

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 07-0122

SAFARI'S, INC., an Oklahoma corporation, doing business as SAFARI'S SANCTUARY; and LORI ENSIGN, also known as LORI ENSIGN SCROGGINS, an individual,

Respondents.

In re:) AWA Docket No. 12-0340

SAFARI'S, INC., an Oklahoma corporation, doing business as SAFARI'S SANCTUARY; and LORI ENSIGN, also known as LORI ENSIGN SCROGGINS, an individual,

Respondents.

**CONSENT DECISION AND
ORDER**

These proceedings were instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (the "Act"), by complaints filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 *et seq.*). This consent decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to these proceedings (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in the complaints and specifically admit that the Secretary has jurisdiction in this matter, admit the remaining allegations as set forth herein as findings of fact and conclusions of law, waive oral hearing and further procedure, and consent and agree, for the purpose of settling these proceedings, to the entry of this decision. The complainant agrees to the entry of this decision.

AWA Docket No. 07-0122 and AWA Docket No. 12-0380

Findings of Fact

1. Respondent Safari's, Inc. ("Safari's"), is an Oklahoma corporation whose agent for service of process is Lori Ensign, 26881 East 58 Street, Broken Arrow, Oklahoma 74014. Said respondent does business as Safari's Sanctuary, located at the same address. At all times mentioned herein, respondent Safari's was an exhibitor as that term is defined in the Act and the Regulations, and, since 2003, has held Animal Welfare Act license 73-C-0137.

2. Respondent Lori Ensign (also known as Lori Ensign Scroggins) is an individual whose mailing address is 26881 East 58 Street, Broken Arrow, Oklahoma 74014. At all times applicable hereto, said respondent was an officer and director of respondent Safari's, held herself out as the "owner" of respondent Safari's, was an exhibitor as that term is defined in the Act and the Regulations, and is liable under the Act pursuant to section 2139 of the Act (7 U.S.C. § 2139).

AWA Docket No. 07-0122

Findings of Fact

1. On March 11, 2003, respondents failed to provide the Secretary with reasonable access to records.

2. On or about January 20, 2005, and April 5, 2005, respondents failed to notify the Secretary of additional sites within 10 days of the change, and specifically, respondents were housing animals (including without limitation lemurs) at off-site locations without having notified the Secretary as required.

3. On or about January 20, 2005 and April 9, 2009, respondents failed to make, keep and maintain complete and accurate records of animals on hand, including hybrid wolves, and

animals other than dogs and cats.

4. On or about April 5, 2005, respondents failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care.

5. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), and October 29, 2008 (liger), respondents failed to establish and maintain adequate programs of veterinary care that include the use of appropriate methods to prevent injuries, and specifically, failed to segregate large felids during cleaning and feeding, and instead allowed personnel to enter the animals' enclosures while the animals remained in the enclosure (which activity, on October 29, 2008, resulting in the fatal mauling of an individual).

6. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), and October 29, 2008 (liger), respondents failed to establish and maintain adequate programs of veterinary care that include adequate guidance to personnel involved in the care and use of animals regarding handling, and specifically, failed to segregate large felids during cleaning and feeding, and instead allowed personnel to enter the animals' enclosures while the animals remained in the enclosure (which activity, on October 29, 2008, resulting in the fatal mauling of an individual).

7. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), October 29, 2008 (liger), and April 9, 2009 (tigers, pig, skunk, fennec fox, and ferret), respondents failed to handle animals as carefully as possible in a manner that would not cause them trauma, unnecessary discomfort, behavioral stress, or physical harm.

8. On multiple occasions (including without limitation April 5 and December 22, 2005, September 11, 2007, February 27, 2008, and April 9, 2009), respondents 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.

9. On the following dates, respondents failed to meet the standards for dogs:

a. January 20 and April 5, 2005. Respondents failed to ensure that housing facilities for dogs were structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically the enclosure fence for wolf-hybrids is in disrepair, exposing the animals to debris and wire, and lacks structural support.

b. April 5, 2005. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids provided adequate shelter for the animals, and specifically the roof of the hybrids' enclosure is off of the structure, exposing the animals to the elements.

c. November 16, 2006. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids provided adequate shelter that contained clean, dry bedding when the ambient temperatures were below 50 degrees Fahrenheit, and specifically, respondents provided no bedding material for four wolf-dog hybrids.

d. November 16, 2006, and September 11, 2007. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids contained a floor, and specifically, the shelter for four wolf-dog hybrids contained a bare dirt floor.

10. On the following dates, respondents failed to meet the standards for rabbits:

a. November 16, 2006, and September 11, 2007. Respondents failed to provide adequate shelter for rabbits kept outdoors.

b. April 9, 2009. Respondents failed to ensure that rabbit enclosures are structurally sound and maintained in good repair, and specifically, a buried fence in an enclosure housing five rabbits has been dug up and represents a hazard to the animals.

11. On the following dates, respondents failed to meet the standards for nonhuman primates:

a. April 5, 2005. Respondents failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates were free of excessive rust, and were structurally sound, and specifically a pipe along the bottom of the enclosure had an accumulation of rust.

b. April 5, 2005. Respondents failed to ensure that surfaces of housing facilities for nonhuman primates may be readily sanitized or replaced, and specifically, the unsealed wood floor bore an accumulation of dirt and excess food, and could not be readily sanitized or cleaned.

c. January 20 and April 5, 2005, and July 26 and November 16, 2006. Respondents failed to ensure that housing facilities for nonhuman primates were structurally sound and maintained in good repair, and specifically railroad ties alongside the fence line are broken and splintered.

d. January 20, April 5 and December 20, 2005. Respondents failed to construct and maintain housing facilities for nonhuman primates so that they had no sharp points that could injure the animals, and specifically, a metal band on one of the wooden wire supports is bent into the enclosure, presenting a risk of injury to the animals contained therein (January 20 and April 5), and each enclosure has broken wires protruding into it (December 20).

e. April 5, 2005. Respondents failed to provide nonhuman primates with potable water in clean receptacles, and specifically, the water receptacle in the capuchin enclosure had an accumulation of dirt and grime both inside and out.

f. November 16, 2006. Respondents failed to construct and maintain housing facilities for nonhuman primates so that they protect the animals from injury, and specifically, the nonhuman primate's enclosure is in disrepair, with holes and cracks, rotted wood, and peeling paint, and presents a risk of injury to the animals contained therein.

g. November 16, 2006, and September 11, 2007. Respondents failed to maintain food so as to be clean and palatable, and to clean facilities used for food preparations for nonhuman primates, and specifically, there was an accumulation of dirt and old dried food on table, cutting boards and utensils used for preparing food (November 16, 2006), and dried blood insider refrigerators and freezers holding food, and loose animals had access to the food preparation areas (September 11, 2007).

h. November 16, 2006. Respondents failed to establish and maintain an effective program for control of pests, and specifically, there were rats seen running loose in the upper area of the facility, in the nonhuman primate enclosures.

i. July 30, 2008. Respondents failed to spot-clean and sanitize hard surfaces in non-human primate enclosures as required, and specifically, the floors of the baboon, macaque and ring-tailed lemur enclosure had green standing water (algae).

j. July 30, 2008 and April 9, 2009. Respondents failed to keep premises clean and in good repair to protect non-human primates from injury as required, and specifically, respondent used the area adjacent to the non-human primate enclosure to store discarded

matter (including old cow panels and metal water tanks), which precluded mowing, and provided a location for pests.

k. April 9, 2009. Respondents failed to provide adequate heat to male capuchin monkey housed outdoors.

l. April 9, 2009. Respondents failed to ensure that enclosures for non-human primates were constructed and maintained as required, and specifically, there were wires protruding into one lemur enclosure, and two other lemurs are housed in an enclosure containing (and allowing the animals access to) an electric heater and pressurized tank.

12. On the following dates, respondents failed to ensure that housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically:

a. March 11, 2003. The front of the lion house had chewed holes in the plywood, leaving sharp points that could injure the animals housed therein.

b. March 11, 2003. The roof of the tiger house on the south side of the facility is in disrepair, and allows rain and snow to enter the enclosure.

c. January 20, 2005. Railroad ties alongside the fence line of the coatiundi enclosure are broken and splintered.

d. January 20, 2005. Rusted chicken wire fence of the coatiundi enclosure lacks sufficient structural strength.

e. January 20 and April 5, 2005. Housing structures and fences for zebra, pigs and goats are in disrepair.

f. January 20, 2005. Pipe supports of bear enclosure gate are rusted, deteriorating and in disrepair.

g. January 20, April 5 and December 20, 2005, February 27 and July 30, 2008. Shelters for tigers are in disrepair.

h. April 5, 2005. Railroad ties in the enclosure housing four goats are broken and splintered.

i. April 5, 2005. Tiger enclosure is constructed of rotting wood, and is in disrepair, with broken wires entering the enclosure.

j. April 5, 2005. Roof of black leopard enclosure is constructed of rotting wood, and is in disrepair.

k. December 20, 2005, and July 26, 2006. Shelters for zebras and pigs are in disrepair.

l. February 27, 2008. Shelters for bobcat and cougar are in disrepair.

m. July 30, 2008. Two telephone lines are hanging down inside the enclosure south of the feed barn (which enclosure houses four animals).

n. April 9, 2009. Two tiger enclosures and goat enclosure are unstable and in disrepair.

13. On the following dates, respondents failed to provide for the removal and disposal of waste, and specifically:

a. January 20, 2005. There was trash and debris in and around the coatiundi enclosure.

b. April 5, 2005. There was food refuse, hair and debris in and around the tiger enclosure.

c. December 20, 2005. There was an accumulation of fecal matter approximately 4 to 6 inches high in the tiger enclosure.

d. April 9, 2009. There was an accumulation of discarded building materials and weeds around the bear enclosure.

14. On the following dates, respondents failed to comply with the outdoor facilities standards:

a. January 20, 2005. Tigers had inadequate shelter from inclement weather.

b. January 20, 2005. Respondents failed to provide a suitable method to drain excess water from the pig enclosures.

c. April 5, 2005. Respondents failed to provide a suitable method to drain excess water from the pig enclosures.

d. April 5 and December 20, 2005, July 26 and November 16, 2006, September 11, 2007, February 27 and July 30, 2008, and April 9, 2009. Respondents failed to construct a perimeter fence of sufficient height and appropriate material so as to prevent the entrance

of persons or other animals.

e. November 16, 2006. Lions had inadequate shelter from inclement weather.

15. On the following dates, respondents failed meet the Standards, and specifically:

a. January 20, 2005. Respondents failed to provide pigs with wholesome food that is free from contamination, and instead fed pigs in a wet and muddy area of the enclosure.

b. January 20, 2005. Respondents failed to keep food receptacles for pigs clean and sanitary, and instead, fed pigs in wet muddy sections of their enclosure.

c. April 5, 2005. Respondents failed to keep food receptacles for three coatimundis clean and sanitary.

d. November 16, 2006, September 11, 2007, and April 9, 2009. Respondents failed to store, thaw and prepare food properly, under sanitary conditions, and in a sanitary manner.

16. On January 20, 2005 (large felids and coatimundi) and April 5, 2005 (three coatimundi), respondents failed to provide animals with potable water in clean receptacles.

17. On January 20, 2005, respondents failed to keep premises around zebra, pig and goat enclosures clean and free from debris.

18. On November 16, 2006, respondents failed to keep large felid food preparation areas clean and sanitary.

19. On January 20 and April 5, 2005, and April 9, 2009, respondents failed to employ a sufficient number of adequately trained employees.

Conclusions of Law

1. On March 11, 2003, respondents failed to provide the Secretary with reasonable access to records required to be kept pursuant to section 2140 of the Act, in willful violation of section 2146 of the Act (7 U.S.C. § 2146(a)), and section 2.126(a) of the Regulations. 9 C.F.R. §

2.126(a).

2. On or about January 20, 2005, and April 5, 2005, respondents failed to notify the Secretary of additional sites within 10 days of the change, in willful violation of section 2.8 of the Regulations. 9 C.F.R. § 2.8.

3. On or about January 20, 2005 and April 9, 2009, respondents failed to make, keep and maintain complete and accurate records of animals on hand, in willful violation of section 2.75 of the Regulations. 9 C.F.R. § 2.75.

4. On or about April 5, 2005, respondents failed to employ a full-time attending veterinarian or a part-time attending veterinarian under formal arrangements that included a written program of veterinary care, in willful violation of section 2.40(a)(1) of the Regulations (9 C.F.R. § 2.40(a)(1)).

5. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), and October 29, 2008 (liger), respondents failed to establish and maintain adequate programs of veterinary care that include the use of appropriate methods to prevent injuries, in willful violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

6. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), and October 29, 2008 (liger), respondents failed to establish and maintain adequate programs of veterinary care that include adequate guidance to personnel involved in the care and use of animals regarding handling, in willful violation of section 2.40(b)(4) of the Regulations (9 C.F.R. § 2.40(b)(4)).

7. On or about December 19, 2004 (leopards), January 20, 2005 (tigers), April 5, 2005 (tigers and lions), October 29, 2008 (liger), and April 9, 2009 (tigers, pig, skunk, fennec fox, and

ferret), respondents failed to handle animals as carefully as possible in a manner that would not cause them trauma, unnecessary discomfort, behavioral stress, or physical harm, in willful violation of the handling regulations. 9 C.F.R. § 2.131(b)(1).

8. On multiple occasions (including without limitation April 5 and December 22, 2005, September 11, 2007, February 27, 2008, and April 9, 2009), respondents 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 the handling regulations. 9 C.F.R. § 2.131(c)(1).

9. On the following dates, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the standards for dogs:

a. January 20 and April 5, 2005. Respondents failed to ensure that housing facilities for dogs were structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely. 9 C.F.R. § 3.1(a).

b. April 5, 2005. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids provided adequate shelter for the animals. 9 C.F.R. § 3.4(b).

c. November 16, 2006. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids provided adequate shelter that contained clean, dry bedding when the ambient temperatures were below 50 degrees Fahrenheit. 9 C.F.R. § 3.4(b)(4).

d. November 16, 2006, and September 11, 2007. Respondents failed to ensure that outdoor housing facilities for wolf-dog hybrids contained a floor. 9 C.F.R. § 3.4(b)(4).

10. On the following dates, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the standards for rabbits:

a. November 16, 2006, and September 11, 2007. Respondents failed to provide adequate shelter for rabbits kept outdoors. 9 C.F.R. § 3.52(c).

b. April 9, 2009. Respondents failed to ensure that rabbit enclosures are

structurally sound and maintained in good repair. 9 C.F.R. § 3.53(a).

11. On the following dates, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet the standards for nonhuman primates:

- a. April 5, 2005. Respondents failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates were free of excessive rust, and were structurally sound. 9 C.F.R. § 3.75(c)(1)(i).
- b. April 5, 2005. Respondents failed to ensure that surfaces of housing facilities for nonhuman primates may be readily sanitized or replaced. 9 C.F.R. § 3.75(c)(1).
- c. January 20 and April 5, 2005, and July 26 and November 16, 2006. Respondents failed to ensure that housing facilities for nonhuman primates were structurally sound and maintained in good repair. 9 C.F.R. § 3.80(a)(1).
- d. January 20, April 5 and December 20, 2005. Respondents failed to construct and maintain housing facilities for nonhuman primates so that they had no sharp points that could injure the animals. 9 C.F.R. § 3.80(a)(2)(i).
- e. April 5, 2005. Respondents failed to provide nonhuman primates with potable water in clean receptacles. 9 C.F.R. § 3.83.
- f. November 16, 2006. Respondents failed to construct and maintain housing facilities for nonhuman primates so that they protect the animals from injury. 9 C.F.R. § 3.80(a)(2)(ii).
- g. November 16, 2006, and September 11, 2007. Respondents failed to maintain food so as to be clean and palatable, and to clean facilities used for food preparations for nonhuman primates. 9 C.F.R. §§ 3.82(a), 3.84(c).
- h. November 16, 2006. Respondents failed to establish and maintain an effective program for control of pests. 9 C.F.R. § 3.84(d).
- i. July 30, 2008. Respondents failed to spot-clean and sanitize hard surfaces in non-human primate enclosures as required. 9 C.F.R. § 3.75(c)(3).
- j. July 30, 2008 and April 9, 2009. Respondents failed to keep premises clean and in good repair to protect non-human primates from injury as required. 9 C.F.R. § 3.84(c).
- k. April 9, 2009. Respondents failed to provide adequate heat to male capuchin monkey housed outdoors. 9 C.F.R. § 3.78(b).

1. April 9, 2009. Respondents failed to ensure that enclosures for non-human primates were constructed and maintained as required. 9 C.F.R. § 3.75(a).

12. On March 11, 2003, January 20, 2005, April 5, 2005, December 20, 2005, July 26, 2006, February 27, 2008, July 30, 2008, and April 9, 2009, respondents 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 ensure that housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely.

13. On January 20, 2005, April 5, 2005, December 20, 2005, and April 9, 2009, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.125(d) of the Standards (9 C.F.R. § 3.125(d)), by failing to provide for the removal and disposal of waste.

14. On the following dates, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the outdoor facilities standards:

a. January 20, 2005. Tigers had inadequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

b. January 20, 2005. Respondents failed to provide a suitable method to drain excess water from the pig enclosures. 9 C.F.R. § 3.127(c)

c. April 5, 2005. Respondents failed to provide a suitable method to drain excess water from the pig enclosures. 9 C.F.R. § 3.127(c).

d. April 5 and December 20, 2005, July 26 and November 16, 2006, September 11, 2007, February 27 and July 30, 2008, and April 9, 2009. Respondents failed to construct a perimeter fence of sufficient height and appropriate material so as to prevent the entrance of persons or other animals. 9 C.F.R. § 3.127(d).

e. November 16, 2006. Lions had inadequate shelter from inclement weather.

15. On January 20, 2005, April 5, 2005, November 16, 2006, September 11, 2007, and April 9, 2009, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. §

2.100(a), by failing to meet section 3.129 of the Standards (9 C.F.R. § 3.129)(feeding).

16. On January 20, 2005 (large felids and coati mundi) and April 5, 2005 (three coati mundi), respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.130 of the Standards (9 C.F.R. § 3.130), by failing to provide animals with potable water in clean receptacles.

17. On January 20, 2005, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.131(c) of the Standards (9 C.F.R. § 3.131(c)), by failing to keep premises around zebra, pig and goat enclosures clean and free from debris.

18. On November 16, 2006, respondents willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.131(c) of the Standards (9 C.F.R. § 3.131(c)), by failing to keep large felid food preparation areas clean and sanitary.

19. On January 20 and April 5, 2005, and April 9, 2009, respondents 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 employ a sufficient number of adequately trained employees.

AWA Docket No. 12-0380

Findings of Fact

1. On or about December 11, 2008, respondents failed to maintain complete and accurate disposition records and records of animals on hand.

2. On or about December 11, 2008, respondents failed to meet the minimum Standards, as follows:

- a. Respondents failed to maintain lemur enclosure in good repair.
 - b. Respondents' shelter in enclosure for a male capuchin did not adequately protect the capuchin from the elements.
 - c. Respondents' plan for environmental enhancement was vague and did not adequately address the enrichment needs of nonhuman primates.
 - d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds.
 - e. Tiger enclosure and surrounding fence were in disrepair.
 - f. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing.
 - g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
 - h. Respondents had an insufficient number of adequately-trained personnel.
3. On or about August 11, 2009, respondents 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 maintained out-of-date (expired) drugs for animal use.
4. On or about August 11, 2009, respondents failed to maintain complete and accurate records of animals on hand.
5. On or about August 11, 2009, respondents failed to handle animals as carefully as possible, and made animals available for public contact without having an employee or attendant present.
6. On or about August 11, 2009, respondents failed to meet the minimum Standards, as

follows:

- a. Respondents failed to maintain rabbit enclosure in good repair.
 - b. Respondents' surfaces for vervets were not made of materials that may be readily sanitized
 - c. Respondents' enclosure for lemurs did not provide adequate shelter from the elements.
 - d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds.
 - e. Respondents' facilities for tigers and lions were in disrepair.
 - f. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure.
 - g. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing.
 - h. Respondents stored food intended for animals in a manner that did not protect it from spoilage, and contamination.
 - i. Respondents failed to sanitize the former lemur enclosure prior to housing two fennec foxes in that enclosure.
 - j. Respondents had an insufficient number of adequately-trained personnel.
7. On or about December 17, 2009, respondents failed to meet the minimum Standards,

as follows:

- a. Respondents failed to maintain rabbit enclosure in good repair.
- b. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically areas adjacent to the nonhuman primate and bear enclosures had an accumulation of building materials.
- c. Respondents' facilities for wolves, tigers, pigs, leopards, cougars, and lions, and the petting zoo area, were in disrepair.

- d. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure.
- e. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
- f. Respondents had an insufficient number of adequately-trained personnel.

8. On or about April 9, 2010, respondents failed to provide adequate veterinary care to a fennec fox, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent disease, and specifically, respondents failed to have a veterinarian examine a fennec fox with a thick hair mat on his back.

9. On or about April 9, 2010, respondents failed to meet the minimum Standards, as follows:

- a. Respondents' pigtailed macaque enclosure was in disrepair.
- b. Respondents' capuchin enclosure was not able to be securely locked and was held shut with a makeshift wire and chain.
- c. Respondents failed to keep water bins for nonhuman primates clean and sanitized.
- d. Respondents' vervet and capuchin enclosures had an excessive buildup of feces, debris and mud.
- e. There was an accumulation of building material and debris adjacent to the nonhuman primate enclosure.
- f. Respondents' facilities for wolves, zebra, tigers, porcupine, kangaroo, and cougars were in disrepair.
- g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
- h. Respondents' enclosure for alpaca (and other species) contained a single shelter that would not accommodate all of the animals, and specifically the alpaca.

- i. Respondents' perimeter fence near primate enclosure is in disrepair.
- j. Respondents had an insufficient number of adequately-trained personnel.

10. On or about June 8, 2010, respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injuries, and specifically, respondents permitted inadequately-trained volunteers to handle dangerous animals, and specifically, respondents permitted one of their volunteers to drive a golf cart around the premises, with a young, unrestrained, bear (Koda) seated in the passenger seat, whereupon, when the cart proceeded down a hill and the bear began to slide off of the cart, the volunteer grabbed the bear's harness, and the bear bit the volunteer.

11. On or about June 8, 2010, respondents failed to handle animals as carefully as possible, and specifically transported a bear as a passenger in a golf cart, without any method of restraining the animal or protecting him from falling or other injury.

12. On or about August 6, 2010, respondents failed to provide adequate veterinary care to a female wolf (Kala), and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, and specifically, respondents failed to have a veterinarian examine Kala, who had been injured and exhibited raw patches on both ears.

13. On or about August 6, 2010, respondents failed to meet the minimum Standards, as follows:

- a. Respondents failed to keep water bins for nonhuman primates (Padas monkey) clean and sanitized.
- b. Respondents' baboon, padas monkey, and pigtailed macaque enclosures were not kept clean.
- c. Respondents' facilities for camels, llama, goats, wolves, tigers, kangaroo, and

- cougars were in disrepair.
- d. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
 - e. Respondents' enclosure for bobcats contained an inadequate shelter.
 - f. Respondents' perimeter fence was in disrepair.
 - g. Respondents failed to keep water receptacles for coati mundi, tigers, and lions clean and sanitized.
 - h. Respondents' coati mundi and tiger enclosures were not kept clean.
 - i. Respondents failed to establish and maintain an effective pest control program.
14. On or about December 6, 2010, respondents failed to meet the minimum Standards, as follows:
- a. Respondents' facilities for llama, porcupine, lions, tigers, and cougars were in disrepair.
15. On or about April 27, 2011, respondents failed to meet the minimum Standards, as follows:
- a. Respondents' facilities for servals and large felids were in disrepair.
 - b. Respondents' enclosure for a tiger (Honey) contained an inadequate shelter.
 - c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
16. On or about September 14, 2011, respondents failed to provide adequate veterinary care to three wolves with black, crusted skin on their ear tips, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries.
17. On or about September 14, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' capuchin enclosure was not kept clean.
- b. Respondents' facilities for cougars, goats, camels, kangaroo, foxes, tigers, and lions were in disrepair.
- c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination.
- d. Respondents' perimeter fence is in disrepair.
- e. Respondents failed to keep water receptacles for foxes clean and sanitized.
- f. Respondents failed to keep premises clean and to place trash in designated areas.
- g. Respondents failed to establish and maintain an effective pest control program.

Conclusions of Law

- 1. On or about December 11, 2008, respondents failed to maintain complete and accurate disposition records and records of animals on hand, in willful violation of the Regulations. 9 C.F.R. § 2.75.
- 2. On or about December 11, 2008, 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 maintain lemur enclosure in good repair. 9 C.F.R. § 3.75(a).
- b. Respondents' shelter in enclosure for a male capuchin did not adequately protect the capuchin from the elements. 9 C.F.R. § 3.78(b).
- c. Respondents' plan for environmental enhancement was vague and did not adequately address the enrichment needs of nonhuman primates. 9 C.F.R. § 3.81(a).
- d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds. 9 C.F.R. §§ 3.84(c), 3.131(c).

- e. Tiger enclosure and surrounding fence were in disrepair. 9 C.F.R. § 3.125(a).
- f. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing. 9 C.F.R. §§ 3.127(d), 3.77(f).
- g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- h. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

3. On or about August 11, 2009, respondents 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 maintained out-of-date (expired) drugs for animal use. 9 C.F.R. § 2.40 (b)(2).

4. On or about August 11, 2009, respondents failed to maintain complete and accurate records of animals on hand, in willful violation of the Regulations. 9 C.F.R. § 2.75(b)(1).

5. On or about August 11, 2009, respondents failed to handle animals as carefully as possible, and made animals available for public contact without having an employee or attendant present, in willful violation of the Regulations. 9 C.F.R. §§ 2.131(b)(1), 2.131(d)(2).

6. On or about August 11, 2009, 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 maintain rabbit enclosure in good repair. 9 C.F.R. § 3.53(a).
- b. Respondents' surfaces for vervets were not made of materials that may be readily sanitized 9 C.F.R. § 3.75(c)(1).
- c. Respondents' enclosure for lemurs did not provide adequate shelter from the elements. 9 C.F.R. § 3.78(b)

- d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds. 9 C.F.R. §§ 3.84(c), 3.131(c).
- e. Respondents' facilities for tigers and lions were in disrepair. 9 C.F.R. § 3.125(a).
- f. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure. 9 C.F.R. § 3.127(c).
- g. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing. 9 C.F.R. §§ 3.127(d), 3.77(f).
- h. Respondents stored food intended for animals in a manner that did not protect it from spoilage, and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- i. Respondents failed to sanitize the former lemur enclosure prior to housing two fennec foxes in that enclosure. 9 C.F.R. § 3.131(b).
- j. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

7. On or about December 17, 2009, 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 maintain rabbit enclosure in good repair. 9 C.F.R. § 3.53(a).
- b. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically areas adjacent to the nonhuman primate and bear enclosures had an accumulation of building materials. 9 C.F.R. §§ 3.84(c), 3.131(c).
- c. Respondents' facilities for wolves, tigers, pigs, leopards, cougars, and lions, and the petting zoo area, were in disrepair. 9 C.F.R. § 3.125(a).
- d. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure. 9 C.F.R. § 3.127(c).
- e. Respondents stored food intended for animals in a manner that did not protect

it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).

- f. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

8. On or about April 9, 2010, respondents failed to provide adequate veterinary care to a fennec fox, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent disease, in willful violation of the Regulations, and specifically, respondents failed to have a veterinarian examine a fennec fox with a thick hair mat on his back. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

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

- a. Respondents' pigtailed macaque enclosure was in disrepair. 9 C.F.R. § 3.80(a)(1).
- b. Respondents' capuchin enclosure was not able to be securely locked and was held shut with a makeshift wire and chain. 9 C.F.R. § 3.80(a)(2)(iii).
- c. Respondents failed to keep water bins for nonhuman primates clean and sanitized. 9 C.F.R. § 3.83.
- d. Respondents' vervet and capuchin enclosures had an excessive buildup of feces, debris and mud. 9 C.F.R. § 3.84(b)(2).
- e. There was an accumulation of building material and debris adjacent to the nonhuman primate enclosure. 9 C.F.R. § 3.84(c).
- f. Respondents' facilities for wolves, zebra, tigers, porcupine, kangaroo, and cougars were in disrepair. 9 C.F.R. § 3.125(a).
- g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- h. Respondents' enclosure for alpaca (and other species) contained a single shelter that would not accommodate all of the animals, and specifically the alpaca. 9 C.F.R. § 3.127(b)

- i. Respondents' perimeter fence near primate enclosure is in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- j. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

10. On or about June 8, 2010, respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injuries, in willful violation of the Regulations, and specifically, respondents permitted inadequately-trained volunteers to handle dangerous animals, and specifically, respondents permitted one of their volunteers to drive a golf cart around the premises, with a young, unrestrained, bear (Koda) seated in the passenger seat, whereupon, when the cart proceeded down a hill and the bear began to slide off of the cart, the volunteer grabbed the bear's harness, and the bear bit the volunteer. 9 C.F.R. § 2.40 (b)(2).

11. On or about June 8, 2010, respondents failed to handle animals as carefully as possible, and specifically transported a bear as a passenger in a golf cart, without any method of restraining the animal or protecting him from falling or other injury, in willful violation of the Regulations. 9 C.F.R. § 2.131(b)(1).

12. On or about August 6, 2010, respondents failed to provide adequate veterinary care to a female wolf (Kala), and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, in willful violation of the Regulations, and specifically, respondents failed to have a veterinarian examine Kala, who had been injured and exhibited raw patches on both ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

13. On or about August 6, 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 keep water bins for nonhuman primates (Padas

monkey) clean and sanitized. 9 C.F.R. § 3.83.

- b. Respondents' baboon, padas monkey, and pigtailed macaque enclosures were not kept clean. 9 C.F.R. § 3.84(a).
- c. Respondents' facilities for camels, llama, goats, wolves, tigers, kangaroo, and cougars were in disrepair. 9 C.F.R. § 3.125(a).
- d. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- e. Respondents' enclosure for bobcats contained an inadequate shelter. 9 C.F.R. § 3.127(b)
- f. Respondents' perimeter fence was in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- g. Respondents failed to keep water receptacles for coati mundi, tigers, and lions clean and sanitized. 9 C.F.R. § 3.130.
- h. Respondents' coati mundi and tiger enclosures were not kept clean. 9 C.F.R. § 3.131(a).
- i. Respondents failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

14. On or about December 6, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' facilities for llama, porcupine, lions, tigers, and cougars were in disrepair. 9 C.F.R. § 3.125(a).

15. On or about April 27, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' facilities for servals and large felids were in disrepair. 9 C.F.R. § 3.125(a).
- b. Respondents' enclosure for a tiger (Honey) contained an inadequate shelter. 9 C.F.R. § 3.127(b)
- c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).

16. On or about September 14, 2011, respondents failed to provide adequate veterinary care to three wolves with black, crusted skin on their ear tips, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

17. On or about September 14, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' capuchin enclosure was not kept clean. 9 C.F.R. § 3.84(a).
- b. Respondents' facilities for cougars, goats, camels, kangaroo, foxes, tigers, and lions were in disrepair. 9 C.F.R. § 3.125(a).
- c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- d. Respondents' perimeter fence is in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- e. Respondents failed to keep water receptacles for foxes clean and sanitized. 9 C.F.R. § 3.130.
- f. Respondents failed to keep premises clean and to place trash in designated areas. 9 C.F.R. § 3.131(c).
- g. Respondents failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

The respondents having admitted the jurisdictional facts and the parties having agreed to the entry of this decision, such decision will be entered.

Order

1. Respondents, their 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.
2. Animal Welfare Act license number 73-C-0137 is hereby revoked, effective August

1, 2012.

3. The two-year period of time between August 1, 2012, and July 31, 2014 shall be referred to as the "probation period." The respondents agree that if APHIS notifies respondents that it has documented a failure during the probation period to comply with the Regulations and/or Standards (9 C.F.R. § 2.1, *et seq.*), upon receipt of such notice and supporting documentation, respondents shall be assessed a civil penalty of \$10,000 for each such documented failure to comply, without further procedure. The respondents further agree to a prospective waiver of their right to notice and opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with such Regulation described in this paragraph, and the parties agree that respondents may seek further review or injunctive, declaratory or other appropriate relief in the United States District Court for the Northern District of Oklahoma or the United States District Court for the District of Columbia.

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The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

SAFARI'S, INC.
an Oklahoma corporation
Respondent

By _____
Its _____

Lori Ensign
Respondent

Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this 29th day of May 2012

Peter M. Davenport
Chief Administrative Law Judge