



VIA: USPS Certified Mail
Shipping Event: 1st

May 21, 2012

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

Randy Wisthoff
6800 Zoo Drive
Kansas City, MO 64132

SETTLEMENT AGREEMENT

Dear Sir or Madam:

Why You Are Receiving This Letter

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described in the attached Settlement Agreement. Our agency, the Animal and Plant Health Inspection Service (APHIS), is responsible for enforcing the AWA, and other agriculture laws that help prevent the spread of animal and plant pests and diseases, and ensure the welfare of animals.

After providing you with an opportunity for a hearing, we may impose civil penalties of up to \$10,000, or other sanctions, for each violation described in this Settlement Agreement. We are offering you the opportunity to resolve this matter by paying an amount that is much lower than the maximum civil penalty.

What You Need To Do Immediately

You should review the information in this Settlement Agreement, including the citation and notification of penalty.

- If you agree to waive your right to a hearing and pay the penalty, then do the following:
 - Pay the amount due, \$4,571, by **June 29, 2012**. You can pay by check, money order, or credit card. For your convenience, we have included additional instructions for making payments.



- If you are unable to pay the full amount due by **June 29, 2012**, you may be eligible for a payment plan. To request a payment plan, you must use the enclosed form to submit a written response to this letter by **June 29, 2012**, that indicates you wish to pay the penalty and waive your right to a hearing. You must also submit a copy of your most recent federal tax return. As part of your response, please include a phone number and an email address so that we may contact you.
- If you do not agree with the terms of this Settlement Agreement, submit a written request for a hearing, with your Reference Number, to our office by **June 29, 2012**, at 4700 River Rd., Unit 85, Riverdale, MD, 20737.

If We Do Not Hear From You

If we do not receive a payment or hearing request from you by **June 29, 2012**, we will forward this matter to our Office of the General Counsel for litigation.

What To Do If You Need Help

If you have any questions concerning this letter, contact Tyrese Coleman at (301) 851-2758, or call our main office at (301) 851-2948.

CITATION AND NOTIFICATION OF PENALTY

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

Date of Violation: On or Before November 30, 2011

9 C.F.R. § 2.40(b) Attending veterinarian and adequate veterinary care (dealers and exhibitors). You failed to establish and maintain programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, and services to comply with the provisions of this subchapter, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries for the animals at your facility, and daily observation of all animals to assess their health and well-being.

You failed to provide adequate veterinary care to a 13 year old chimpanzee that was discovered to have lost 37% of his body weight. The chimpanzee was subsequently euthanized.

Date of Violation: On or Before November 30, 2011

9 C.F.R. § 3.82(c) Feeding. You failed to ensure that food and food receptacles were readily



accessible to all the nonhuman primates being fed, that, if members of dominant nonhuman primate or other species are fed together with other nonhuman primates, multiple feeding sites were provided, and observe the animals to determine that all receive a sufficient quantity of food.

A male chimpanzee lost at least 37% of his body weight since his weight was last documented. Your employees were not certain as to how much food this chimpanzee was consuming as they were not monitoring this animal specifically and they knew that other chimpanzees hoarded biscuits from the other chimpanzees.



How To Pay The Penalty

You may pay your penalty immediately through secure online transactions or phone using American Express, Discover, Diners Club, Master Card, and Visa, or by U.S. Mail using a check, cashier's check, or money order.

Online. Pay.gov allows you to make deferred and recurring credit card payments through secure online payments. To submit your credit card payment online:

1. Log on to <https://www.pay.gov>.
2. Click on Agency List.
3. Click on "A" in Index.
4. Click on Agriculture Department.
5. Click on Department of Agriculture.
6. Click on Animal and Plant Health Inspection Service – APHIS Customers (2nd listing).
7. Complete the required information and submit the form.
8. Enter payment information and submit your payment.
9. Print confirmation screen as your receipt.

Phone. To make a credit card payment by phone:

1. Call (612) 336-3253 and speak to a Debt Management Specialist.
2. State your Reference Number KS120001-AC.
3. Submit your credit card information.

U.S. Mail. To make a payment by check, cashier's check, or money order:

1. Make the check, cashier's check, or money order payable to the Treasurer of the United States.
2. Write the Reference Number KS120001-AC on your check, cashier's check, or money order.
3. Mail your payment to:
USDA – APHIS – GENERAL KS120001-AC
P.O. Box 979043
St. Louis, MO 63197-9000

If You Are Unable To Pay In Full

Complete the attached form and return it to our office to request a payment plan. Please be prepared to provide us with copies of your most recent federal tax return so that we may determine whether you are eligible for a payment plan.



**AGREEMENT TO PAY AND
REQUEST FOR PAYMENT PLAN**

If you agree with the terms in this Settlement Agreement but cannot pay the penalty in full at this time, select one of the options below, sign the form, and return it to the following address prior to the due date of **June 29, 2012**:

USDA, APHIS, IES (General) KS120001-AC
4700 River Road, Unit 85
Riverdale, MD 20737

I understand that by signing this Settlement Agreement, I waive my right to a hearing. I agree to pay the penalty of \$4,571, but I am requesting a payment plan because of financial hardship. I have enclosed a copy of my most recent federal tax return. I have indicated below if I have enclosed other documents to show financial hardship:

_____ Bankruptcy filing

_____ Other (describe): _____

Signature: _____ Date: _____

Street Address: _____

City: _____ State: _____ Zip code: _____