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United States
Department of
Agriculture

Office of
Administrative
Law Judges

Hearing Clerk

Room 1031
South Building

1400 Independence
Avenue SW

Washington, DC
20250-9200

(202) 720-4443
(202) 720-9776 fax

CERTIFIED RECEIPT REQUESTED

October 22, 2010

Jamie Michelle Palazzo, an individual
d/b/a Great Cats Adventures
5888 Echo Bluff Drive
Haltom City, Texas 76137

Jamie Michelle Palazzo, an individual
d/b/a Great Cats Adventures
4600 Diaz Ranch Road
Amarillo, Texas 79108

James Lee Riggs, an individual
d/b/a Great Cat Adventures,
Great Cats of the World
5888 Echo Bluff Drive
Haltom City, Texas 76137

James Lee Riggs, an individual
d/b/a Great Cat Adventures,
Great Cats of the World
4600 Diaz Ranch Road
Amarillo, Texas 79108

Eric John Drogosch, an individual
d/b/a Great Cat Adventure
690 Highway 69/75
Atoka, Oklahoma 74525

Thomas R. Lease, an individual
9016 Tampas Lane
Dallas, Texas 75227

Joseph M. Estes, an individual
a/k/a Safari Joe
13455 Highway 69
North Adair, Oklahoma 74330

Dear Respondents:

Subject: **Jamie Michelle, an individual; James Lee Riggs, an individual;
Eric John Drogosch, an individual; Thomas E. Lease, an
individual; and Joseph M. Estes, an individual, Respondents**
Docket No. 11-0023

Enclosed is a copy of the Complaint, which has been filed with this office under the Animal Welfare Act, together with a copy of the Rules of Practice which govern the conduct of these proceedings. You should familiarize yourselves with the rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself personally or by an attorney of record. Unless an attorney files an appearance on your behalf, it shall be presumed

that you have elected to represent yourself personally. Most importantly, you have **20 days from the receipt of this letter to file with the Hearing Clerk an original and seven (7) copies of your written and signed answer to the Complaint.** It is necessary that your answer set forth any defense you wish to assert, and to specifically admit, deny or explain each allegation of the Complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the Complaint, shall constitute an admission of those allegations and a waiver of your right to an oral hearing.


In the event this proceeding does go to hearing, the hearing shall be formal in nature and will be held and the case decided by an Administrative Law Judge on the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

You must notify us of any future address changes. Failure to do so may result in a judgment being entered against you without your knowledge. We also need your present and future telephone number, and a fax number, if available.

Your answer, as well as any motions or requests that you may hereafter wish to file in the proceeding should be submitted in **original and seven (7) copies** to the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, Washington, D.C. 20250-9200. An **original and seven** copies are required for each document submitted.

Sincerely,

L. Eugene Whitfield
Hearing Clerk



CARLA ANDREWS
Assistant Hearing Clerk

Enclosures: 2

cc: Colleen A. Carroll, Mktg. Div., OGC
Ruth Ann McDermott, APHIS
Unit 85, Riverdale, MD

fcca/10/22//2010

UNITED STATES DEPARTMENT OF AGRICULTURE

OCT 21 PM 4:00

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:) AWA Docket No. 10-
) 11-0023
JAMIE MICHELLE PALAZZO, an individual;)
JAMES LEE RIGGS, an individual; ERIC JOHN)
DROGOSCH, an individual; THOMAS R. LEASE,)
an individual; and JOSEPH M. ESTES, an)
individual,)
Respondent.) COMPLAINT

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

JURISDICTIONAL ALLEGATIONS

1. Respondent Jamie Palazzo is an individual doing business as Great Cat Adventures, whose business mailing address is 5888 Echo Bluff Drive, Haltom City, Texas 76137. Said respondent also does or has done business at 4600 Diaz Ranch Road, Amarillo, Texas 79108. At all times mentioned herein, respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations, and held Animal Welfare Act license number 74-C-0627.

2. Respondent James Lee Riggs is an individual who does or did business as Great Cat Adventures, Great Cats of the World, and other similar fictitious names, and whose mailing address is 5888 Echo Bluff Drive, Haltom City, Texas 76137 or 4600 Diaz Ranch Road, Amarillo, Texas 79108. At all times mentioned herein, said respondent was (1) operating as an exhibitor, as that term is defined in the Act and the Regulations; or (2) acting for or employed by an exhibitor (respondent

Palazzo), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent Palazzo. According to Tarrant County records, respondent Riggs is the owner of the Haltom City property.

3. Respondent Eric John Drogosch is an individual who did or does business as Great Cat Adventures, and whose last known mailing address is 690 Highway 69/75, Atoka, Oklahoma 74525. At all times mentioned herein, said respondent was (1) operating as an exhibitor, as that term is defined in the Act and the Regulations; or (2) acting for or employed by an exhibitor (respondent Palazzo), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent Palazzo. Respondent Drogosch previously held AWA license number 74-C-0536, which license was revoked by order of the Secretary in 2004.

4. Respondent Thomas R. Lease is an individual whose mailing address is 9016 Tampas Lane, Dallas, Texas 75227. At all times mentioned herein, said respondent was (1) operating as an exhibitor, as that term is defined in the Act and the Regulations; or (2) acting for or employed by an exhibitor (respondent Palazzo), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent Palazzo. Respondent Lease previously held AWA license number 74-C-0286, which license was not renewed and became invalid as of May 10, 2005.

5. Respondent Joseph M. Estes is an individual whose address is 13455 Highway 69

North, Adair, Oklahoma 74330. Respondent Estes is also known as “Safari Joe” and, at all times mentioned herein, was a dealer and/or exhibitor, as those terms are defined in the Regulations, doing business as Safari Joe’s Wildlife Park and other variations of that name, and as Rock Creek Exotic Drive-Thru. Respondent Estes previously held Animal Welfare Act license number 73-C-0133, which license was cancelled on September 4, 2000, and revoked on December 1, 2003, by order of the Secretary.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENTS’ BUSINESSES,
THE GRAVITY OF THE ALLEGED VIOLATIONS,
RESPONDENTS’ GOOD FAITH AND RESPONDENTS’ COMPLIANCE HISTORY

6. Together with respondent Riggs, respondent Palazzo operates a moderate-size business exhibiting wild and exotic animals for profit. The gravity of the violations alleged in this complaint is great. They include repeated instances in which respondents failed to handle animals safely, after having been warned by the complainant that their manner of exhibition, which involves allowing the public, including toddlers and young children, to handle tigers directly, violated the Regulations. People were injured by respondents’ tigers. A previous investigation by complainant of alleged violations of the handling and housing Regulations for tigers by respondent Palazzo (documented on August 15 and September 12, 2005) was resolved by way of said respondent’s payment of a \$750 civil penalty.¹ Respondents Palazzo and Riggs have previously violated the Regulations; respondent Palazzo’s license was suspended for three years, effective August 13, 2010, and respondent Riggs was assessed a \$10,000 civil penalty.² Respondent Riggs has failed to pay any part of the civil penalty assessed in the aforementioned decision and order.

¹APHIS Case No. TX 06008.

²*In re Palazzo*, 69 Agric. Dec. __ (2010).

7. On information and belief, respondent Riggs was a respondent in an administrative enforcement proceeding that was resolved by consent decision in 1991,³ and was found to have violated the Regulations in two subsequent AWA disciplinary proceedings.⁴ Respondent Riggs has knowingly failed to obey a cease and desist order issued by the Secretary.

8. Respondent Drogosch has previously been found to have violated the Act and the Regulations.⁵ Respondent Drogosch has knowingly failed to obey a cease and desist order issued by the Secretary.

9. Respondent Lease was a respondent in an administrative enforcement proceeding that was resolved by consent decision in 1997.⁶ Respondent Lease has knowingly failed to obey a cease and desist order issued by the Secretary.

10. Respondent Joseph M. Estes has a history of violations. He has been a respondent in three previous administrative enforcement proceedings, wherein he was found to have violated the Regulations.⁷ Respondent Estes has knowingly failed to obey two cease and desist orders issued

³*In re Riggs*, AWA Docket No. 91-0070.

⁴*In re Bridgeport Nature Center, Inc., et al.*, AWA Docket No. 00-0032; *In re Palazzo*, 69 Agric. Dec. __ (2010).

⁵*In re Eric John Drogosch, dba Animal Adventures America*, AWA Docket No. 04-0014.

⁶*In re Lions, Tigers and Teddy Bears-Oh My!, and Thomas R. Lease*, AWA Docket No. 97-0033 (Consent Decision and Order, Dec. 1, 1997).

⁷*In re Estes*, AWA Docket No. 02-0026 (Consent Decision and Order, June 11, 2003), Mr. Estes was ordered to cease and desist from violating the Act and the Regulations, was assessed a \$10,000 civil penalty, which he failed to pay, and his previous AWA license (No. 73-C-0133) was revoked on December 1, 2003.

by the Secretary.⁸

11. Respondents Palazzo, Riggs, Drogosch, Lease and Estes have not shown good faith. Respondents Palazzo, Riggs, Drogosch, and Estes, after having specifically been advised that the failure to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public, is a violation, have knowingly continued to violate the handling Regulations, and to do so in a manner that presents a serious risk of harm to both people and animals. Respondents Riggs, Drogosch, Lease and Estes have knowingly failed to obey the Secretary's cease-and-desist orders. Respondents Palazzo and Riggs have misrepresented themselves as offering "educational" exhibits to the public, and as motivated by a desire to help and care for large felids. In fact, they use animals exclusively to make money. Their professed love for the animals in their custody is belied by their failure to provide minimally-adequate veterinary care for animals, and their disposal (including by euthanasia) of otherwise healthy—or treatable—animals (at least four tigers) that were deemed unsuitable in either appearance or behavior for use in respondents' carnival exhibits. Respondent Riggs was found to have

"a documented history of both flaunting the Secretary of Agriculture's Regulations and attempting to shield himself from responsibility by corporate artifice, manipulation of others, and by working under the Animal Welfare Act licenses of others."⁹

ALLEGED VIOLATIONS

12. From approximately February 26, 2010, through September 1, 2010, respondent

⁸*In re Estes*, AWA Docket No. 02-0026 (Consent Decision and Order, June 11, 2003); *In re Estes*, AWA Docket No. 04-B032 (APHIS Case No. OK 03019), and *In re Estes*, AWA Docket No. 05-0027 (APHIS Case No. OK 04015-AC).

⁹*In re Palazzo* at Note 20.

Drogosch operated as an exhibitor and/or a dealer, without having a valid license to do so, in willful violation of section 2134 of the Act, and sections 2.1 and 2.10 of the Regulations.

13. On or about February 26, 2010, respondent Estes operated as a dealer, without having a valid license to do so, in willful violation of section 2134 of the Act, and sections 2.1 and 2.10 of the Regulations.

14. On January 19, 2010, April 28, 2010, respondents Palazzo and Riggs failed to provide APHIS inspectors access to their facilities, records and animals, in willful violation of section 2146(a) of the Act (7 U.S.C. § 2146(a)) and section 2.126(a) of the Regulations (9 C.F.R. § 2.126(a)).

15. On or about July 24, 2009, respondents Palazzo and Riggs failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control diagnose, and treat diseases and injuries, and specifically, respondents had no record of having obtained vaccinations for a tiger identified as both Lily and Athena, in willful violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

16. On or about March 4, 2010, respondents Palazzo and Riggs failed to have had a veterinarian provide adequate veterinary care to animals in respondents' custody, including a tiger and a lynx with untreated hair loss over their entire bodies, in willful violation of sections 2.40(a), 2.40(a)(2), and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2)).

17. On or about March 9, 2010, respondents Palazzo and Riggs failed to have a veterinarian provide adequate veterinary care to animals in respondents' custody, and specifically, respondent Riggs had a young tiger that was suffering from ringworm euthanized instead of treated for its fungal condition, in willful violation of sections 2.40(a), 2.40(a)(2), and 2.40(b)(2) of the

Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2)).

18. On August 7, 2008, at the Washington Town and Country Fair, Washington, Missouri, respondents Palazzo and Riggs exposed young or immature animals to rough or excessive public handling or exhibited them for periods of time that would be detrimental to the health and well-being, in willful violation of section 2.131(c)(3) of the Regulations. 9 C.F.R. § 2.131(c)(3).

19. On March 16, March 17, and March 18, 2010, respondents Palazzo and Riggs failed to have a veterinarian provide adequate veterinary care to animals in respondents' custody, specifically a lynx with hair loss over its entire body, roughened and thickened skin around its face, and who was thin and shaking its feet as though they were sore, in willful violation of sections 2.40(a), 2.40(a)(2), 2.40(b)(2) and 2.40(b)(3) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2), 2.40(b)(3)).¹⁰

20. Between February 2010 and March 2010, respondents Palazzo and Riggs failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in their possession or control, or transported, sold, euthanized, or otherwise disposed of, in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

21. On or about the following dates, respondents Palazzo, Riggs, Drogosch, and Lease failed to handle tigers as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, in willful violation of section 2.131(b)(1) of the Regulations. 9 C.F.R. § 2.131(b)(1):

¹⁰On March 18, 2010, the Animal and Plant Health Inspection Service confiscated the lynx, and placed it with another licensee.

- a. September 29, 2008 (Tulsa Fair Grounds, Tulsa, Oklahoma)
- b. February 27, 2009 (Brownwood Intermediate School, Brownwood, Texas)
- c. April 11, 2009 (Great Cat Adventures, Atoka, Oklahoma)
- d. March 3, 2009 (Dublin Elementary School, Dublin, Texas)
- e. August 7, 2008 (Washington Town and Country Fair, Washington, Missouri)

22. On or about the following dates, respondents Palazzo, Riggs, Drogosch, and Lease failed to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public, in willful violation of section 2.131(c)(1) of the Regulations. 9 C.F.R. § 2.131(c)(1).

- a. September 29, 2008 (Tulsa Fair Grounds, Tulsa, Oklahoma)
- b. February 27, 2009 (Brownwood Intermediate School, Brownwood, Texas)
- c. April 11, 2009 (Great Cat Adventures, Atoka, Oklahoma)
- d. March 3, 2009 (Dublin Elementary School, Dublin, Texas)
- e. August 7, 2008 (Washington Town and Country Fair, Washington, Missouri)

23. On or about September 29, 2008, respondents Palazzo and Riggs failed to provide animals with wholesome, nutritious, and palatable food in sufficient quantities, and specifically, respondents fed large felids a diet with insufficient calcium and taurine, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

24. On or about December 22, 2009, respondents Palazzo and Riggs failed to provide animals with wholesome, nutritious, and palatable food in sufficient quantities, and specifically, a necropsy report performed on a dead serval held by respondents' custody, showed that the serval was

very thin with little or no fat on its body, and no evidence of any disease or cause of death other than starvation, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

25. On or about September 29, 2008, respondents Palazzo and Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a)), by failing to construct and maintain enclosures for two leopards and one cougar in a manner that protects the animals from injury and contains them, and specifically, the animals' enclosure had no top, other than a canvas shade.

26. On or about July 24, 2009, respondents Palazzo and Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a)), by failing to construct and maintain enclosures for a lynx in a manner that protects the animal from injury and contains them, and specifically, the animal's enclosure had no top.

27. On or about September 30, 2009, respondents Palazzo and Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.127(b) of the Standards (9 C.F.R. § 3.127(b)), by failing to provide adequate shelter for two leopards kept outside in a wire enclosure without any additional shelter box to protect them from the elements.

28. On or about September 30, 2009, respondents Palazzo and Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.127(d) of the Standards (9 C.F.R. § 3.127(d)), by housing two leopards in a primary enclosure without a perimeter fence.

29. On March 4, March 16, March 17, and March 18, 2010, respondents Palazzo and

Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.132 of the Standards (9 C.F.R. § 3.132), by failing to utilize a sufficient number of adequately trained employees.

30. On or about March 16 and March 17, 2010, respondents Palazzo and Riggs failed to provide animals with wholesome, nutritious, and palatable food in sufficient quantities, and specifically, respondents fed large felids a mostly chicken diet with insufficient supplements, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this complaint shall be served upon the respondents. The respondents 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 complaint.

The Animal and Plant Health Inspection Service requests that unless the respondents fail to file an answer within the time allowed therefor, or file an answer admitting all the material allegations of this complaint, this proceeding be set for oral hearing 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 and warranted under the circumstances, including an order that respondents cease and desist from violating the Act and the regulations and standards issued thereunder, assessing civil penalties against the respondents in accordance with section 19 of the Act (7 U.S.C.

§ 2149) for their violations herein, assessing additional civil penalties against respondents Drogosch, Lease, Estes, and Riggs for their knowing failure to obey cease and desist orders, and revoking Animal Welfare Act licenses 74-C-0627 and 74-C-0286.

Done at Washington, D.C.
this 19th day of October 2010

Acting Kevin Shea
Administrator
Animal and Plant Health Inspection Service

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