

Investigative and Enforcement Services

Settlement Agreement

USDA, APHIS, IES
 4700 River Road, Unit 85
 Riverdale, MD 20737
 Phone: (301) 734-8004
 Fax: (301) 734-4328

RESPONDENT:

1st Address

Friends of the Zoo, Inc. of
 Kansas City
 DBA Kansas City Zoo
 6800 Zoo Drive
 Kansas City, MO 64132

2nd Address

Randy Wisthoff
 6800 Zoo Drive
 Kansas City, MO 64132

CASE NUMBER OR09002-AC

DUE ON OR BEFORE June 24, 2011

CONTACT

PHONE

DATE

CITATION

DESCRIPTION

(SEE ATTACHED PAGES)

PENALTY

\$ 35,340

TERMS

Titles 7, 15, 19, and 21 of the United States Code authorize the Secretary of Agriculture to impose civil penalties and other sanctions to resolve violations after providing notice and opportunity for a hearing.

You may waive your right to a hearing and agree to pay the specified civil penalty in settlement of this matter. If you do not agree to the specified penalty, a complaint shall be issued charging you with the violation(s) and seeking higher penalties. You will have the opportunity for a hearing before an Administrative Law Judge to present your case.

I acknowledge that I have been given an opportunity for a hearing and waive such hearing. I neither admit nor deny the violations cited above and agree to pay the civil penalty in full settlement of this matter.

Signature of Respondent:

Date:

6-22-2011

PAYMENT RECORD - FOR IES USE ONLY

Payment Type	Date	Amount	Signature of IES Representative

T04A - Settlement Agreement
 7/1/09

DATE

CITATION

DESCRIPTION

DATE	CITATION	DESCRIPTION
31-JAN-2008	9 CFR 3.129(a)	<p>Feeding. (a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal.</p> <p>Respondent failed to provide the proper diet to four agoutis housed in a mixed species exhibit. Respondent allowed the agoutis to eat a diet with excessive amounts of vitamin D that was inappropriate for its species. APHIS officials discovered that an agouti died from vitamin D toxicity.</p>
06-JUN-2008	9 CFR 3.75(f)	<p>Housing facilities, general. (f) Drainage and waste disposal. Trash containers in housing facilities and in food storage and food preparation areas must be leak-proof and must have tightly fitted lids on them at all times.</p> <p>Respondent failed to cover the trash cans in the baboon and gorilla off-exhibit housing facilities which attracted flies to the area.</p>
	9 CFR 3.101(a)(1)	<p>Facilities, general. (a) Construction requirements. (1) Indoor and outdoor housing facilities for marine mammals must be structurally sound and must be maintained in good repair to protect the animals from injury, to contain the animals within the facility, and to restrict the entrance of unwanted animals.</p> <p>Respondent failed to maintain several areas in the sea lion housing facility. APHIS officials discovered chipped and roughened surfaces throughout the facility. Additionally, Respondent failed to repair and/or replace broken concrete around the "stage" area where the surface was roughened and the underlying rock material was exposed in a manner that could injure the animals.</p>
	9 CFR 3.125(a)	<p>Facilities, general. (a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to maintain the pig enclosure. Respondent failed to remove chipped and peeling paint, which could be ingested by animals, from the lower portions of the walls.</p>
	9 CFR 3.127(c)	<p>Facilities, outdoor. (c) Drainage. A suitable method shall be provided to rapidly eliminate excess water.</p> <p>Respondent failed to provide a suitable method to rapidly eliminate excess water. APHIS officials discovered several enclosures with</p>

		standing water in areas where the animals could not avoid walking through them. Additionally, APHIS officials discovered standing water within the rhinoceros yard and the plains yard.
	9 CFR 3.129(a)	Feeding. (a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal.
		Respondent failed to provide the proper diet to three agoutis housed in a mixed species exhibit.
	9 CFR 3.131(d)	Sanitation. (d) Pest control. A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.
		Respondent failed to maintain a safe and effective program of pest control within the outdoor portion of the rhinoceros enclosure. APHIS officials discovered two large dumpsters and a cart for compost located near the rhinoceros building which attracted flies. The flies congregated near the ankles of the animals.
04-JUL-2008	9 CFR 2.40(b)(3)	Attending veterinarian and adequate veterinary care (dealers and exhibitors). (b) Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include: (3) Daily observation of all animals to assess their health and well-being.
		Respondent failed to daily observe a male eland calf to assess its health and well-being. The eland lost 31 pounds and 17% of its body weight in one month and died as a result of its condition. Respondent failed to discover this condition before the animal was in irreversibly poor health.
04-OCT-2008	9 CFR 2.131(b)(1)	Handling of animals. (b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.
		Respondent failed to handle a black rhinoceros as expeditiously and carefully as possible so as to avoid trauma, behavioral stress, physical harm and unnecessary discomfort while attempting to transfer it into a transport crate. The animal became agitated and extremely stressed while it was being loaded into the crate.
06-OCT-2008	9 CFR 3.138(a)	Primary conveyances (motor vehicle, rail, air, and marine). (a) The animal cargo space of primary conveyances used in transporting live animals shall be designed and constructed to protect the health, and ensure the safety and comfort of the live

		<p>animals contained therein at all times.</p> <p>Respondent failed to provide a primary conveyance for four adult llamas that protected the health and ensured the safety and comfort of the animals. Respondent provided a trailer with a soft and rotted wooden floor, excessive rust, and pitted and peeling surfaces that could not effectively be cleaned and sanitized. Additionally, Respondent failed to provide a trailer with adequate ventilation as the vent holes within the trailer were rusted shut. Additionally, the trailer Respondent provided had exposed electrical wires that created a risk of injury to the llamas.</p>
29-MAR-2010	9 CFR 3.125(a)	<p>Facilities, general. (a) Structural strength. The facility must be constructed of such material and of such strength as appropriate for the animals involved. The indoor and outdoor housing facilities shall be structurally sound and shall be maintained in good repair to protect the animals from injury and to contain the animals.</p> <p>Respondent failed to maintain and securely attach a strip of wire mesh attached to the fence enclosing four wallabies.</p>
	9 CFR 3.129(a)	<p>Feeding. (a) The food shall be wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. The diet shall be prepared with consideration for the age, species, condition, size, and type of the animal. Animals shall be fed at least once a day except as dictated by hibernation, veterinary treatment, normal fasts, or other professionally accepted practices.</p> <p>Respondent failed to properly store food in a manner which kept it free from contamination. APHIS officials discovered rodent droppings near open containers of food within the commissary building.</p>
	9 CFR 3.131(c)	<p>Sanitation. (c) Housekeeping. Premises (buildings and grounds) shall be kept clean and in good repair in order to protect the animals from injury and to facilitate the prescribed husbandry practices set forth in this subpart. Accumulations of trash shall be placed in designated areas and cleared as necessary to protect the health of the animals.</p> <p>Respondent failed to keep the premises clean and in good repair in order to protect the animals from injury and to facilitate husbandry practices. Respondent allowed husbandry materials and other items to accumulate in the Outback 2 area preventing routine cleaning and the facilitation of husbandry practices. APHIS officials discovered rodent droppings and other debris on and around these items.</p>
	9 CFR 3.131(d)	<p>Sanitation. (d) Pest control. A safe and effective program for the</p>

<p>11-AUG-2010</p>	<p>9 CFR 2.131(b)(1)</p>	<p>control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.</p> <p>Respondent failed to establish and maintain a program of pest control within the commissary of the Outback area. APHIS officials discovered an excessive amount of rodent droppings on or around the materials stored within this area.</p> <p>Handling of animals. (b)(1) Handling of all animals shall be done as expeditiously and carefully as possible in a manner that does not cause trauma, overheating, excessive cooling, behavioral stress, physical harm, or unnecessary discomfort.</p> <p>Respondent failed to handle a male chimpanzee in a manner that did not cause trauma, overheating, physical harm or unnecessary discomfort, by failing to control the climate within the enclosure when the local temperature was 100 degrees. Overheating was the major factor in the death of a male chimpanzee.</p>
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