABILITY COMPANY DOING BUSINESS AS HILL'S EXOTICS RESPONDENT</p>	<p>Respondent Dennis Hill, an individual doing business as White Tiger Foundation and Willow Hill Center for Rare & Endangered Species, LLC, violated the Animal Welfare Act (AWA) when he failed to maintain programs of adequate veterinary care; failed to have his veterinarian provide adequate veterinary care including, in part, failure to obtain proper veterinary care for a tiger with a chronic draining abscess on its jaw, a leopard with serious hair loss, and a tiger with hair loss and skin lesions; failed to properly house animals; and failed to properly store food for the cats. The Judicial Officer (JO) reversed the Administrative Law Judge's denial of Complainant's motion for a default decision. The JO found that Hill violated the AWA, issued a cease and desist order, assessed a \$20,000 civil penalty, and revoked Hill's AWA license.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 01-001; FILED FEBRUARY 15, 2002</p> <p>IN RE: THE INTERNATIONAL SIBERIAN TIGER FOUNDATION, AN OHIO CORPORATION; DIANA CZIRAKY, AN INDIVIDUAL; DAVID CZIRAKY, AN INDIVIDUAL; THE SIBERIAN TIGER FOUNDATION, AN UNINCORPORATED ASSOCIATION; AND TIGER LADY, A/K/A TIGER LADY LLC, AN UNINCORPORATED ASSOCIATION, RESPONDENTS</p>	<p>The Judicial Officer (JO) reversed the initial decision issued by the Chief Administrative Law Judge. The JO concluded that Respondents failed to handle lions and tigers during public exhibition so there was minimal risk of harm to the animals and the public and failed to have sufficient distance or barriers or distance and barriers between the animals and the general viewing public so as to assure the safety of the animals and the public, in willful violation of the Animal Welfare Act (AWA). The JO also concluded that Respondent exhibited animals during a period when her AWA license was suspended, in willful violation of the AWA. The JO stated Complainant proved Respondents' violation of 9 C.F.R. § 2.10(c) and Respondents' violations of 9 C.F.R. § 2.131(b)(1) by a preponderance of the evidence, which is the standard of proof applicable in administrative proceedings under the AWA. The JO rejected Respondents' contention that 9 C.F.R. § 2.131(b)(1) does not provide Respondents with adequate notice of the conduct which is required of Respondents. The JO rejected Complainant's contention that Respondents' trainees were members of "the public" or "the general viewing public" as those terms are used in 9 C.F.R. § 2.131(b)(1), but agreed with Complainant's contention that exhibitors exhibiting animals are not members of "the public" or members of "the general viewing public" as those terms are used in 9 C.F.R. § 2.131(b)(1). The JO also held that assumption of the risk of harm by members of the public is not relevant to whether Respondents violated 9 C.F.R. § 2.131(b)(1). The JO rejected Respondents' contentions that 9 C.F.R. § 2.131(b)(1) exceeds the authority granted to the Secretary of Agriculture under the AWA and that 9 C.F.R. § 2.131(b)(1) interferes with state and local regulations designed to control animals to protect human beings. The JO also stated the AWA does not explicitly or implicitly preempt state or local regulation of animal or public welfare. The JO ordered Respondents to cease and desist violations of the AWA and the regulations issued under the AWA and revoked Respondent's AWA license.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 96-0047; FILED OCTOBER 15, 1998</p> <p>IN RE: RICHARD LAWSON, STANLEY CURTIS, AND JOHN M. CURTIS, DOING BUSINESS AS NOAH'S ARK ZOO RESPONDENTS</p>	<p>Animal and Plant Health Inspection Service (APHIS) officials inspected Noah's Ark Zoo on January 25, 1996 and found many failures to provide proper care and maintenance for the animals at the facility including, in part, three lions that were not receiving proper veterinary care; a clogged drain that caused waste material to back-up in a tiger cage; and improperly refrigerated food. The Administrative Law Judge ordered that all Respondents, jointly and severally, be assessed a \$13,500 civil penalty, cease and desist from violating the Animal Welfare Act (AWA) and that the Respondents, jointly and severally, be disqualified from obtaining a license under the AWA for two years.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p style="text-align: center;">UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p style="text-align: center;">AWA DOCKET NO. 06-0002; FILED NOVEMBER 3, 2006</p> <p>IN RE: LOST CREEK ANIMAL SANCTUARY FOUNDATION, INC., A KANSAS CORPORATION; AND DOUG BILLINGSLEY AND KEITH BILLINGSLEY, INDIVIDUALS, DOING BUSINESS AS LOST CREEK ANIMAL SANCTUARY AND ANIMAL ENTERTAINMENT PRODUCTIONS, RESPONDENTS</p>	<p>The proceeding was brought under the Animal Welfare Act (AWA) by a complaint filed by the Administrator, Animal and Plant Health Inspection Service (APHIS). Respondents admitted to willfully violating the AWA when they failed to establish and maintain a program of adequate veterinary care; failed to take measures to ensure the safety of their animals and the public; failed to maintain structurally sound enclosures; failed to provide animals with adequate shelter from inclement weather; failed to maintain enclosures with adequate drainage; and failed to provide enclosures which allow the animals adequate freedom of movement.</p> <p>Specifically, the Respondents knowingly and willfully allowed a 17-year-old girl to pose for a photograph with a 550-pound adult male tiger without proper training or safety measures. The tiger attacked and killed the girl. During the attack, Respondent Doug Billingsley’s nephew shot the tiger ten times without killing him. Eventually, the Sheriff shot and killed the tiger. Respondents also failed to repair enclosures thereby making it possible for the big cats to escape. The Administrative Law Judge (ALJ) ordered that the Respondents cease and desist from violating the AWA, revoked their AWA license, and placed the Respondents on a five-year probation. The ALJ also ordered that the Respondents provide a complete inventory of their animals and allow APHIS officials to confirm the accuracy of the inventory. The Respondents agreed to convey animals APHIS determines as regulated under the AWA to other facilities.</p> <p><i>(NB: In 2007, this matter lead to the introduction of H.R. 1947, known as Haley’s Act that, in part, would prohibit direct contact between a big cat and a member of the public. See WCCLAS Federal Pending Legislation Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 06-0010; FILED JULY 31, 2008</p> <p>IN RE: SAM MAZZOLA, AN INDIVIDUAL DOING BUSINESS AS WORLD ANIMAL STUDIOS, INC., A FORMER OHIO DOMESTIC CORPORATION AND WILDLIFE ADVENTURES OF OHIO, INC. A FORMER FLORIDA DOMESTIC STOCK CORPORATION CURRENTLY LICENSED AS AN OHIO FOREIGN CORPORATION</p> <p>RESPONDENT AND</p> <p>IN RE: SAM MAZZOLA, PETITIONER</p>	<p>Sam Mazzola, an individual doing business as World Animal Studios, Inc., Wildlife Adventures of Ohio, Inc. and Animal Zone, violated the Animal Welfare Act (AWA) when he mishandled and improperly housed animals including, in part, caracals, ocelots, tigers, lions, a cougar, and a leopard which jeopardized the safety of the cats and the public. Mazzola also repeatedly threatened, abused, and harassed Animal and Plant Health Inspection Service (APHIS) officials and transported the cats for exhibition without a license. The Administrative Law Judge (ALJ) ordered Mazzola to cease and desist from violating the AWA, revoked Mazzola's AWA license, upheld APHIS' denial of Mazzola's license application and ordered that Mazzola be permanently disqualified from obtaining a license under the AWA. Additionally, the ALJ imposed more than \$12,000 in civil penalties.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 97-0028; FILED SEPTEMBER 9, 1998</p> <p>IN RE: KARL MITCHELL DOING BUSINESS AS ALL ACTING ANIMALS RESPONDENT</p>	<p><i>Proceedings Discussion:</i> “When Karl Mitchell was engaged by Mike Tyson to instruct him in the proper care and handling of his tigers, Mitchell told Tyson that he needed a USDA exhibitor’s license, to raise, breed, and use the tigers for publicity photographs. Tyson told Mitchell to ‘handle it.” Thereupon, Mitchell obtained the needed forms; had his own veterinarian, Dr. Stephen Whipple, examine the animals and their housing facilities; and saw to the forms being duly completed and signed by both Mike Tyson and Dr. Whipple but he lost them. Mitchell, who had accompanied the tigers when they were temporarily moved to Tyson’s home in Ohio, found himself in a serious predicament. Neither Tyson or Whipple were available to sign new forms and he didn’t want to delay the necessary USDA inspection of the Las Vegas property in advance of the tigers’ return. He duplicated the forms as best he could and signed both names.”</p> <p>Respondent Karl Mitchell violated the Animal Welfare Act and corresponding regulation (9 C.F.R. §2.2(a)) when he improperly signed and submitted a license application and a Program of Veterinary Care form (PVC) as the license applicant and as the veterinarian identified on the PVC. Mitchell duplicated and signed the license application and PVC because he had lost the original documents signed by the appropriate parties. The Administrative Law Judge ordered Mitchell to cease and desist from providing any false records to the U.S. Department of Agriculture. Mitchell was also assessed a \$750 civil penalty. (See also <i>In re: Karl Mitchell and All Acting Animals</i> and <i>In re: Karl Mitchell herein.</i>)</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 01-0016; FILED JUNE 13, 2001</p> <p>IN RE: KARL MITCHELL, AN INDIVIDUAL; AND ALL ACTING ANIMALS, A SOLE PROPRIETORSHIP OR UNINCORPORATED ASSOCIATION RESPONDENTS</p>	<p>During the period between April 11, 2000 and December 4, 2000, Respondents chronically failed to comply with the Animal Welfare Act (AWA) and the Regulations and Standards. Violations included, but not limited to, interference with, threatened, abused, and harassed Animal and Plant Health Inspection Service (APHIS) officials in the performance of their duties; failed to allow APHIS officials access to Respondents' facilities and records; failed to accurately record the purchase and acquisition of two cats; failed to comply with the general requirements for animal facilities to protect the animals from injury, weather, and sanitary conditions; failed to provide food that is wholesome, palatable and free from contamination; failed to provide water as often as necessary for health and comfort; failed to maintain proper interior and perimeter fencing; and failed to employ an effective program for the control of pests. Respondents had numerous animals including juvenile and adult tigers, lions, a liger, and other exotic animals.</p> <p>The Administrative Law Judge ordered Respondents, their agents, employees, successors, and assigns, directly or indirectly through any corporate or other device, to cease and desist from violating the AWA and the Regulations and Standards effective on the day after service of the Order on Respondents. Respondents were jointly and severally assessed a \$15,250 civil penalty. Respondents' AWA license was revoked, effective on the 60th day after service of the Order on Respondents.</p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 01-0016; FILED AUGUST 8, 2001</p> <p>IN RE: KARL MITCHELL, AN INDIVIDUAL; AND ALL ACTING ANIMALS, A SOLE PROPRIETORSHIP OR UNINCORPORATED ASSOCIATION RESPONDENTS</p> <p>ORDER GRANTING COMPLAINANT'S PETITION FOR RECONSIDERATION</p>	<p>The Judicial Officer (JO) granted Complainant's petition for reconsideration and increased the civil penalty against Respondents (<i>See June 13, 2001</i>). The JO concluded that, when he assessed Respondent's \$15,250 civil penalty, he erroneously failed to take into account the regulations issued under the Federal Civil Penalties Inflation Adjustment. The JO increased the civil penalty by 10 percent to \$16,775. The cease and desist order became effective on the day after service of the Order on Respondents and Respondents' Animal Welfare License revocation remained but became effective on the 60th day after service of the August 8, 2001 Order on Respondents. (<i>See also In re: Karl Mitchell (1998) and In re: Karl Mitchell (2009) herein.</i>)</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p style="text-align: center;">UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p style="text-align: center;">AWA DOCKET NO. 09-0084; FILED MARCH 25, 2009</p> <p>IN RE: KARL MITCHELL, AN INDIVIDUAL RESPONDENT</p> <p>COMPLAINT</p>	<p>Kevin Shea, the Acting Administrator of the Animal and Plant Health Inspection Service (APHIS), filed a complaint against Respondent based on reasonable belief that Respondent has willfully violated the Animal Welfare Act (AWA). The complaint alleges the following: Respondent is operating as an exhibitor as defined under the AWA without a license. In August 2001, for multiple violations under the AWA, Respondent was ordered to cease and desist from violating the AWA; Respondent's AWA licence was revoked effective October 7, 2001, and Respondent was assessed a civil penalty of \$16,775 which Respondent has failed and refused to pay. From April 14, 2004 through March 25, 2009, the Respondent has continually operated as an exhibitor without a license. Respondent failed to provide APHIS inspectors access to his facilities, records, and animals. Respondent failed to handle tigers as carefully as possible in a manner not to cause trauma, behavioral stress, physical harm, or unnecessary discomfort. Respondent failed to handle animals during public exhibition so there was a minimal risk of harm to animals and to the public, with sufficient distance and/or barriers between the animals and general viewing public so as to assure the safety of animal and the public. Respondents actions are all in willful violation of the AWA. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture. Failure to file an answer shall constitute an admission of all the material allegations of the complaint. <i>(See also In re: Karl Mitchell (1998) and In re: Karl Mitchell and All Acting Animals, herein.)</i></p> <p><i>(N.B. Respondent is operating a business under the name "Big Cat Encounters," in Pahrump, Nevada.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 02-0020; FILED APRIL 6, 2007</p> <p>IN RE: LORENZA PEARSON, DOING BUSINESS AS L & L EXOTIC ANIMAL FARM RESPONDENT AND AWA DOCKET NO. D-06-0002; FILED APRIL 6, 2007</p> <p>IN RE: LORENZA PEARSON PETITIONER</p>	<p>Lorenza Pearson willfully violated the Animal Welfare Act (AWA) when he housed, on various occasions, tigers, lions, and jaguars in enclosures that were too small; fed his big cats maggot infested or other wise contaminated food; failed to provide adequate shelter from the weather for a lion cub and two cougars; failed to provide potable water; failed to provide adequate veterinary care to one cougar and five lions; and refused to allow Animal and Plant Health Inspection Service inspectors to inspect and photograph his facility. The Administrative Law Judge ordered that Pearson cease and desist from violating the AWA; permanently revoked his AWA license; and disqualified him from obtaining a license in the future under the AWA.</p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 08-0073; FILED SEPTEMBER 25, 2008</p> <p>IN RE: AMELIA RASMUSSEN ALSO KNOWN AS AMY RASMUSSEN, AN INDIVIDUAL, RESPONDENT</p>	<p>The proceeding was brought under the Animal Welfare Act (AWA), by the Acting Administrator of the Animal and Plant Health Inspection Service (APHIS), that sought to terminate Respondent Rasmussen’s AWA license as an exhibitor and dealer, after she pleaded guilty to violating the Endangered Species Act. “Respondent knowingly, intentionally, and unlawfully received, transported, and shipped in interstate commerce an endangered species, namely two ocelots she purchased from the ‘Temple of Isis,’ in the course of commercial activity, in violation of the Endangered Species Act 16 U.S.C. § 1538(1)(E) and 1540(b)(1). In furtherance of the crime, APHIS Form 7020 was falsified to conceal the illegal nature of the transaction.” Respondent’s AWA license was terminated. Additionally, “Respondent and any agent, assign or successor of the Respondent or any related business entity or in which she is an officer, agent or representative are disqualified from obtaining and Animal Welfare Act License for a period of two (2) years.” <i>(See also In re: Lorene Vigne, herein; and U.S. v. Finger Lakes International, U.S. v. Great Cats of the World, U.S. v. Isis Society for Inspirational Studies, and U.S. v. Jackie Sinott, WCCLAS Federal Case Law Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 02-0003; FILED JULY 6, 2006</p> <p>IN RE: SAVAGE KINGDOM, INC. A FLORIDA CORPORATION; RARE FELINE BREEDING CENTER, INC., A FLORIDA CORPORATION, AND ROBERT E. BAUDY, AN INDIVIDUAL RESPONDENTS</p>	<p>Animal Plant and Health Inspection Service (APHIS) inspected the Respondent's compound on July 24, 2001. At that time, Respondents' inventory included approximately 24 tigers, 5 leopards, 7 Florida panthers, and 3 bobcats. Inadequacies of the facility were noted especially regarding repairs; general deterioration and rotting of the wood throughout the facility causing structural strength problems; lack of sanitary maintenance; lack of pest control; and lack of maintaining the perimeter fence.</p> <p>Respondents willfully violated the Animal Welfare Act (AWA) when they failed to take adequate safety precautions during a volunteer's attempt to repair an enclosure for Ti, an adult male tiger, while the Ti remained in the enclosure. As a result, the Respondents' volunteer was attacked and killed by Ti. Respondent Baudy, in turn, shot and killed Ti in order tend to the volunteer still in the tiger's enclosure. Respondents also willfully violated the AWA when they failed to maintain programs of adequate veterinary care; failed to build sufficiently strong and durable enclosures; failed to keep their facility clean and in good repair; and failed to have adequately trained staff. The Administrative Law Judge (ALJ) revoked Respondent Savage Kingdom, Inc.'s AWA license and ordered that Respondents Rare Feline Breeding Center, Inc. and Baudy not be licensed during Respondent Savage Kingdom, Inc.'s license revocation. The ALJ also ordered Respondents to cease and desist from violating the AWA.</p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 98-0019; FILED MAY 5, 1999</p> <p>IN RE: JAMES E. STEPHENS AND WATER WHEEL EXOTICS, INC.. RESPONDENTS</p>	<p>Respondents James E. Stephens and Water Wheel Exotics, Inc. incurred 34 violations of the Animal Welfare Act (AWA) and the corresponding Regulations and Standards. In part, Respondents failed to provide adequate shelter, proper food and veterinary care. Respondents also failed to allow Animal and Plant Health Inspection Service officials to inspect the facility. Dr. Norma Jean Harlan testified that Respondents fed the big cats a contaminated carcass that had been dragged through the dirt. Dr. Harlan also testified that she observed open barrels of waste in the large cat area, broken wires in the liger pen, two tiger cubs with inadequate space and a limping tiger with very sensitive front paws. Respondent Stephens testified that his veterinarian, Dr. Shepherd, had treated the limping tiger. However, Dr. Shepherd did not appear at the hearing and Respondents failed to produce records establishing that the tiger had been treated. The Administrative Law Judge ordered Respondents to cease and desist from violating the AWA, Respondents were jointly and severally assessed a \$27,800 civil penalty, and Respondents were permanently disqualified from obtaining an AWA license.</p> <p><i>(N.B. On June 18, 1999, the Administrative Law Judge filed an order denying Stephens and Water Wheel Exotic, Inc.'s petition for reconsideration.)</i></p>
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 07-0174; FILED JULY 7, 2008</p> <p>IN RE: LOREON VIGNE, AN INDIVIDUAL DOING BUSINESS AS ISIS SOCIETY FOR INSPIRATIONAL STUDIES, INC., A CALIFORNIA DOMESTIC NON-PROFIT CORPORATION, ALSO KNOWN AS "TEMPLE OF ISIS" AND "ISIS OASIS SANCTUARY" RESPONDENT</p>	<p>The proceeding brought under the Animal Welfare Act (AWA) by the Acting Administrator of the Animal and Plant Health Inspection Service (APHIS). sought to terminate Respondent Vigne's AWA license after the Isis Society for Inspiration Studies, Inc. (Isis) pleaded guilty to violating the Endangered Species Act. Respondent is the founder, "High Priestess," and corporate officer and controls the business of Isis. Respondent knowingly and intentionally conspired with others to unlawfully sell and offer for sale endangered species, specifically, two ocelots in interstate commerce. The Administrative Law Judge ordered that the AWA license under the name "Loreon Vigne d/b/a Isis Oasis" be revoked and terminated. Further, Respondent Vigne, Isis Society for Inspirational Studies, Inc. is disqualified from obtaining an AWA license for two years. <i>(See also In re: Amy Rasmussen, herein; and U.S. v. Finger Lakes International, U.S. v. Great Cats of the World, U.S. v. Isis Society for Inspirational Studies, and U.S. v. Jackie Sinott, WCCLAS Federal Case Law Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 04-0023; FILED JUNE 29, 2005</p> <p>IN RE: MARY JEAN WILLIAMS, AN INDIVIDUAL; JOHN BRYAN WILLIAMS, AN INDIVIDUAL; AND DEBORAH ANN MILETTE, AN INDIVIDUAL, RESPONDENTS</p>	<p>This proceeding was brought under the Animal Welfare Act (AWA) by a complaint filed by the Administrator of the Animal and Plant Health Inspection Service alleging that the Respondents willfully violated the AWA. Respondents Mary and John Williams operated as dealers without obtaining a license in willful violation of the AWA and specifically transported a young tiger for use in exhibition. Respondent Milette held an AWA exhibitor's license. All Respondents failed to have a attending veterinarian provide care to or handle the tiger as expeditiously as possible in a manner that would not cause unnecessary discomfort, behavioral stress, or physical harm. None of the Respondents is a veterinarian, John Williams administered a sedative solution provided by Milette to a young tiger with the approval and acquiescence of Mary Williams in willful violation of the AWA. Further, Respondents failed to maintain a program of adequate veterinary care and provide appropriate personnel capable of handling a young tiger.</p> <p>As a result of these violations, Respondents, Mary and John Williams, allowed a young tiger to exit its transport enclosure and escape in a restaurant parking lot, where the tiger represented a grave danger to the public, where upon local authorities eventually shot and killed the young tiger.</p> <p>The Administrative Law Judge ordered all Respondents, their agents and employees, successors and assigns, directly or through any corporate or other device, to cease and desist from violating the AWA and the Regulations and Standards. Respondents Mary and John Williams were each assessed a civil penalty in the amount of \$5,500; and Respondent Milette's AWA license was revoked.</p> <p><i>(In a subsequent decision and order, filed June 29, 2005, as to Respondent Deborah Ann Milette, the Judicial Officer reversed her license revocation and assessed a civil penalty in the amount of \$2,500.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p style="text-align: center;">UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p style="text-align: center;">AWA DOCKET NO. 03-0035; FILED SEPTEMBER 2008</p> <p>IN RE: ZOOCATS, INC. A TEXAS CORPORATION; MARCUS COOK ALSO KNOWN AS MARCUS CLINE-COOK, AN INDIVIDUAL; AND MELISSA COODY ALSO KNOWN AS MISTY COODY, AN INDIVIDUAL; JOINTLY DOING BUSINESS AS ZOO DYNAMICS AND ZOOCATS ZOOLOGICAL SYSTEMS JOHN BRYAN WILLIAMS, AN INDIVIDUAL; AND DEBORAH ANN MILETTE, AN INDIVIDUAL, RESPONDENTS</p>	<p>The Administrative Law Judge (ALJ) found that the Respondents violated that Animal Welfare Act (AWA) when they, on numerous occasions, exhibited and handled young tigers and lions in a manner that caused the trauma and behavioral stress with excessive risk to harm to the cats and the public due to the lack of barriers and sufficient distance between the cats and the viewing public without the presence, control, and supervision of a knowledgeable and experienced animal trainer. Respondents, for a fee, allowed small children to be photographed with and touch the cats while the cats were being fed or distracted by under aged handlers. Further, the Respondents housed tigers outdoors in enclosures that were not properly drained causing one tiger to chew off its hair in order to clean itself of caked-on mud. Respondents did not provide adequate food and failed to provide adequate veterinary care demonstrated, in part, by incorrectly treating two tiger cubs for ringworm without veterinary supervision. The ALJ ordered that the Respondents cease and desist from violating the AWA, cease and desist from publicly exhibiting lions and tigers that are not under the direct control and supervision of a knowledgeable, experienced handler who must be at least 21 years of age. It was also specifically ordered that Respondents shall cease and desist from publicly exhibiting any lion or tiger, including a cub or juvenile, unless the animal is contained inside a suitable primary enclosure with any needed secondary barrier such as a perimeter fence sufficiently distanced from the primary enclosure in conformity with the AWA, that may be varied only when alternative security measures are approved in writing by the Administrator of the Animal and Plant Health Inspection Service, so as to completely preclude any member of the public from touching or coming in contact with any part of the animals. To fully effectuate this provision, special attention shall be given to the safety of children to eliminate any contact between them and the cats, their teeth, claws, fur or feces. The ALJ further ordered the AWA licensed issued to Zoocats, Inc. be permanently revoked. <i>(See also In re: Troy Allen Hyde, herein; and U.S. v. Troy Allen Hyde and U.S. v. Kraft, et al., WCCLAS Federal Case Law Summary.)</i></p>

WILDCAT CONSERVATION LEGAL AID SOCIETY

SUMMARY OF ADMINISTRATIVE PROCEEDINGS

PARTIES/CITATION	CASE SUMMARY
<p>UNITED STATES DEPARTMENT OF AGRICULTURE BEFORE THE SECRETARY OF AGRICULTURE</p> <p>AWA DOCKET NO. 09-0085; FILED MAY 27, 2009</p> <p>IN RE: ZOOLOGICAL IMPORTS 2000, INC., A FLORIDA CORPORATION</p> <p>RESPONDENT</p>	<p>The proceeding was brought under the Animal Welfare Act (AWA) and the Respondent admitted to the facts set forth below. Respondent located in Miami, Florida, was operating as a dealer as defined under the AWA. Respondent's president and director, Mario S. Tabraue, on behalf of Respondent, negotiated the sale or acquisition of two tigers from T.I.G.E.R.S., an AWA licensed exhibitor whose principal is Bhagavan Antle. Respondent further negotiated the transfer or sale of one of the tigers to Thunderhawk Big Cat Encounter, LLC through Ray Thunderhawk. Thunderhawk has never held an AWA license. From September to October 2008, Thunderhawk acquired the two tigers from Antle and transported them from South Carolina or Boston, Massachusetts, to Miami, Florida and delivered one of the tigers to Respondent. Subsequently, Respondent through Tabraue, falsified APHIS Form 7020 to misrepresent that Respondent had acquired the two tigers directly from Antle and the tigers were delivered to Respondent by Antle's employee. A second fraudulent form was prepared by Tabraue that indicated Respondent had delivered a tiger to Thunderhawk by donation, represented that Thunderhawk's AWA license was pending. and falsely represented that the tiger was in the possession of Respondent. During a routine inspection of Respondent's facility by a USDA Veterinary Medical Officer (VMO), Tabraue knowingly made false statements regarding the two tigers and knowingly provided fraudulent forms. The following day, Tabraue admitted to the VMO that the forms were fraudulent.</p> <p>Respondent's Order specified that if Tabraue fails to appear in <i>In re: Thunderhawk Big Cat Encounter LLC</i>, or in any other AWA proceeding that involves the admitted facts, or to testify as to such facts admitted, the order shall be vacated and an instant proceeding to terminate Respondent's AWA license shall proceed.</p> <p><i>(On June 4, 2009, In re: Thunderhawk Big Cat Encounter, LLC, Petitioner, AWA Docket No. D-09-0040, Petitioner's motion to withdraw the request for hearing, dated June 1, 2009, was granted and the case was dismissed.)</i></p>