



United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and
Plant Health
Inspection
Service

Animal Care

2150 Centre Ave,
Building B, 3W11
Fort Collins, CO
80526

(970) 494-7478
Fax: 472-9558

TO: MS Leisure Company, Inc.
4400 Rickenbacker Causeway
Key Biscayne, FL 33147
USDA License # 58-C-1252

FROM: Kristin Napoli, DVM, MPH
Supervisory Animal Care Specialist
USDA, APHIS Animal Care

DATE: January 19, 2024

SUBJECT: **Notice of Intent to Confiscate Animals**

PLEASE TAKE NOTICE that the following animals owned by MS Leisure Company, Inc., which are currently maintained by you at 4400 Rickenbacker Causeway, Key Biscayne, FL, have been found to be suffering as the result of your failure to comply with the provisions of the regulations and standards promulgated under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (AWA or Act), including specifically sections:

2.40(b)(1) Attending veterinarian and adequate veterinary care

Animal(s):

- 1 19.5-year-old male California Sea Lion, Bud
- 1 24-year-old female Atlantic Bottlenose Dolphin, Bimini
- 1 21-year-old male Atlantic Bottlenose Dolphin, Aries
- 1 Blue and Gold Macaw, Monty

THEREFORE, the U.S. Department of Agriculture, Animal and Plant Health Inspection Service (APHIS), requires that the condition of these animals be corrected immediately, and that adequate care be given to alleviate the animals' suffering as directed in the attached inspection report dated January 19, 2024.

In the event that you refuse, fail, or are otherwise unable to comply with this request by 8:00 AM local time, Sunday January 21, 2024, APHIS will confiscate the identified animals, pursuant to Section 16 of the Act (7 U.S.C. § 2146) and Title 9, Code of Federal Regulations, Section 2.129 (9 C.F.R. § 2.129).

Further, you are instructed not to euthanize or remove the identified animals from the facility located at 4400 Rickenbacker Causeway, Key Biscayne, FL. If you need to move any of the said animals for the purposes of obtaining veterinary care, you must request approval to do so in writing from the USDA, APHIS, Animal Care, Assistant Director of Animal Welfare Operations, Dr. Andrew Jones.

Alternatively, you can agree to voluntarily surrender the animals listed above to the United States. If you are interested in voluntarily surrendering these animals, please notify Dr. Andrew Jones no later than 12:00 p.m. on Saturday, August 20, 2024.

For further information, please contact Dr. Andrew Jones at (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Kristin Napoli/DVM, MPH
Supervisory Animal Care Specialist
USDA, APHIS, Animal Care



Animal and Plant Health Inspection Service
Safeguarding American Agriculture

An Equal Opportunity Employer

Federal Relay Service (Voice/TTY/ASCII/Spanish)
1-800-877-8339

(b) (6), (b) (7)(C)

Received

19/2024

Title: