

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:

) AWA Docket No. 12-0294 DENIED

SIDNEY JAY YOST, an individual doing)
business as JUNGLE EXOTICS; and)
AMAZING ANIMAL PRODUCTIONS,)
INC., a California corporation,)

) Respondents,) 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"), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Sidney Jay Yost is an individual doing business as Jungle Exotics, and whose mailing address is 16203 Cajon Boulevard, San Bernardino, California 92407. At all times mentioned herein, said respondent operated as an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license number 93-C-0590.

2. Respondent Amazing Animal Productions, Inc. ("AAP") is a California corporation whose registered agent for service of process is respondent Yost, 16203 Cajon Boulevard, San Bernardino, California 92407. At all times mentioned herein, respondent AAP was controlled by respondent Yost, was an exhibitor and, together with respondent Yost, operated the animal facilities where the violations alleged in this complaint occurred. Respondent AAP has never applied for or held an AWA license in its name.

3. Respondents operate a moderately-sized business exhibiting wild and exotic animals

at traveling locations, and at multiple fixed sites, including at a California location advertised as a "teaching zoo." Respondent Yost resolved a previous AWA case involving the handling of exotic animals by way of a stipulation (OH 01027). Respondent Yost has not shown good faith. As early as 2004, he was advised by APHIS not to exhibit or handle animals without sufficient distance and/or barriers between the animals and the public. Nevertheless, as alleged herein, he has failed on multiple occasions to comply with the handling Regulations. The violations alleged in the instant complaint are serious, in that they involve repeated instances where animals mishandled by respondents injured people, and at least one instance where an animal (a timber wolf) died as a result.

ALLEGED VIOLATIONS

4. From approximately March 2008 to January 2012, respondent AAP operated as an exhibitor, as that term is used in the Act and the Regulations, and specifically, operated a zoo, without a valid license, in willful violation of the Regulations. 9 C.F.R. § 2.1(a).

5. On or about March 18, 2008, at Burbank, California, respondents failed to handle a lion during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the lion and the general viewing public so as to assure the safety of the lion and the public, in willful violation of the Regulations, and specifically, respondents exhibited a lion at a taping of "The Tonight Show," before a live audience, with insufficient distance and no barrier between the lion and the public. 9 C.F.R. § 2.131(c)(1).

6. On or about March 18, 2008, at Site 003, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to provide rabbits with adequate food that was free from contamination. 9 C.F.R. § 3.54(a).

- b. Respondents housed rabbits and a nonhuman primate (a Capuchin monkey) in the same enclosure. 9 C.F.R. § 3.58.
- c. Enclosure for nonhuman primate (Capuchin monkey) contained an unsealed wooden platform with a buildup of food debris. 9 C.F.R. § 3.75(c)(1).
- d. Respondents failed to provide nonhuman primates (Capuchin monkeys) with adequate nutritious food. 9 C.F.R. § 3.82(a).
- e. Respondents failed to provide squirrel with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).
- f. Respondents' perimeter fence is less than three feet from the tiger enclosure. 9 C.F.R. § 3.127(d).
- g. There was a gap, in an area behind the nonhuman primate (Capuchin) enclosure, between respondents' perimeter fence and a gate. 9 C.F.R. § 3.127(d).
- h. Respondents failed to provide a lynx with adequate space to make normal postural adjustments. 9 C.F.R. § 3.128.
- i. Floor of squirrel enclosure is in disrepair. 9 C.F.R. § 3.131(a).

7. On or about September 2008, November 3, 2008, and December 18, 2008, at Devore Heights, California, and on January 10, 2009, at Los Angeles, California, respondents failed to handle animals as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, and 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 the animals and the public, in willful violation of the Regulations, and specifically, respondents allowed the public to have direct contact with, *inter alia*, exotic felids, wolves, and nonhuman primates. 9 C.F.R. §§ 2.131(b)(1), (c)(2).

8. On multiple occasions between approximately January 11, 2009, and March 2009, respondent Yost and respondent AAP's employees used physical abuse to handle animals, in willful violation of the Regulations, and specifically, respondent Yost was observed to hit a nonhuman

primate (a Capuchin monkey known as "Rowdy"), a lion (known as "Romeo"), and tigers with a stick referred to as a "pig stick," and respondent AAP's employees used physical abuse to handle wolves and wolf hybrids. 9 C.F.R. § 2.131(b)(2).

9. In approximately February 2009, at Wrightwood, California, respondents failed to handle animals as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, and failed to handle a mountain lion during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of the animal and the public, in willful violation of the Regulations, and specifically, respondents allowed the public to have direct contact with the mountain lion. 9 C.F.R. §§ 2.131(b)(1), (c)(2).

10. On or about March 13, 2009, in Colorado, respondents failed to handle animals as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, in willful violation of the Regulations, and specifically, at a rest stop in Colorado, respondents walked a tiger, wolves and a mountain lion on leashes. 9 C.F.R. § 2.131(b)(1).

11. On or about March 25, 2009, through April 4, 2009, at Utica, Illinois, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals, and 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, in willful violation of the Regulations, and specifically, respondents failed to have animals (and in particular animals permitted to have contact with the public) vaccinated against rabies. 9 C.F.R. §§ 2.40 (a), (b)(2).

12. On or about March 25, 2009, through April 4, 2009, at Utica, Illinois, respondents failed to handle animals as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, and failed to handle wolves 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 wolves and the general viewing public so as to assure the safety of the animals and the public, in willful violation of the Regulations, and specifically, respondents allowed the public, including children, to have direct contact with wolves and the wolves had not been vaccinated for rabies; whereupon one of the wolves bit a toddler, injuring her, and the wolf was euthanized. 9 C.F.R. §§ 2.131(b)(1), (c)(2).

13. On or about April 9, 2009, at Utica, Illinois, respondents failed to maintain accurate and complete records of the acquisition and disposition of six animals, as required, in willful violation of the Regulations. 9 C.F.R. § 2.75(b).

14. On or about April 9, 2009, at Utica, Illinois, respondents transported two domestic dogs, two hybrid wolves, and one nonhuman primate, without any accompanying health certificates, in willful violation of the Regulations. 9 C.F.R. § 2.78(a)(1).

15. On or about June 10, 2009, at Site 003, respondent Yost failed to notify APHIS that he was housing animals at an additional site, as required, in willful violation of the Regulations. 9 C.F.R. § 2.8.

16. On or about June 10, 2009, at Site 003, and at off-site locations, respondents failed to handle animals (large felids) as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, and failed to handle large felids 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 the animal and the public, in willful violation of the Regulations, and specifically, respondents allowed the public to have direct contact with the mountain lion. 9 C.F.R. §§ 2.131(b)(1), (c)(2).

17. On or about June 10, 2009, at Site 003, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to provide dogs (hybrid wolves) with sufficient space in which to make normal postural adjustments. 9 C.F.R. § 3.6(a)(2).
- b. Respondents failed to ensure that food for animals was wholesome, palatable, and free from contamination. 9 C.F.R. § 3.129(a).
- c. Respondents failed to keep food prep and food storage areas clean. 9 C.F.R. § 3.131(c).
- d. Respondents failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

18. On or about October 21, 2009, at Site 002, respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent diseases, in willful violation of the Regulations, and specifically, respondents failed to groom a Great Pyrenees dog that was observed to have an excessively-matted coat. 9 C.F.R. § 2.40(b)(2).

19. On or about October 21, 2009, at Site 002, respondents failed to maintain accurate and complete records of the acquisition and disposition of dogs (wolf hybrids), ferrets, a non-human primate, and a fox, as required, in willful violation of the Regulations. 9 C.F.R. §§ 2.75(a), 2.75(b).

20. On or about October 21, 2009, at Site 002, and at off-site locations, respondents failed to handle animals (large felids) as carefully as possible in a manner that would not cause physical pain, stress, or discomfort, and failed to handle large felids 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 the animal and the public, in willful violation of the Regulations, and specifically, respondents allowed the public to have direct contact with the felids. 9 C.F.R. §§ 2.131(b)(1), (c)(2).

21. On or about October 21, 2009, at Site 002, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

- a. Respondent failed to provide dogs housed outdoors with sufficient space in which to make normal postural adjustments. 9 C.F.R. § 3.4(b).
- b. A primary enclosure for dogs (hybrid wolves) had a shelter box that was in disrepair, with chewed wood exposing screws. 9 C.F.R. § 3.6(a).
- c. Housing for a cougar was not constructed in a manner to adequately contain the animal. 9 C.F.R. § 3.125(a).
- d. Respondents' facility housing a cougar lacked a perimeter fence. 9 C.F.R. § 3.127(d).
- e. Respondents failed to provide adequate space for ferrets. 9 C.F.R. § 3.128.

22. On or about August 24, 2010, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to store food supplies in a manner that would protect them from deterioration and contamination by vermin. 9 C.F.R. § 3.125(c).
- b. Freezer used to store food for animals had a build-up of food debris and dead insects. 9 C.F.R. § 3.131(c).

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, and suspending or revoking Animal Welfare Act license 93-C-0590.

Done at Washington, D.C.
this 12 day of March 2012

Acting [REDACTED]
Administrator
Animal and Plant Health Inspection Service

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