

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 16-0036  
)  
SUMMER WIND FARM SANCTUARY, )  
a Michigan corporation, )  
)  
Respondent. ) AMENDED COMPLAINT

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

JURISDICTIONAL ALLEGATIONS

1. Summer Wind Farm Sanctuary is a Michigan corporation (759989) whose president and registered agent for service of process is Charles A. Vanneste, 6490 Mowerson Road, Brown City, Michigan 48416. At all times mentioned herein, Respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license number 34-C-0227.

ALLEGATIONS REGARDING THE SIZE OF THE BUSINESS, GRAVITY OF THE ALLEGED VIOLATIONS, GOOD FAITH AND COMPLIANCE HISTORY

- 2. Respondent operates a zoo and exhibits over 40 wild and exotic animals.
- 3. The complaint alleges repeated instances in which Respondent failed to provide APHIS inspectors access to conduct inspections of Respondent’s animals, facilities and records, failed to provide adequate veterinary care to animals, failed to handle animals as carefully as possible, and failed to meet the minimum Standards requirements. Respondent’s alleged violations occurred over an extended period of time from November 6, 2012 through

July 26, 2016.

4. Despite having been advised on multiple occasions by APHIS of noncompliance with the Regulations and with the Standards promulgated under the Act, Respondent has continued to fail to meet the minimum requirements.

5. Respondent has a history of previous violations. On March 8, 2012, an administrative law judge (ALJ) issued a consent decision and order in *In re Summer Wind Farm Sanctuary, a Michigan corporation*, 71 Agric. Dec. 496 (2012)(AWA Docket No. 11-0223) (Consent decision and order). The ALJ found that Respondent committed the following willful violations on the following occasions:

October 20, 2006	9 C.F.R. § 2.131(c)(1)	respondent mishandled a tiger during public exhibition by permitting an individual to feed the tiger by hand through the tiger's enclosure
November 19, 2006	9 C.F.R. § 2.131(b)(1) 9 C.F.R. § 2.131(c)(1)	respondent failed to handle a tiger as carefully as possible
November 19, 2006	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.80(a) requiring that enclosures be structurally sound
January 3, 2007	9 C.F.R. § 2.126(a)	respondent failed to allow APHIS officials to conduct an inspection
December 2, 2008	9 C.F.R. § 2.126(a)	respondent failed to allow APHIS officials to conduct an inspection
January 23, 2007	9 C.F.R. § 2.40(a)	respondent failed to include regularly scheduled visits with the arrangement with its part-time veterinarian
January 23, 2007	9 C.F.R. § 2.40(a) 9 C.F.R. § 2.40(b)(2)	respondent failed to provide adequate veterinary care to animals, and to have adequate programs of veterinary care
January 23, 2007	9 C.F.R. § 2.75(b)	respondent failed to keep, make, and

		maintain animal records
January 23, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.56(a)(2) requiring that rabbit enclosures be kept clean
January 23, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.127(b) requiring adequate shelter from inclement weather
January 23, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(c) requiring that premises be kept clean
February 15, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(c) requiring that premises be kept clean
June 4, 2007	9 C.F.R. § 2.40(a)	respondent failed to have an adequate written program of veterinary care
June 4, 2007	9 C.F.R. § 2.40(a) 9 C.F.R. § 2.40(b)(3)	respondent failed to provide adequate veterinary care to animals, and failed to establish and maintain adequate programs of veterinary care
June 4, 2007	9 C.F.R. § 2.75(b)	respondent failed to keep, make, and maintain animal records
June 4, 2007	9 C.F.R. § 2.100(a)	respondent failed to comply with 9 C.F.R. §§ 3.81(b),(c)(4) requiring an environmental enhancement plan for non-human primates
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.127(c) requiring a method to eliminate excess water
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.129 requiring the provision of

		wholesome, palatable food to animals
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(a) requiring that excreta be removed from primary enclosures
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(c) requiring that premises be kept clean
June 4, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(d) requiring the removal of food waste from enclosures
December 10, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
December 10, 2007	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(c) requiring that premises be kept clean
December 11, 2007	9 C.F.R. § 2.100(a)	respondent failed to comply with 9 C.F.R. §§ 3.81(b),(c)(4) requiring an environmental enhancement plan for non-human primates
April 7, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
April 7, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.127(c) requiring a method to eliminate excess water
July 29, 2008	9 C.F.R. § 2.100(a)	respondent failed to comply with 9 C.F.R. § 3.80(a)(2)(ix) requiring that enclosures housing nonhuman primates be readily cleaned
July 29, 2008	9 C.F.R. § 2.100(a)	respondent failed to comply with 9 C.F.R. § 3.83 requiring clean potable water for nonhuman primates

July 29, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §§ 3.127(a), (b) requiring adequate shelter from inclement weather
July 29, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.130 requiring clean water receptacles
July 29, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(a) requiring that excreta be removed from primary enclosures
July 29, 2008	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(c) requiring that premises be kept clean
April 6, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
April 6, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §§ 3.125(d), 3.129 requiring the removal of waste and the provision of wholesome, palatable food to animals
April 6, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(c) requiring that supplies of food be protected against deterioration, contamination
April 6, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(d) requiring the removal of waste from enclosures
August 3, 2009	9 C.F.R. § 2.126(a)	respondent failed to allow APHIS officials to conduct an inspection of respondent's records
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.84(a) requiring the removal of waste from primary enclosures for nonhuman primates
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R.

		§ 3.84(b)(2) requiring enclosures for nonhuman primates be sanitized
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(d) requiring the removal of waste
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §§ 3.127(a), (b) requiring adequate shelter from inclement weather
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.130 requiring clean water receptacles
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(a) requiring that excreta be removed from primary enclosures
August 3, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(d) requiring an effective pest control program
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.84(a) requiring enclosures for nonhuman primates be sanitized
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(d) requiring the removal of waste from enclosures
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §§ 3.125(d), 3.129 requiring disposal of food waste and provision of food that is wholesome, palatable
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(c) requiring that supplies of food be protected against deterioration, contamination

November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.130 requiring clean water receptacles
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(a) requiring that excreta be removed from primary enclosures
November 9, 2009	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(d) requiring an effective pest control program
January 6, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
May 4, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
May 4, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
May 4, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(d) requiring an effective pest control program
August 19, 2010	9 C.F.R. § 2.100(a)	respondent failed to comply with 9 C.F.R. § 3.83 requiring clean potable water for nonhuman primates
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §§ 3.125(d), 3.129 requiring disposal of food waste and provision of food that is wholesome, palatable
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. §

		3.130 requiring clean water receptacles
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(a) requiring that excreta be removed from primary enclosures
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.125(d) requiring the removal of waste from enclosures
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.131(d) requiring an effective pest control program
August 19, 2010	9 C.F.R. § 2.100(a)	respondent did not comply with 9 C.F.R. § 3.132 requiring a sufficient number of adequately trained employees

FAILURE TO OBEY CEASE AND DESIST ORDER

6. The Decision and Order in AWA Docket No. 11-0223 provided, in part:

“Respondent, its agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the regulations and standards issued thereunder.”

The order became final and effective on March 8, 2012. On each of the dates herein, Respondent knowingly failed to obey the cease and desist order made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in the above case. Pursuant to section 2149(b) of the Act, and 7 C.F.R. § 3.91, Respondent is subject to a civil penalty of \$1,650 for each knowing failure to obey the Secretary’s cease-and-desist order. 7 U.S.C. § 2149(b); 7 C.F.R. § 3.91.

ALLEGED VIOLATIONS

7. On November 6, 2012, January 15, 2013, March 11, 2013, June 25, 2013, December 3, 2013, April 24, 2014, June 19, 2014, June 30, 2015, and January 19, 2016, Respondent failed to provide APHIS with access for inspection and/or to have a responsible



adult available to accompany APHIS officials during inspection, in willful violation of the Act and the Regulations. 7 U.S.C. § 2146(a), 9 C.F.R. § 2.126.

8. On or about the following dates, Respondent willfully violated the Regulations, 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3), by failing to provide adequate veterinary medical care to animals and by failing to establish and maintain adequate programs of veterinary care that include the availability of appropriate personnel and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and daily observation of all animals:

- a. December 5, 2012. Without consulting the attending veterinarian, Respondent treated a sick lemur by adding an unknown quantity of amoxicillin to the lemur's drinking water, and the lemur died two days later.
- b. August 5, 2013. APHIS inspectors observed a bison that was very thin, with prominent hip bones and noticeable ribs, and Respondent had no records of having obtained veterinary care for the bison, which was subsequently euthanized.
- c. On or about November 2013. Respondent observed that a Rhesus monkey showed signs of having had a stroke, and the monkey died the following week, without having been provided any veterinary care, and Respondent failed to have a necropsy performed to determine the cause of death.
- d. March 4, 2014. A tiger (Khan) had a lesion across the tip of his nose and tail, and appeared very thin with prominent hip and back bones.
- e. March 18, 2014. A tiger (Khan), which had a lesion on his tail on March 4, 2014, still had the lesion, which had become raw and bleeding.
- f. July 1, 2014. A tiger (JJ) was observed to be drooling and thin, with

prominent hips and backbone.

g. August 13, 2014. A brown goat had an overgrown toe on its right rear foot.

h. September 9, 2014 and October 2, 2014. Respondent's written program of veterinary care did not address care for all of respondent's animals, specifically bobcats.

i. September 9, 2014. The brown goat that had an overgrown toe on August 13, 2014, had not had its hooves trimmed, and its toe was still overgrown.

j. September 9, 2014, October 2, 2014. A white goat had overgrown toes on both rear feet.

k. October 2, 2014. The brown goat that had one overgrown toe on August 13, 2014, and September 9, 2014, had overgrown toes on both rear feet.

l. October 2, 2014. A white fox had drainage coming from its right ear.

m. December 16, 2014, February 10, 2015. The brown goat that had not had its hooves trimmed since well before August 2014, had overgrown toes and difficulty walking.

n. February 10, 2015. A tiger (Sher Kahn) had difficulty standing and appeared to be very weak.

o. February 10, 2015, March 24, 2015. A macaque (Huey) had a raw wound on the tip of his tail.

p. March 24, 2015. A tiger (Sher Kahn) that had difficulty standing on February 10, 2015, still had difficulty standing, and had pink lesions on the tops of both rear feet.

- q. May 5, 2015. A tiger (Mohan) had a skin lesion on his left side.
- r. October 6, 2015. Respondent's personnel, rather than a veterinarian, euthanized an Artic fox and a skunk, by injection, in a manner contrary to Respondent's program of veterinary care.
- s. November 18, 2015. A cougar (Mattie) had skin lesions on her right hip and back.
- t. February 23, 2016. Respondent gave a tiger (Daisy) an unnamed supplement without consulting a veterinarian.
- u. May 17, 2016. Three ring-tailed lemurs were thin, with sparse coats.
- v. May 17, 2016. Two alpacas had overgrown rear toes.
- w. May 31, 2016. Respondent's personnel shot a tiger (JJ) in the head as a form of "euthanasia."
- x. July 26, 2016. Respondent failed to shear an alpaca with an overly long coat.

9. On or about October 6, 2015, Respondent failed to handle animals as carefully as possible in a manner that does not cause them behavioral stress, physical harm, or unnecessary discomfort, in willful violation of the Regulations, 9 C.F.R. § 2.131(b)(1), and specifically, Respondent's personnel euthanized two animals, an Artic fox and a skunk, in a manner contrary to respondent's own program of veterinary care, which provided (1) that a veterinarian would euthanize Respondent's animals; and (2) that the euthanasia would be performed by injection of euthanasia solution intravenously or intraperitoneally.

10. On or about May 31, 2016, Respondent failed to handle animals as carefully as possible, in a manner that does not cause them behavioral stress, physical harm, or unnecessary

discomfort, in willful violation of the Regulations, 9 C.F.R. § 2.131(b)(1), and specifically, Respondent's personnel "euthanized" a tiger (JJ) by shooting it in the head.

11. On or about December 5, 2012, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the standards promulgated under the Act, 9 C.F.R. Part 3 (Standards):

a. The meat cooler was dirty with blood and other meat juices, and the produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

b. Despite below-freezing temperatures, several enclosures contained no bedding. 9 C.F.R. § 3.127(b).

c. The llama enclosure contained excess feces. 9 C.F.R. § 3.131(a).

12. On or about February 4, 2013, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

b. Several enclosures contained excessive bones and food waste. 9 C.F.R. § 3.125(d).

c. Despite below-freezing temperatures, several enclosures contained no bedding. 9 C.F.R. § 3.127(b).

d. The water receptacles for several animals contained blocks of ice rather than water. 9 C.F.R. § 3.130.

13. On or about April 11, 2013, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The meat cooler floor was covered with meat drippings and debris, and insulation from the cooler walls was piled into one corner of the cooler. 9 C.F.R. §

3.125(c).

14. On or about August 5, 2013, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The baboon enclosures contained dirty water receptacles. 9 C.F.R. § 3.83.

b. Respondent failed to maintain an enclosure housing two American black bears in good repair so that animals were contained. 9 C.F.R. § 3.125(a).

c. The meat cooler floor had a pool of bloody water in it, in addition to an accumulation of dirt and grime. 9 C.F.R. § 3.125(c).

d. The food receptacle box of an enclosure housing two Asian black bears contained rotting food debris. 9 C.F.R. § 3.129(b).

e. Respondent fed a bison feed placed on the manure/dirt substrate of its enclosure. 9 C.F.R. § 3.129(b).

f. Water receptacles for several animals contained layers of scum. 9 C.F.R. § 3.130.

g. The den area for the enclosure containing two American black bears contained an excessive amount of old bones and fecal matter. 9 C.F.R. § 3.131(a).

h. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

15. On or about September 9, 2013, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. Respondent failed to maintain the fence for the enclosure housing one goat in good repair so that the animal was contained and protected from injury. 9

C.F.R. § 3.125(a).

b. The meat cooler had an accumulation of dirt and grime on it, and the produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

16. On or about January 9, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. Respondent failed to have potable water accessible to three domestic cats. 9 C.F.R. § 3.10.

17. On or about January 29, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The produce cooler contained moldy produce. 9 C.F.R. § 3.125(c).

b. The shelter housing the grizzly bear contained no bedding, despite below-freezing temperatures. 9 C.F.R. § 3.127(b).

c. Rodent feces were present on a shelf in the produce cooler. 9 C.F.R. § 3.131(d).

18. On or about March 4, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The water receptacle in an enclosure housing a macaque was filled with snow and ice. 9 C.F.R. § 3.83.

b. The produce cooler contained moldy produce. 9 C.F.R. § 3.125(c).

c. The shelter housing the llama contained no bedding, despite below-freezing temperatures. 9 C.F.R. § 3.127(b).

d. A section of the perimeter fence had a gap between the fencing and the ground, and an animal was using the gap to enter and/or exit the facility. 9 C.F.R. §

3.127(d).

- e. A partially processed cow was left hanging outside in the butcher area.

9 C.F.R. § 3.129(a).

- f. Several enclosures had water containers filled with ice. 9 C.F.R. § 3.130.

g. The counter in the butcher area was covered with blood and meat scraps, and the produce cooler door was covered in blood and animal tissue. 9 C.F.R. § 3.131(c).

h. There were rodent feces on a shelf in the produce cooler. 9 C.F.R. § 3.131(d).

i. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

j. Respondent housed incompatible animals together, specifically a tiger (Kahn) in need of veterinary care, and a tiger (Sundar) that had a history of compatibility issues with Kahn. 9 C.F.R. § 3.133.

19. On or about March 5, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. There was insufficient bedding in several enclosures. 9 C.F.R. § 3.127(b).

b. Several enclosures had water containers that were filled with solid ice. 9 C.F.R. § 3.130.

20. On or about March 18, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

- a. The litter boxes in the enclosure containing two domestic cats contained

excessive feces. 9 C.F.R. § 3.11(a).

b. Water containers for multiple animals were contaminated. 9 C.F.R. § 3.130.

c. Three empty antifreeze containers were on the ground in a puddle of water of an area containing two baboons. 9 C.F.R. § 3.131(c).

d. Several rodent holes were present in the barn that contained four tigers, and a rat was observed by the APHIS official. 9 C.F.R. § 3.131(d).

21. On or about May 8, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. Respondent failed to maintain the fence for the enclosure housing one goat in good repair so that the animal was contained and protected from injury. 9 C.F.R. § 3.125(a).

b. The enclosure of a llama did not have any dry area for the animal to rest. 9 C.F.R. § 3.127(c).

c. The perimeter fence at the north entrance near the grizzly bear enclosure was not locked. 9 C.F.R. § 3.127(d).

d. The food receptacle box of the enclosure housing two North American black bears contained a large amount of rotting food debris. 9 C.F.R. § 3.129(b).

e. The water receptacles for several animals had debris, rotting vegetation and/or a layer of scum. 9 C.F.R. § 3.130.

f. The primary enclosures for several animals had excessive accumulations of fecal material and food waste. 9 C.F.R. § 3.131(a).

g. The area outside of the building housing the butcher area and food



coolers was filled with trash, old equipment, boards, tires and debris. 9 C.F.R. § 3.131(c).

h. Rodent holes were located next to the cougar shelter, a rat was seen by the APHIS official, and mouse feces were present on the floor in the baboon area. 9 C.F.R. § 3.131(d).

i. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

22. On or about July 1, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. A water receptacle for two domestic cats had a layer of green scum on its interior surfaces. 9 C.F.R. § 3.10.

b. A litter box for two domestic cats contained an excessive amount of fecal matter. 9 C.F.R. § 3.11(a).

c. The water receptacle in a baboon enclosure had a layer of dirt and slime lining its interior. 9 C.F.R. § 3.83.

d. The enclosure containing the baboon had an excessive amount of fecal matter. 9 C.F.R. § 3.84(a).

e. Respondent failed to maintain the fence for the enclosure housing a llama and the enclosure housing a tiger in good repair so that the animal was contained and/or protected from injury. 9 C.F.R. § 3.125(a).

f. A waste container, which had black decaying cow parts covered in maggots, was located next to the area used to butcher cows to be fed to cats. 9 C.F.R. § 3.125(d).

g. The shelter housing three goats was not large enough to contain all of the goats. 9 C.F.R. §§ 3.127(a), 3.127(b).

h. The perimeter fence gate near the llama and alpaca enclosure was open, and the perimeter fence gate near the grizzly bear enclosure was not locked. 9 C.F.R. § 3.127(d).

i. A llama enclosure contained moldy hay. 9 C.F.R. § 3.129(a).

j. The enclosure housing two North American black bears contained rotting food debris. 9 C.F.R. § 3.129(b).

k. Water receptacles for several animals contained green scum and/or algae. 9 C.F.R. § 3.130.

l. Shelter boxes for several animals contained fecal material, damp bedding and/or excessive bones and rotting food waste. 9 C.F.R. § 3.131(a).

m. The produce cooler contained deteriorating food and mold. 9 C.F.R. § 3.131(c).

n. Several enclosures contained rodent holes. 9 C.F.R. § 3.131(d).

o. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

23. On or about August 13, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. A water receptacle for two domestic cats had a layer of green scum on its interior surfaces. 9 C.F.R. § 3.10.

b. A litter box for two domestic cats contained an excessive amount of fecal matter. 9 C.F.R. § 3.11(a).

c. Two strands of hot wire at the top of the enclosure housing the American black bears were off. 9 C.F.R. § 3.125(a).

d. The enclosure containing the grizzly bear contained excessive water. 9 C.F.R. § 3.127(c).

e. Water receptacles for several animals contained green scum and/or algae. 9 C.F.R. § 3.130.

f. Shelter boxes for several animals contained fecal material and/or excessive bones and rotting food waste. 9 C.F.R. § 3.131(a).

g. The area outside of the building housing the butcher area was filled with trash, old equipment, boards, tires and debris. 9 C.F.R. § 3.131(c).

h. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

i. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

24. On or about September 9, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. A litter box for two domestic cats contained an excessive amount of fecal matter. 9 C.F.R. § 3.11(a).

b. The water receptacle in the Japanese macaque enclosure contained algae slime. 9 C.F.R. § 3.83.

c. The enclosure housing two lemurs contained an excessive amount of fecal material. 9 C.F.R. § 3.84(a).

d. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

e. The food receptacle boxes for several enclosures contained rotting food debris. 9 C.F.R. § 3.129(b).

f. The water receptacle for the enclosure containing tigers was empty. 9 C.F.R. § 3.130.

g. Shelter boxes for several animals contained excessive bones and rotting food waste. 9 C.F.R. § 3.131(a).

h. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area was filled with trash, old equipment, boards, tires and debris. 9 C.F.R. § 3.131(c).

i. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

j. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

25. On or about October 2, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. A litter box for two domestic cats contained an excessive amount of fecal matter. 9 C.F.R. § 3.11(a).

b. The enclosure housing two lemurs contained an excessive amount of fecal material. 9 C.F.R. § 3.84(a).

c. The primary enclosure housing foxes had multiple areas of exposed wire lining the enclosure. 9 C.F.R. § 3.125(a).

d. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

e. The food receptacle boxes for the enclosure housing two American black bears and the enclosure housing two Asian black bears contained rotting food

debris. 9 C.F.R. § 3.129(b).

f. The water receptacle for the enclosure containing tigers was contaminated. 9 C.F.R. § 3.130.

g. Shelter boxes for several animals contained excessive feces and/or bones and rotting food waste. 9 C.F.R. § 3.131(a).

h. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area were filled with trash, old equipment, boards, tires and debris. 9 C.F.R. § 3.131(c).

i. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

j. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

26. On or about November 4, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The primary enclosure housing foxes had multiple areas of exposed wire lining the enclosure. 9 C.F.R. § 3.125(a).

b. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

c. Bones, old bedding, and food waste were on the ground outside the door to the service area for a lion and tiger. 9 C.F.R. § 3.125(d).

d. The perimeter fence gate near the residence was standing open, and the perimeter fence gate near the grizzly bear enclosure was not locked. 9 C.F.R. § 3.127(d).

e. An open bag of pig food was in the produce cooler. 9 C.F.R. § 3.129(a).

f. The water receptacle for the enclosure containing a tiger had a green

algae scum lining its interior. 9 C.F.R. § 3.130.

g. There was excessive feces in several enclosures. 9 C.F.R. § 3.131(a).

h. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area was filled with trash, old equipment, fencing and debris. 9 C.F.R. § 3.131(c).

i. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

j. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

27. On or about December 16, 2014, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. A litter box for two domestic cats contained an excessive amount of fecal matter. 9 C.F.R. § 3.11(a).

b. The primary enclosure housing foxes had multiple areas of exposed wire lining the enclosure. 9 C.F.R. § 3.125(a).

c. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

d. The food receptacles box for the enclosure housing two Asian black bears contained rotting food debris. 9 C.F.R. § 3.129(b).

e. There was excessive feces in several enclosures. 9 C.F.R. § 3.131(a).

f. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area were filled with trash, old equipment, fencing and debris. 9 C.F.R. § 3.131(c).

g. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

h. Respondent did not employ a sufficient number of adequately-trained

employees. 9 C.F.R. § 3.132.

28. On or about February 10, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

- a. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).
- b. The shelter for the enclosures housing the three alpacas had no bedding, despite below-freezing temperatures. 9 C.F.R. § 3.127(b).
- c. Several animals were being fed dog food. 9 C.F.R. § 3.129(a).
- d. There was excessive feces in several enclosures. 9 C.F.R. § 3.131(a).
- f. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area was filled with trash, old equipment, fencing and debris. 9 C.F.R. § 3.131(c).
- g. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).
- h. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

29. On or about February 12, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

- a. The enclosure housing the white tiger had little bedding, despite below-freezing temperatures. 9 C.F.R. § 3.127(b).

30. On or about March 24, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

- a. The meat cooler had an odor of rotten and decaying meat. 9 C.F.R. § 3.125(c).
- b. Respondent did not employ a sufficient number of adequately-trained

employees. 9 C.F.R. § 3.132.

31. On or about May 5, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards, and specifically, Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

32. On or about July 22, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The litter boxes in the enclosure containing two domestic cats had excessive feces in them. 9 C.F.R. § 3.11(a).

b. The water receptacle in the Japanese macaque enclosure had a layer of slime lining its interior. 9 C.F.R. § 3.83.

c. Two strands of hot wire at the top of the enclosure housing the American black bears had vines climbing on them. 9 C.F.R. § 3.125(a).

d. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).

e. An open dumpster near the butcher area contained cow parts, with flies and maggots present. 9 C.F.R. §§ 3.125(d), 3.131(d).

f. Several food receptacle boxes contained rotting food debris. 9 C.F.R. § 3.129(b).

g. There was excessive feces and/or food waste in several enclosures. 9 C.F.R. § 3.131(a).

h. The area outside of the building housing the butcher area, and the alleyway leading to the butcher area were filled with trash, old equipment, fencing and debris. 9 C.F.R. § 3.131(c).



- i. The pools located in several enclosures were dirty. 9 C.F.R. § 3.131(c).
- j. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).
- k. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

33. On or about October 6, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

- a. An enclosure containing a Japanese macaque contained excessive feces. 9 C.F.R. § 3.75(c)(3).
- b. The water receptacle in the Japanese macaque enclosure had a layer of grime lining its interior. 9 C.F.R. § 3.83.
- c. The produce cooler contained spoiled produce. 9 C.F.R. § 3.125(c).
- d. Food and fecal waste were present in the alleyway near animal enclosures. 9 C.F.R. §§ 3.125(d), 3.131(d).
- e. The entire enclosure for a Syrian brown bear contained wet, dirty bedding. 9 C.F.R. § 3.127(c).
- f. Several food receptacle boxes for numerous animals contained rotting food debris. 9 C.F.R. § 3.129(b).
- g. Water receptacles for various animals had algae scum in their interiors, and the enclosure containing the Syrian brown bears had no water in the receptacle. 9 C.F.R. § 3.130.
- h. There was excessive feces and/or food waste in several enclosures. 9 C.F.R. § 3.131(a).
- i. Various areas of the premise were dirty and contained excessive waste

and debris. 9 C.F.R. § 3.131(c).

j. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

k. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

34. On or about November 18, 2015, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. Several food receptacle boxes for numerous animals contained rotting food debris. 9 C.F.R. § 3.129(b).

b. There was excessive feces and/or food waste in several enclosures. 9 C.F.R. § 3.131(a).

c. Various areas of the premise were dirty and contained excessive waste and debris. 9 C.F.R. § 3.131(c).

d. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

e. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

35. On or about February 23, 2016, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The meat cooler had an odor of rotten and decaying meat. 9 C.F.R. § 3.125(c).

b. A wheel barrow, full of fecal material, was located adjacent to the alpaca enclosures. 9 C.F.R. § 3.125(d).

c. A tiger was being housed in an enclosure that was too small for the animal. 9 C.F.R. § 3.131(c).

d. Various areas of the premise were dirty and contained excessive waste and debris. 9 C.F.R. § 3.131(c).

e. Rodent holes were present in several enclosures. 9 C.F.R. § 3.131(d).

f. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

36. On or about May 17, 2016, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. The meat cooler had an odor of rotten and decaying meat. 9 C.F.R. § 3.125(c).

b. The entire front of a tiger's (Lily) enclosure was muddy. 9 C.F.R. § 3.127(c).

c. The water receptacle for the enclosure containing a grizzly bear had a large amount of algae growing in it. 9 C.F.R. § 3.130.

d. Various enclosures contained excessive fecal material. 9 C.F.R. § 3.131(a).

e. Respondent did not employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

f. A tiger (Daisy) was being housed in an enclosure that contained numerous dogs, causing her discomfort. 9 C.F.R. § 3.133.

37. On or about July 26, 2016, Respondent willfully violated section 2.100(a) of the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards:

a. An alpaca had no shade for its enclosure. 9 C.F.R. § 3.127(c).

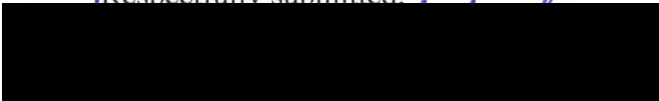
b. Respondent did not employ a sufficient number of adequately-trained

employees. 9 C.F.R. § 3.132.

WHEREFORE, it is ordered that for the purpose of determining whether Respondent has willfully violated the Act and the Regulations issued under the Act, this amended complaint shall be served upon Respondent. Respondent shall file an answer with the Hearing Clerk, United States Department of Agriculture, 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 an answer shall constitute an admission of all the material allegations of this amended complaint. APHIS requests that this proceeding be conducted 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 circumstances.

DATED: September 2, 2016

Respectfully submitted,



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