



USDA, APHIS, Animal Care



ANIMAL WELFARE COMPLAINT

Complaint No. E10-220 PETA	Date Entered 06 July 2010	Received By J Meek
Referred To Wills/Smith	Reply Due 06 August 2010	

Facility or Person Complaint Filed Against

Name County of Essex Turtle Back Zoo		Customer/License/Registration No. 22-C-0110	
Address 560 Northfield Avenue			
City West Orange	State NJ	Zip 07052	Phone No 973-731-5800 Ext:233

Complainant

Name Lisa Wathne		Organization PETA	
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address lisaw@peta.com

How was complaint received? e mail

Forward response to FOIA: Yes No

Details of Complaint: Complaint came from a whistleblower who is concerned about the AWA not being followed at this facility. States concerns for vet care, facilities, and handlers. Please see the attached complaint for complete details.

Results: A visit was made to Turtle Back Zoo (22-C-0110) on July 20 and 21st, 2010 to investigate the allegations.

*SEE ATTACHED RESPONSE.

Application packet provided? Yes No

INSPECTOR
Karla Wills, ACI & Dr. Mary Geib, VMO
REVIEWED BY
Michael J Smith

DATE
July 23, 2010
DATE
28-Jul-10

11111

"Lisa Wathne"
<LisaW@peta.org>

07/01/2010 05:57 PM

To <Betty.J.Goldentyer@aphis.usda.gov>

cc <Robert.A.Willems@aphis.usda.gov>

Subject: Turtle Back Zoo
t

July 1, 2010

Dr. Elizabeth Goldentyer
Eastern Regional Director
USDA, APHIS, AC
920 Main Campus Dr., Ste. 200
Unit 3040
Raleigh, NC 27606

Via e-mail: Betty.J.Goldentyer@usda.gov

Dear Dr. Goldentyer:

Please consider this letter an official request for the USDA to investigate the following regarding **County of Essex Turtle Back Zoo in West Orange, New Jersey**. PETA has been contacted by a whistleblower who has serious concerns regarding animal care and alleged Animal Welfare Act violations at the facility and makes the following allegations:

Veterinary Care, Animal Injuries and Deaths

Veterinary care is almost non-existent. Jeremy Goodman, the zoo's director and veterinarian, is not able to perform both jobs satisfactorily. Animals are frequently long overdue for annual exams and sick animals are often not promptly examined by Goodman, if at all.

COUGAR

Until approximately the last week of April 2010, a cougar named Scout had been vomiting almost daily for three weeks. Goodman prescribed Pepcid and, at some point, amoxicillin, but at no time did he examine Scout or diagnose what was the matter with the animal.

SCOTTISH HIGHLAND COW

A Scottish Highland Cow named Beckett was lame for a couple of years. Goodman prescribed glucosamine and various anti-inflammatories, but the cow slowly got worse. No diagnostics were done on the cow's condition until he was euthanized in March 2010, at which time Goodman took x-rays.

WALLABIES

In June 2009, five wallabies were poisoned when they ate Japanese yew bush trimmings that were put in the exhibit. One wallaby became sick the same day and was treated with fluids and medication. He survived. The next morning, four wallabies - a 6-year-old male, a 3-year-old

female, a 2-year-old female, and 1-year-old female - died within 10 to 15 minutes of being found sick. Necropsies revealed yew bush needles in the animals' stomachs.

The situation was never discussed with the staff in order to ensure that the animals would not be given yew again. The person who was responsible for the yew being given to the wallabies is Bonnie Sippie. She is still employed at the zoo and she continued to work with the wallabies until the end of the year at which time all the animal keepers were switched to different departments.

Although Ms. Sippie had been the subject of two prior disciplinary matters (see attached) – entering the enclosure of a dangerous animal and placing unauthorized Halloween decorations in the tortoise area – she continues to have animal care responsibilities at the zoo.

WALLABY

In approximately February 2009, a male wallaby ran into a wall and injured his jaw. A few days later keepers reported that the wallaby's face was swollen. Goodman sedated the wallaby and pulled a couple of broken teeth, leaving the roots in, and did not prescribe antibiotics. The facial swelling worsened and got infected, and the wallaby was not eating. Goodman then pulled the roots of the teeth he had previously removed, as well as some other teeth, and put the animal on antibiotics. The wallaby appeared to begin to recover, then sickened again and it was apparent that his upper jaw was rotting away. He was euthanized in March 2010.

GIBBONS

On July 9, 2009, the zoo acquired two white-handed gibbons. During the introduction process, the two were separated by a chain link fence and Rosie, the female gibbon, had three of her fingertips bitten off by Mel, the male gibbon. On July 20, 2009, a fingertip on Rosie's left hand was bitten off, and on July 27, 2009, two fingertips were bitten off on her right hand. It wasn't until August 7, 2009, when Mel split Rosie's left hand down the middle between her third and fourth digits, that Goodman ordered a more adequate partition placed between the two gibbons.

RED PANDAS

Two red pandas died at the zoo in less than 1½ years. An 8-year-old male red panda named Pemba died in April 2008. The cause of death was determined to be sarcocystis. Pemba was replaced by Sacha, an approximately 8-year-old male who came to the zoo on November 5, 2008. Sacha died on July 25, 2009, from chronic or acute renal failure.

ELK

A female elk named Baby died on October 26, 2009. She injured her leg one day and was dead the next.

BIRDS

Since the summer of 2008, more than 500 budgies in the zoo's Outback Aviary exhibit have died. Almost all died from starvation or the parasite sarcocystis.

Many birds died of starvation because they refused to eat the food pellets that were provided to them. Goodman wanted the birds to eat pellets and refused to allow them to be fed seed. After many deaths, he changed his mind and decided to switch back to the seed.

Many birds also died from infection by the parasite sarcocystis which was confirmed in July 2009 by the state laboratory. The host of the parasite is opossums, and once it was discovered that the birds were presumably eating opossum feces through the wire mesh of the aviary roof, it took Goodman at least two months to order the maintenance department to cover the roof in order to keep the opossums off of it. In the meantime, birds continued to die.

PENGUIN

A 19-year-old African penguin named Tippy died on January 31, 2010. Tippy's feathers never grew back in after her last molting and she was featherless for approximately two years before her death. One day she was wobbly on her feet, regurgitated a fish, and died.

Facilities

LEOPARD

During the summer of 2009, the Amur leopard named Meghan almost broke out of the holding area. She jumped against the door, partially knocking it out of its frame, when two keepers were in the hallway. One keeper held the door closed while the cat continued to jump against it, trying to get at the keeper. The other keeper was able to open the shift door to the exhibit and Meghan ran outside. The door was supposedly fixed several weeks later but when one of the keepers checked it, she was able to kick the frame and break the door open from the inside just as the leopard had.

Note: On 9/18/08 and 5/20/09 the USDA cited the zoo for rusted "man doors" and frames in leopard/cougar exhibit

ALLIGATOR

The winter holding for the 10-foot-long alligator named Peaches is unsuitable for the animal and dangerous for staff. Last winter, Peaches spent approximately six months in a concrete room that measured approximately 20 ft. long x 10 ft. wide. The back end of room dipped down to form a pool approximately 4 ft. deep. The air and water temperatures were cool (in the sixties) because the only source of heat was space heaters. Peaches refused to eat for the entire time he was in the winter holding area. It was very difficult for the keeper to properly and safely maintain the animal and the water quality in such cramped conditions.

Animal Handling

PENGUINS

At the end of December 2009 or beginning of January 2010, Goodman insisted that four new African penguins who had just cleared quarantine be put outside on exhibit on one of the coldest days of the year. The temperatures were in the teens and the wind made it feel even colder. The penguins were put outside directly from the warm quarantine area. They jumped into the water and when they came out, the water instantly froze to their bodies. They limped around for the next couple of days with icicles stuck to them. The keepers were not allowed to bring them inside because Goodman wanted visitors to be able to see them. There are burrows for the penguins to hide in, but the new penguins had trouble finding them and even in the burrows the temperatures were still quite cold.

RED PANDA

County Executive DiVincenzo had someone plug up the log in the red panda's exhibit with bricks because Pemba, the zoo's first red panda kept sleeping in it. DiVincenzo wanted the panda to be visible at all times.

BUDGIES

The Outback Aviary typically open in mid-May but on approximately April 3, 2010, County Executive Joseph DiVincenzo and county Parks Director Dan Salvante tried to force the zoo to open the aviary early. This was problematic because although the daytime temperatures would have been fine, the nighttime temperatures, which were in the forties, were not suitable for the birds. It would have been necessary to bring the budgies back into the heated holding area at night which was not possible. Parks Director Salvante reportedly said it didn't matter if birds died due to the cold because "they are only six dollar birds and can be replaced".

QUARANTINE

County Executive Joseph DiVincenzo often insists that new animals acquired by the zoo be put on display before they have cleared quarantine.

PONIES

County Executive Joseph DiVincenzo insists that the ponies be available to give rides to the public during inclement weather.

Staff

Most of the animal care staff are unknowledgeable, untrained, and have no previous experience working with animals.

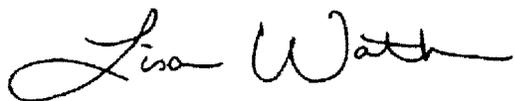
Volunteers are allowed to work with all of the primates, carnivores, and large hoofstock.

This complaint includes information about species that are not regulated by the Animal Welfare Act as further evidence of the substandard conditions at the Turtleback Zoo—conditions that could also impact regulated species.

Please thoroughly investigate the allegations presented by this whistleblower and pursue strict enforcement of the Animal Welfare Act.

Thank you for your time. I can be contacted at 206-367-0228 or LisaW@peta.org.

Sincerely,



Lisa Wathne
Captive Exotic Animal Specialist

Attachment: Essex County New Jersey Disciplinary Hearing, Decision of
Hearing Officer, October 16, 2009



BENDIT WEINSTOCK

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW
80 MAIN STREET
WFSI ORANGE N.J. 07052
(973) 736-9800

**IN THE MATTER OF
BONNIE L. SIPPIE**

: ESSEX COUNTY - NEW JERSEY
: DISCIPLINARY HEARING

:
:
: **DECISION OF**
: **HEARING OFFICER**
:
:
:

BEFORE: ROGER J. DESIDERIO, ESQ.
(Bendit Weinstock, P.A.)
Hearing Officer

APPEARANCES: KAREN S. FALKOWSKI, ESQ.
Assistant County Counsel
For: County of Essex

CURTISS T. JAMESON, ESQ.
KROLL HEINEMAN
99 Wood Avenue South
Iselin, New Jersey 08830
For: Bonnie L. Sippie

HEARING DATE: Friday, October 16, 2009
Newark, New Jersey

Petitioner, the County of Essex, Department of Parks, Recreation and Cultural Affairs (the "County") charges the Respondent, Bonnie L. Sippie (the "Employee"), an Animal Keeper with incompetency, inefficiency or failure to perform duties, neglect of duties, and a violation of Turtle Back Zoo Policies and Procedures relating to the care of animals.

Specifically, the County charges that Ms. Sippie on or about June 23, 2009, was aware that a non-approved foreign plant material was found in the wallaby and kangaroo enclosure at the Turtle Back Zoo. The County further alleges that Ms. Sippie took no action to remove the materials, which led to the deaths of four (4) wallabies and the short term illness of several others, as well as potential permanent cardiac damage to the surviving animals. The County concludes that Ms. Sippie's removal from employment is necessary to continue the efficient and safe operations of the Essex County Turtle Back Zoo.

The following documents were marked into evidence:

CO1	Preliminary Notice of Disciplinary Action dated August 11, 2009
CO2	Memorandum from Brint Spencer, General Curator dated July 16, 2009
CO3	Turtle Back Animal Keeper Report
CO4	Log book sheets for June 23, June 24 June 25 and June 26

CO5 Counseling Session or Oral Reprimand or
Written Reprimand report dated July 31, 2008
CO6 Counseling Session or Oral Reprimand or
Written Reprimand report dated July 3, 2004
CO7 Turtle Back Zoo Proposal of Enrichment form
CO8 Turtle Back Zoo Diet Change Request form
CO9 Columbus Zoo and Aquarium's Approved
Enrichment form

Exhibits CO1 through CO9 were moved and accepted into evidence.

The County called Sarah Parker to testify. Ms. Parker was sworn.

Ms. Parker testified that she has been employed by the Turtle Back Zoo as an Animal Keeper Intern since May or June of 2009. Her duties as an Intern are basically to follow the Animal Keepers, clean up and perform assigned duties. She was assigned to the Great Plains Exhibit, South American Exhibit, Australian Exhibit and the Cow Yard. For the purposes of this hearing, we are concerned only with the Australian Exhibit. The Australian Exhibit includes wallabies and kangaroos. She had the assignment for approximately six to eight weeks prior to June 23, 2009. She worked with the Employee who was the Animal Keeper assigned to this area.

Ms. Parker testified that on June 23, 2009, she discovered a plant material in the Australian Exhibit. She found this near the boardwalk area. She was unfamiliar with the material and testified

that she asked the Employee what she should do with the material. She testified that she was advised by Ms. Sippie to scatter the material around the yard, as the animals liked the scent of it. She subsequently spread the material around the yard. She made a notation of her work, as reflected in the June 23, 2009 entry of CO4, wherein it states in part:

Gave pine and mulberry with regard to the Australian Exhibit.

Ms. Parker returned to work several days later, at which time she had a discussion of the June 23rd events with the Curator. At that time, Ms. Parker was advised that several wallabies had died due to the ingestion of 'yew', which is a toxic plant which was found in the Australian Exhibit. Ms. Parker further testified that she was unfamiliar with yew or any of its qualities.

The next witness to be called was Brint Spencer, who is the General Curator at the Turtle Back Zoo and has been so employed since July of 2008. He was sworn.

Mr. Spencer became aware, on June 24, 2009, that a wallaby had run into a fence. This necessitated Dr. Goodman, the Zoo Director's, attention. Dr. Goodman came to the Australian Exhibit and while attending to the wallaby, which had run into the fence, Dr. Goodman noticed yew cuttings being eaten by other animals. Subsequently, several other animals became ill.

The final result was that four wallabies died. Other wallabies were treated and have presently recovered.

Subsequently, Mr. Spencer prepared CO2, which is a Memorandum dated July 16, 2009, which sets forth the details of his investigation. I incorporate the information set forth in CO2 into this decision as it sets forth the details that were developed subsequent to the ingestion of the yew by the wallabies. Mr. Spencer also identified CO7 as a Proposal of Enrichment Form. The purpose of this document is to provide an Animal Keeper with a method to offer enrichment to the animals. The form is to be completed and approved by the Zoo Supervisor and Veterinarian before anything is given to the animals. Mr. Spencer also identified CO8 as a Diet Change Request Form. This form needs to be approved before any diet changes are initiated. He testified that he was unaware of either a Request for Enrichment or a Change of Diet being made by anyone with regard to the wallabies.

On cross-examination, it was determined that a necropsy of each of the wallabies was performed. It was found that the death of each wallaby was related to the ingestion of poisonous yew. It was also determined that the wallaby who ran into the fence may have been in heat and being chased.

It was also established that the zoo employees had never been trained by Mr. Spencer with regard to the toxicity of yew or with regard to other dangerous plants that might be in or about the zoo area.

The next witness to testify was Dr. Jeremy Goodman. He was sworn.

Dr. Goodman is the Director of the Turtle Back Zoo and is a Veterinarian. He has been at the zoo for five (5) years. Dr. Goodman determined that the wallabies died due to plant poisoning.

He observed plant clippings in the Australian Exhibit. He noticed wallabies chewing on Japanese yew. As a result of the four (4) necropsies which he performed, Japanese yew was found in all four (4) of the wallabies that died.

An investigation was performed. Dr. Goodman received the information concerning both Ms. Sippie and Ms. Parker's activities with regard to the wallabies. He was also able to determine through the County Horticulturist that yew was growing in and about the zoo and that the Horticulturist had clipped one of the yew plants a day or two before the incident of June 23, 2009.

Dr. Goodman further testified that Ms. Sippie had indicated that previous Animal Keepers had given pine to the wallabies. The Employee had a list from another zoo that addressed some of these plants. Dr. Goodman testified that several other animals were impacted but have pulled through, so far.

Dr. Goodman filed the complaint against Ms. Sippie and it is his recommendation that the Employee be removed. He testified that he felt that this was appropriate as the death of these animals was the result of Ms. Sippie's negligence. He has spoken to other zoo

directors who felt that removal was the appropriate punishment in a situation like this.

On cross-examination, Dr. Goodman testified that there had been no prior training with regard to the identification of yew or other pines. His recollection was that the yew may have been planted two or three years ago. With regard to the acts of negligence, it was Dr. Goodman's opinion that if a keeper finds a foreign substance in an exhibit, it is the keeper's responsibility to remove it. He further testified that there are now postings in and about the zoo warning of the dangers of certain materials. He testified that Ms. Sippie felt awful about what occurred. Dr. Goodman was asked if the prior disciplinary notices, C05 and C06 made any determination in his decision to recommend removal. He said they did not.

That concluded the presentation by the County.

Ms. Sippie was sworn and testified on her own behalf. She testified that she has been employed by the County for approximately ten (10) years. She has been assigned to the Australian Exhibit for three (3) years. She works as an Animal Keeper. She testified that there had been an Enrichment Committee in the past but she was not part of the Enrichment Committee. She states that it was her understanding that Sarah M, an animal keeper, had previously given pines to the wallabies. Ms. Sippie's testimony of the events leading up to the discovery of the

ingestion of the yew, is consistent with other witnesses and the facts are as reflected in C02.

The Employee testified that she did not know, prior to June 24, 2009, what yew was nor did she know anything about its toxicity. She simply thought that it was an evergreen such as other pines.

She did complete the Keeper Report dated June 24, 2009 which is the second page of C03. Ms. Sippie did complete the entry of June 24, 2009, which is part of C04 which indicates the death of several of the wallabies.

On cross-examination, C09 was identified as a Columbus Zoo and Aquariums Approved Enrichment Sheet. The Respondent testified that C09 was the basis upon which she thought that the inclusion of the pines, later to be determined yew, was permissible.

DECISION: The testimony and documentary evidence establish that Ms. Sippie did in fact violate procedures by not requesting approval with regard to Enrichment Materials or Diet Change materials as required, see C07 and C08. The facts also establish that Ms. Sippie did allow the spreading of the yew that Ms. Parker found in Australian Exhibit area. The testimony suggests that if Ms. Parker had removed the yew from the Australian Exhibit area when she first found it, the yew would not have been ingested by the wallabies. I also find that Ms. Sippie and other employees had not been trained with regard to the dangers of certain substances

including Japanese yew. Ms. Sippie did assume that the inclusion of the pine clippings, later to be determined to be yew, had previously been given to the wallabies and would not be dangerous to the wallabies based upon the Columbus Zoo report. C09.

I find that if Ms. Sippie had followed appropriate County Procedures with regard to getting prior approval for Enrichment materials or for Food Change materials, this incident would not have occurred. The zoo establishes forms and procedures in order to avoid incidences of this type. Accordingly, I find that Ms. Sippie's actions were a violation of County Practices and Procedures.

The County included in its documents, C05 and C06, which are prior disciplinary matters. While Dr. Goodman specifically testified that he did not consider these items in making his recommendation for removal, they should be included in the record. C05 discusses an incident of July 2008, wherein Ms. Sippie entered the enclosure of a dangerous animal (elk) after hours without informing a supervisor. This was a safety violation. C06 is dated July 3, 2004 and addresses unauthorized Halloween decorations inside the tortoise area. While neither incident directly relates to the matter in issue, they are probative with regard to the necessity for practices and procedures being followed.

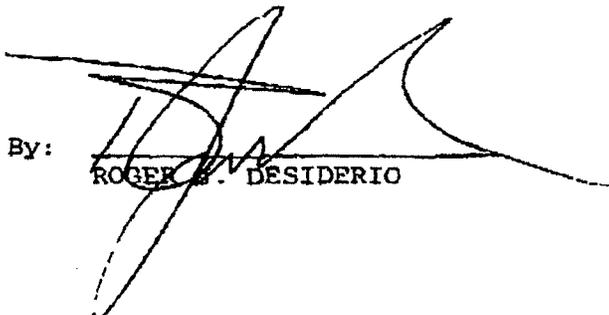
With regard to the recommended penalty, I appreciate Dr. Goodman's concern for the animals under his care. I think that

concern was exhibited by all the witnesses, Ms. Parker, Mr. Spencer, Dr. Goodman and Ms. Sippie. The witnesses' dedication to their work and the care of the zoo animals was firmly reflected in each person's testimony.

However, I do not find that Ms. Sippie, a 10 year zoo employee, with only minor violations, actions rise to the level of removal. Under all the circumstances, I recommend that Ms. Sippie be suspended without pay for a period of forty-five (45) days.

Dated: October 27, 2009

By:


ROGER E. DESIDERIO

E10-220 COMPLAINT RESPONSE

ALLEGATIONS: IN BLACK LETTERING

COMPLAINT RESPONSE/FINDINGS: IN RED LETTERING

Veterinary Care, Animal Injuries and Deaths

Veterinary care is almost non-existent. Jeremy Goodman, the zoo's director and veterinarian, is not able to perform both jobs satisfactorily. Animals are frequently long overdue for annual exams and sick animals are often not promptly examined by Goodman, if at all.

DURING THIS INSPECTION NO SICK OR INJURED ANIMALS WERE FOUND THAT NEEDED VETERINARY CARE. A SAMPLE OF MEDICAL RECORDS WAS REVIEWED AND ANIMALS APPEAR TO BE RECEIVING ADEQUATE VETERINARY CARE.

COUGAR

Until approximately the last week of April 2010, a cougar named Scout had been vomiting almost daily for three weeks. Goodman prescribed Pepcid and, at some point, amoxicillin, but at no time did he examine Scout or diagnose what was the matter with the animal.

THE VETERINARIAN SAID HE HAD SEEN AND WAS MONITORING THE COUGAR "SCOUT". THE ANIMAL RESPONDED TO TREATMENT SO NO FURTHER WORKUP WAS NECESSARY

SCOTTISH HIGHLAND COW

A Scottish Highland Cow named Beckett was lame for a couple of years. Goodman prescribed glucosamine and various anti-inflammatories, but the cow slowly got worse. No diagnostics were done on the cow's condition until he was euthanized in March 2010, at which time Goodman took x-rays.

THE VETERINARIAN SAID THAT BECKETT, A 12 YEAR OLD SCOTTISH HIGHLAND, WAS EUTHANIZED IN MARCH WHEN HE WAS NO LONGER RESPONDING SATISFACTORILY TO HIS MEDICATIONS.

WALLABIES

In June 2009, five wallabies were poisoned when they ate Japanese yew bush trimmings that were put in the exhibit. One wallaby became sick the same day and was treated with fluids and medication. He survived. The next morning, four wallabies - a 6-year-old male, a 3-year-old female, a 2-year-old female, and 1-year-old female - died within 10 to 15 minutes of being found sick. Necropsies revealed yew bush needles in the animals' stomachs.

The situation was never discussed with the staff in order to ensure that the animals would not be given yew again. The person who was responsible for the yew being given to the wallabies is Bonnie Sippie. She is still employed at the zoo and she continued to work with the wallabies

until the end of the year at which time all the animal keepers were switched to different departments.

Although Ms. Sippie had been the subject of two prior disciplinary matters (see attached) – entering the enclosure of a dangerous animal and placing unauthorized Halloween decorations in the tortoise area – she continues to have animal care responsibilities at the zoo.

*****VALID*** SEE INSPECTION REPORT**

YEW WAS MISTAKENLY GIVEN TO THE WALLABIES THUS RESULTING IN SICKNESS AND/OR DEATHS. THE VETERINARIAN SAID HE DID TALK WITH THE STAFF ABOUT POISONOUS PLANTS SOON AFTER THE INCIDENT.

WALLABY

In approximately February 2009, a male wallaby ran into a wall and injured his jaw. A few days later keepers reported that the wallaby's face was swollen. Goodman sedated the wallaby and pulled a couple of broken teeth, leaving the roots in, and did not prescribe antibiotics. The facial swelling worsened and got infected, and the wallaby was not eating. Goodman then pulled the roots of the teeth he had previously removed, as well as some other teeth, and put the animal on antibiotics. The wallaby appeared to begin to recover, then sickened again and it was apparent that his upper jaw was rotting away. He was euthanized in March 2010.

WE DID NOT FIND RECORDS FOR A WALLABY RUNNING INTO A WALL AND INJURING ITS JAW IN FEBRUARY 2009.

GIBBONS

On July 9, 2009, the zoo acquired two white-handed gibbons. During the introduction process, the two were separated by a chain link fence and Rosie, the female gibbon, had three of her fingertips bitten off by Mel, the male gibbon. On July 20, 2009, a fingertip on Rosie's left hand was bitten off, and on July 27, 2009, two fingertips were bitten off on her right hand. It wasn't until August 7, 2009, when Mel split Rosie's left hand down the middle between her third and fourth digits, that Goodman ordered a more adequate partition placed between the two gibbons.

***** VALID*** SEE INSPECTION REPORT**

THE ZOO DID ACQUIRE THE TWO GIBBONS ON JULY 9, 2009. THE ANIMALS WERE SENT FROM DIFFERENT FACILITIES, AND WERE SUPPOSED TO MAKE A COMPATIBLE PAIR. THE GIBBONS WERE HOUSED IN QUARANTINE IN ADJOINING ENCLOSURES TO ACCLIMATE AND BEGIN THE INTRODUCTORY PROCESS FOR SOCIAL HOUSING. DURING THIS TIME PERIOD, THE MALE GIBBON DID INJURE THE FEMALE'S FINGERTIPS AND LEFT HAND.

ROSIE'S RECORDS WERE REVIEWED AND SHE APPEARED TO HAVE RECEIVED ADEQUATE VETERINARY CARE. HER INJURIES WERE HEALED AND SHE WAS OBSERVED USING BOTH OF HER HANDS.

RED PANDAS

Two red pandas died at the zoo in less than 1½ years. An 8-year-old male red panda named Pemba died in April 2008. The cause of death was determined to be sarcocystis. Pemba was replaced by Sacha, an approximately 8-year-old male who came to the zoo on November 5, 2008. Sacha died on July 25, 2009, from chronic or acute renal failure.

THE TWO RED PANDAS DID DIE. PEMBA HAD A HISTORY OF PROBLEMS AND SACHA WAS AN ACUTE INCIDENT. RECORDS WERE REVIEWED AND THE ANIMALS APPEARED TO HAVE RECEIVED ADEQUATE VETERINARY CARE.

ELK

A female elk named Baby died on October 26, 2009. She injured her leg one day and was dead the next.

THE 12 YEAR OLD ELK NAMED "BABY" WITH AN INJURED LEG WAS IDENTIFIED ON OCTOBER 25, 2009. THE VETERINARIAN DID AN EXAMINATION, WORKUP AND STARTED TREATMENT. THERE WERE NO FRACTURES OR DISLOCATIONS. SHE WAS DEAD THE NEXT DAY. THE ELK APPEARED TO RECEIVE PROMPT VETERINARY CARE.

BIRDS

Since the summer of 2008, more than 500 budgies in the zoo's Outback Aviary exhibit have died. Almost all died from starvation or the parasite sarcocystis.

Many birds died of starvation because they refused to eat the food pellets that were provided to them. Goodman wanted the birds to eat pellets and refused to allow them to be fed seed. After many deaths, he changed his mind and decided to switch back to the seed.

Many birds also died from infection by the parasite sarcocystis which was confirmed in July 2009 by the state laboratory. The host of the parasite is opossums, and once it was discovered that the birds were presumably eating opossum feces through the wire mesh of the aviary roof, it took Goodman at least two months to order the maintenance department to cover the roof in order to keep the opossums off of it. In the meantime, birds continued to die.

NOT UNDER OUR JURISDICTION. (NON REGULATED SPECIES)

PENGUIN

A 19-year-old African penguin named Tippy died on January 31, 2010. Tippy's feathers never grew back in after her last molting and she was featherless for approximately two years before her death. One day she was wobbly on her feet, regurgitated a fish, and died.

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Facilities

LEOPARD

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3/17/2010

checked it, she was able to kick the frame and break the door open from the inside just as the leopard had.

Note: On 9/18/08 and 5/20/09 the USDA cited the zoo for rusted "man doors" and frames in leopard/cougar exhibit

THE LEOPARD AND COUGAR HOLDING AREAS WERE INSPECTED. THE DOORS AND FRAMES APPEARED TO BE STRUCTURALLY SOUND.

ALLIGATOR

The winter holding for the 10-foot-long alligator named Peaches is unsuitable for the animal and dangerous for staff. Last winter, Peaches spent approximately six months in a concrete room that measured approximately 20 ft. long x 10 ft. wide. The back end of room dipped down to form a pool approximately 4 ft. deep. The air and water temperatures were cool (in the sixties) because the only source of heat was space heaters. Peaches refused to eat for the entire time he was in the winter holding area. It was very difficult for the keeper to properly and safely maintain the animal and the water quality in such cramped conditions.

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Animal Handling

PENGUINS

At the end of December 2009 or beginning of January 2010, Goodman insisted that four new African penguins who had just cleared quarantine be put outside on exhibit on one of the coldest days of the year. The temperatures were in the teens and the wind made it feel even colder. The penguins were put outside directly from the warm quarantine area. They jumped into the water and when they came out, the water instantly froze to their bodies. They limped around for the next couple of days with icicles stuck to them. The keepers were not allowed to bring them inside because Goodman wanted visitors to be able to see them. There are burrows for the penguins to hide in, but the new penguins had trouble finding them and even in the burrows the temperatures were still quite cold.

NOT UNDER OUR JURISDICTION (NON REGULATED SPECIES)

RED PANDA

County Executive DiVincenzo had someone plug up the log in the red panda's exhibit with bricks because Pemba, the zoo's first red panda kept sleeping in it. DiVincenzo wanted the panda to be visible at all times.

THIS IS NOT A VIOLATION OF THE ANIMAL WELFARE ACT.

BUDGIES

The Outback Aviary typically open in mid-May but on approximately April 3, 2010, County Executive Joseph DiVincenzo and county Parks Director Dan Salvante tried to force the zoo to open the aviary early. This was problematic because although the daytime temperatures would have been fine, the nighttime temperatures, which were in the forties, were not suitable for the birds. It would have been necessary to bring the budgies back into the heated holding area at night which was not possible. Parks Director Salvante reportedly said it didn't matter if birds

died due to the cold because "they are only six dollar birds and can be replaced".

NOT UNDER OUR JURISDICTION. (NON REGULATED SPECIES)

QUARANTINE

County Executive Joseph DiVincenzo often insists that new animals acquired by the zoo be put on display before they have cleared quarantine.

THE VETERINARIAN SAID NO ANIMALS ARE RELEASED EARLY FROM QUARANTINE TO BE PUT OUT ON EXHIBIT.

PONIES

County Executive Joseph DiVincenzo insists that the ponies be available to give rides to the public during inclement weather.

NOT UNDER OUR JURISDICTION. (NON REGULATED SPECIES)

Staff

Most of the animal care staff are unknowledgeable, untrained, and have no previous experience working with animals.

THE VETERINARIAN SAID THE ANIMAL CARE STAFF IS TRAINED AND MANY CAME FROM OTHER ANIMAL FACILITIES. THE ANIMAL KEEPERS THAT WE TALKED TO DURING THE INSPECTION APPEARED TO BE KNOWLEDGEABLE.

Volunteers are allowed to work with all of the primates, carnivores, and large hoofstock.

WE WERE TOLD THAT THERE WERE THREE VOLUNTEERS THAT HELPED TO CARE FOR THE ANIMALS. THESE PEOPLE WERE HAND PICKED AND HAD RECEIVED TRAINING.

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

2051
Dr Jeremy Goodman Director
County Of Essex Turtle Back Zoo
560 Northfield Avenue
West Orange, NJ 07052

22-C-0004

2. Article Number
(Transfer from service label)

7009 0960 0000 9367 2637

COMPLETE THIS SECTION ON DELIVERY

A. (b)(6),(b)(7)c Agent Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? Yes
If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes



Inspection Report

COUNTY OF ESSEX TURTLE BACK ZOO

Customer ID: **2051**

Certificate: **22-C-0110**

Site: 001

COUNTY OF ESSEX TURTLE BACK ZOO

560 NORTHFIELD AVENUE

Type: ROUTINE INSPECTION

WEST ORANGE, NJ 07052

Date: Jul-20-2010

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:

(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

The following medications were found to be expired: 1 vial Dexamethasone solution (7/08), 1 vial Dexamethasone Sodium Phosphate (6/08), 1 vial DiphenhydrAMINE (2/08), 1 tube Atropine Sulfate Ophthalmic ointment (4/10), 1 tube Tritop (4/10), 1 tube Triple Antibiotic ointment (3/10), 1 vial Suvaxyn-LE+B (6/11/10), 1 vial Tuberculin Mammalian (11-5-07), 4 vials Rabies Vaccine (7-17-10)

Outdated drugs can lose their effectiveness and/or break down into chemicals that may be harmful to the animals. The use of expired medical materials such as drugs on regulated animals is not considered to be acceptable veterinary practice and does not constitute adequate veterinary care as required by the regulations of the Animal Welfare Act.

Expired drugs were disposed of at time of inspection. CORRECTED AT TIME OF INSPECTION.

2.131 (a)

HANDLING OF ANIMALS.

All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain.

An animal keeper failed to identify a toxic plant placed into the animal exhibit as browse for the wallabies. The Japanese Yew bush is a well known toxic plant. The experience and knowledge of the animal handler/keeper in this case was not sufficient to identify a well known toxic plant. The failure of the employee to identify such plants as being toxic caused illness and death in 4 animals in this enclosure.

Prepared By:

Karla Willis

KARLA WILLIS, A C I USDA, APHIS, Animal Care

Date:

Title:

ANIMAL CARE INSPECTOR Inspector 1014

Jul-30-2010

Received By:

(b)(6),(b)(7)c

Date:

Title:

Jul-30-2010



Inspection Report

Before providing any browse or enrichment items into enclosures animal handlers/keepers must obtain veterinary approval.

CORRECT IMMEDIATELY

2.131 (c) (1)

HANDLING OF ANIMALS.

During public exhibition, any animal must be handled so there is 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 animals and the public.

The barrier in front of the cougar enclosure consists of a 17" high, split railed bamboo barrier fence, various shrubs and wire consisting of three strands near the primary enclosure. The distance between the public pathway and the primary enclosure fence is approximately 8 feet. The barrier fence is much too low to keep the public out and the shrubs are somewhat sparse due to the extreme heat. There is a 3 strand, low wire fence labeled "hot" that is in fact not a hot wired fence. The combination of these items do not provide a sufficient distance/barrier between the viewing public and the cougars. During this inspection it was possible for the APHIS officials to walk up to the cougar primary enclosure. A more suitable barrier must be installed to prevent the public from gaining access to the cougar enclosure to protect both the cougars and the public from serious injury.

TO BE CORRECTED BY: JULY 28, 2010

3.80 (a) (2) (ii)

PRIMARY ENCLOSURES.

Primary enclosures must be constructed and maintained so that they:

- (ii) Protect the nonhuman primates from injury;

Introduction of the male and female gibbon allowed for the fingers of the female to be bitten on several occasions. These gibbons were housed adjacent to each other without a partition or sufficient distance in place to prevent physical contact. Subsequently, the close proximity resulted in injury to the female's digits and hand. It was after several bite wounds that separation occurred. Primary enclosures must keep animals safe from potential threats from other animals and protect them from injury.

TO BE CORRECTED PRIOR TO THE NEXT ANIMAL INTRODUCTION.

3.125 (a)

FACILITIES, GENERAL.

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.

Prepared By:

Karla Willis

KARLA WILLIS, A C I

USDA, APHIS, Animal Care

Date:

Title:

1014

Jul-30-2010

Received By:

(b)(6),(b)(7)c

(b)(6),(b)(7)c

Date:

Title:

Jul-30-2010

031020



Inspection Report

BOBCAT:

The following items are in need of repair:

1. The metal support post, directly behind the "Bobcat" sign, has rusted in numerous locations and now has peeling/flaking paint along all sides. A significant deterioration of the paint is present on the interior portion of this enclosure and is a health hazard to the bobcat housed therein. The peeling/flaking paint must be removed and the metal post must be repaired to prevent additional deterioration to protect the health of the bobcat.
2. At the base of the above mentioned support post, an opening was present in the primary enclosure fence that has been patched. This repair is composed of additional wiring wrapped around the original fence fabric. Some of the wiring is tight but others serve as weak points. This repair is not structurally sound thus leaving this opening as a potential escape route. A more sufficient repair must be made to maintain structural strength to prevent animal injury/escape.

Repairs to the bobcat enclosure are needed as described above. Also, the zoo must ensure that future maintenance problems are identified and fixed in a timely fashion so that facilities are kept in good repair and to protect the animals from injury.

TO BE CORRECTED BY: AUGUST 4, 2010

PRAIRIE DOGS:

The prairie dog enclosure is composed of plexiglass paneled walls. Between each section of plexiglass a strip of metal is present to close the gaps/seams. Throughout this enclosure, there are numerous strips of this metal that are missing bolts, have loose bolts or detaching due to the pressure of the soil. One section of plexiglass is loose in a corner adjacent to the public's entrance. The enclosure needs to be repaired to protect the animals from injury and to contain the animals.

PRAIRIE DOG ENCLOSURE WAS CORRECTED AT TIME OF INSPECTION.

3.129 (a)

FEEDING.

The food shall be wholesome, palatable, and free from contamination.

FEED BUILDING:

A few moths were observed inside of the cracked corn feed bin. Additionally, dead insects were observed on the lids of two metal feed bins. Further observation found numerous live spiders and their webs along both corners of walls above these feed bins. Due to the spiders above the bins, discarded insects from their webs could potentially

Prepared By:

Karla Willis
KARLA WILLIS, A C I USDA, APHIS, Animal Care

Date:
Jul-30-2010

Title:

or 1014

Received By:

(b)(6),(b)(7)c

Date:
Jul-30-2010

Title:

20100730



Inspection Report

contaminate the mammal feed. The interior and exteriors of the feed bins must be cleaned to maintain cleanliness and to prevent contamination of the food.

CORRECTED AT TIME OF INSPECTION.

3.130 WATERING.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

The only outside water source for the two wolves, two cougars, one leopard and one red panda is from the pools within their enclosures. The water in these pools is not tested to determined if it is potable. These animals must be provided with a potable source of water while they are outside on exhibit to maintain their health and comfort.

CORRECTED AT TIME OF INSPECTION.

3.131 (c) SANITATION.

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.

Plastic bags, trash and other debris are present on the ground along the wooded side of the farm area. Miscellaneous trash and debris must be removed to keep the grounds clean, to deter pests, and to protect the health of the animals.

CORRECTED AT TIME OF INSPECTION.

3.131 (d) SANITATION.

A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

A large paper wasp nest/hive is present on the top portion of the metal support post inside of the bobcat's enclosure. This post is located at the far end of enclosure nearest the public pathway. This active nest/hive is a potential hazard to the bobcat and the viewing public. This nest/hive must be safely removed from within this enclosure or rendered inactive to prevent injury to the bobcat and the viewing public.

TO BE CORRECTED BY: JULY 28, 2010

Prepared By:		
	KARLA WILLMS, A C I	USDA, APHIS, Animal Care
Title:		Inspector 1014
Received By:		
	(b)(6),(b)(7)c	
Title:		

Date: Jul-30-2010
Date: Jul-30-2010

20100730

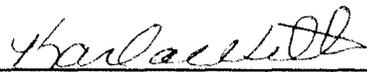


Inspection Report

THIS IS AN AMENDED INSPECTION REPORT

The exit briefing was conducted with Karla Wills, ACI and the facility representative.

Prepared By:



KARLA WILLS, A C I / USDA, APHIS, Animal Care

Title:

Inspector 1014

Date:

Jul-30-2010

Received By:

(b)(6),(b)(7)c

Title:

Date:

Jul-30-2010



Inspection Report

COUNTY OF ESSEX TURTLE BACK ZOO

Customer ID: 2051

Certificate: 22-C-0110

Site: 001

COUNTY OF ESSEX TURTLE BACK ZOO

560 NORTHFIELD AVENUE

Type: ROUTINE INSPECTION

WEST ORANGE, NJ 07052

Date: Jul-20-2010

2.40 (b) (2)

ATTENDING VETERINARIAN AND ADEQUATE VETERINARY CARE (DEALERS AND EXHIBITORS).

Each dealer or exhibitor shall establish and maintain programs of adequate veterinary care that include:
(2) The use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and the availability of emergency, weekend, and holiday care;

The following medications were found to be expired: 1 vial Dexamethasone solution (7/08), 1 vial Dexamethasone Sodium Phosphate (6/08), 1 vial DiphenhydrAMINE (2/08), 1 tube Atropine Sulfate Ophthalmic ointment (4/10), 1 tube Tritop (4/10), 1 tube Triple Antibiotic ointment (3/10), 1 vial Suvaxyn-LE+B (6/11/10), 1 vial Tuberculin Mammalian (11-5-07), 4 vials Rabies Vaccine (7-17-10)

Outdated drugs can lose their effectiveness and/or break down into chemicals that may be harmful to the animals. The use of expired medical materials such as drugs on regulated animals is not considered to be acceptable veterinary practice and does not constitute adequate veterinary care as required by the regulations of the Animal Welfare Act.

Expired drugs were disposed of at time of inspection. CORRECTED AT TIME OF INSPECTION.

2.131 (c) (1)

HANDLING OF ANIMALS.

During public exhibition, any animal must be handled so there is 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 animals and the public.

The barrier in front of the cougar enclosure consists of a 17" high, split railed bamboo barrier fence, various shrubs and wire consisting of three strands near the primary enclosure. The distance between the public pathway and the primary enclosure fence is approximately 8 feet. The barrier fence is much too low to keep the public out and the shrubs are somewhat sparse due to the extreme heat. There is a 3 strand, low wire fence labeled "hot" that is in fact

Prepared By:

Karla Willis *Mary Heit vmo*
KARLA WILLIS, A C I USDA, APHIS, Animal Care

Date:
Jul-21-2010

Title:

Inspector 1014

Received By:

(b)(6),(b)(7)c

Date:
Jul-21-2010

Title:



Inspection Report

not a hot wired fence. The combination of these items do not provide a sufficient distance/barrier between the viewing public and the cougars. During this inspection it was possible for the APHIS officials to walk up to the cougar primary enclosure. A more suitable barrier must be installed to prevent the public from gaining access to the cougar enclosure to protect both the cougars and the public from serious injury.

TO BE CORRECTED BY: JULY 28, 2010

3.125 (a)
FACILITIES, GENERAL.

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.

BOBCAT:

The following items are in need of repair:

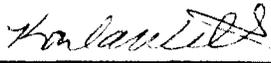
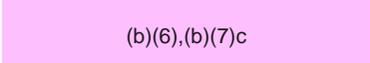
1. The metal support post, directly behind the "Bobcat" sign, has rusted in numerous locations and now has peeling/flaking paint along all sides. A significant deterioration of the paint is present on the interior portion of this enclosure and is a health hazard to the bobcat housed therein. The peeling/flaking paint must be removed and the metal post must be repaired to prevent additional deterioration to protect the health of the bobcat.
2. At the base of the above mentioned support post, an opening was present in the primary enclosure fence that has been patched. This repair is composed of additional wiring wrapped around the original fence fabric. Some of the wiring is tight but others serve as weak points. This repair is not structurally sound thus leaving this opening as a potential escape route. A more sufficient repair must be made to maintain structural strength to prevent animal injury/escape.

Repairs to the bobcat enclosure are needed as described above. Also, the zoo must ensure that future maintenance problems are identified and fixed in a timely fashion so that facilities are kept in good repair and to protect the animals from injury.

TO BE CORRECTED BY: AUGUST 4, 2010

PRAIRIE DOGS:

The prairie dog enclosure is composed of plexiglass paneled walls. Between each section of plexiglass a strip of metal is present to close the gaps/seams. Throughout this enclosure, there are numerous strips of this metal that are

Prepared By:	 KARLA WILLIS, A C I	 USDA, APHIS, Animal Care	Date:
Title:		Inspector 1014	Jul-21-2010
Received By:			Date:
Title:	(b)(6),(b)(7)c		Jul-21-2010



Inspection Report

missing bolts, have loose bolts or detaching due to the pressure of the soil. One section of plexiglass is loose in a corner adjacent to the public's entrance. The enclosure needs to be repaired to protect the animals from injury and to contain the animals.

PRAIRIE DOG ENCLOSURE WAS CORRECTED AT TIME OF INSPECTION.

3.129 (a)

FEEDING.

The food shall be wholesome, palatable, and free from contamination.

FEED BUILDING:

A few moths were observed inside of the cracked corn feed bin. Additionally, dead insects were observed on the lids of two metal feed bins. Further observation found numerous live spiders and their webs along both corners of walls above these feed bins. Due to the spiders above the bins, discarded insects from their webs could potentially contaminate the mammal feed. The interior and exteriors of the feed bins must be cleaned to maintain cleanliness and to prevent contamination of the food.

CORRECTED AT TIME OF INSPECTION.

3.130

WATERING.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

The only outside water source for the two wolves, two cougars, one leopard and one red panda is from the pools within their enclosures. The water in these pools is not tested to determined if it is potable. These animals must be provided with a potable source of water while they are outside on exhibit to maintain their health and comfort.

CORRECTED AT TIME OF INSPECTION.

3.131 (c)

SANITATION.

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.

Plastic bags, trash and other debris are present on the ground along the wooded side of the farm area. Miscellaneous trash and debris must be removed to keep the grounds clean, to deter pests, and to protect the health of the animals.

Prepared By: Karla Willis Mary Hebr vmo
KARLA WILLIS, A C I USDA, APHIS, Animal Care

Date: Jul-21-2010

Title: [Redacted] r 1014

Received By: [Redacted] _____

Date: Jul-21-2010

Title:



Inspection Report

CORRECTED AT TIME OF INSPECTION.

3.131 (d)

SANITATION.

A safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

A large paper wasp nest/hive is present on the top portion of the metal support post inside of the bobcat's enclosure. This post is located at the far end of enclosure nearest the public pathway. This active nest/hive is a potential hazard to the bobcat and the viewing public. This nest/hive must be safely removed from within this enclosure or rendered inactive to prevent injury to the bobcat and the viewing public.

TO BE CORRECTED BY: JULY 28, 2010

The exit briefing was conducted with Karla Wills, ACI; Dr. Mary Geib, VMO; and the facility representative.

Prepared By:

Karla Wills
KARLA WILLS, A C I

Mary Geib
USDA, APHIS, Animal Care

Date:
Jul-21-2010

Title:

Inspector 1014

Received By:

(b)(6),(b)(7)c

Date:
Jul-21-2010

Title:



USDA, APHIS, Animal Care



ANIMAL WELFARE COMPLAINT

Complaint No. E10-219	Date Entered 06 July 2010	Received By S Hairston
Referred To Magid		Reply Due 06 August 2010

Facility or Person Complaint Filed Against

Name The King Kong Zoological Park		Customer/License/Registration No. 55-C-0222	
Address 184 Blairsville Highway			
City Murphy	State NC	Zip 28906	Phone No 828-837-4242

Complainant

Name Jason Clark		Organization PETA	
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address 860-230-2268

How was complaint received? email

Forward response to FOIA: Yes No

Details of Complaint: Complainant states that the above facility shows neglect and inadequate care to the animals. The animals show signs of stereotypic behavior that is caused by lack of space and lack of mental stimulation. A brown bear paced back and forth in its enclosure, and a chimpanzee was missing hair on both forearms and was housed alone.

Results: I accompanied the inspector for King Kong Zoo (Cindy Lisle), on the August 10, 2010, inspection. The zoo was not open to the public on this particular date. The zoo is a small walk-through facility with standard concrete and bars cages. All animals had enough space to make normal postural and social adjustments. All cages met minimum regulatory requirements. The bear's cage had a water feature. The big cat cages had resting platforms. The primate cages had perches, logs, toys and other cage complexities.

All the primates except the lemurs are currently singly housed, but can see, hear, and smell other primates. The licensee pair-housed the male and female snow macaques for awhile, but the young female was too rambunctious and aggressive toward the male, so they have been separated but are housed side by side right now. The licensee plans to try pair housing again.

The inspector and I discussed additional enrichment ideas for the mangaby, as he would occasionally exhibit a pacing pattern. The animal would stop this behavior on its own. We discussed enrichment ideas for the other primates as well. The licensee could not find the current primate enrichment plan so it could not be evaluated. This was cited on the inspection report.

The chimp was calm during our inspection and did not exhibit any self-mutilating behavior.

The bear that was outside did exhibit some pacing behavior when the licensee walked by, perhaps in anticipation of a food treat, but calmed down when we had passed by. In addition to the pool, there was a toy in his cage. There was also a young female bear that was in the den area. These bears alternate time in the outer pen, and licensee has plans to pair house them when the female is a little bigger.

The zoo facilities are generally well-kept and in good repair, although there were two citations involving cleaning of some water containers and disposal of food waste in the food storage and kitchen area. There was no evidence of abuse, neglect, malnutrition, or lack of veterinary care, as alleged in the article which accompanied the complaint.

Animal care doesn't regulate snakes or tarantulas, but the open door to the keeper access area was discussed. Apparently it had been open on the day the author of the article had visited the zoo. There were no members of the public present on the day of inspection.

On the previous inspection of June 16, 2010, there had been a citation concerning the need for repair to the perch for the chimp, so the zoo had not gone without citations since 2007. The zoo has been inspected following the Risk-Based Inspection System since licensing in 2007. The inspector is knowledgeable and thorough in her inspections.

This complaint was based on an article that had appeared in a Western North Carolina paper that primarily expressed the author's dislike of the small roadside zoo industry. Those general opinions are not addressed in this complaint.

Application packet provided? Yes No

INSPECTOR
Ellen Magid, DVM

DATE
15-Oct-10

REVIEWED BY

DATE

S. Scott G. Walker, DVM

10/15/10

Dear Dr. Goldentyer:

Please consider this letter an official request for the USDA to investigate the following concerning **The King Kong Zoological Park, license #55-C-0222, in Murphy, N.C.**

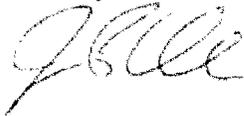
The attached article, featured in the *WNC Sentinel* on June 25, portrays a scene of neglect, inadequate care, and stereotypic behavior caused by lack of space and lack of physical and mental stimulation. In addition to small enclosures for many of the animals, the author refers to a brown bear who constantly paced back and fourth and clawed at the corners of the enclosure and a chimpanzee named Archie who was missing the hair on both forearms and was housed alone. Although reptiles and arachnids are not federally regulated species, we also ask that safety concerns be addressed concerning the author's observation of an open room in the reptile area where the public could gain access to tarantulas and boa constrictors.

Since being issued an exhibitor's license in January 2007, there have been no citations for noncompliances at King Kong Zoo, with the exception of lack of access to the facility on two occasions. We suggest that a USDA inspector who may have a fresh perspective of King Kong Zoo be assigned to evaluate the facility's compliance with the Animal Welfare Act. Please ensure that the welfare of the chimpanzee and bears are a specific focus, as well as general animal and public safety concerns.

Again, we respectfully request that the USDA investigate this matter. Please advise us of your agency's actions. I can be reached at 860-230-2268 or JasonClark@peta.org.

Thank you for your time.

Sincerely,



Jason Clark
Captive Wildlife Specialist

<http://wncsentinel.net/2010/06/25/caged-for-life/>

Caged for Life

By: Jacob Harris

For exotic animals in roadside zoos, life's not easy

You may have passed by it while driving to Murphy or Blairsville. Across from the Foster's Flea Market, sits the King Kong Zoo. A place where exotic animals are kept in captivity to draw a few bucks from curious tourists. Here the animals are crammed into a space hardly big enough to turn around in.

They are kept in unsightly, inadequate conditions where they suffer countless problems, including abuse, neglect, malnutrition, incompatible social pairings, unfitting climate, and lack of veterinary care.

With little or no opportunity for mental stimulation or physical activity, animals often become dejected and develop abnormal and self-destructive behaviors, known as zoochosis. These behavioral distresses include but are not limited to swaying, rocking, pacing, bar-biting, pulling out hair, and biting themselves.

There are thousands of below par exotic animal attractions across the U.S, spanning from so called "sanctuaries", backyard menageries, and roadside zoos. They claim to be rescue, conservation, or rescue facilities, but in reality these roadside zoos are among the worst abusers of captive exotic, rare, and endangered species. Still over the past 30 years, the private zoo business has skyrocketed.

These profit-hungry zoo operators have attempted to clean up the corrupt image associated with roadside zoos, by proclaiming themselves as "conservationist."

About the only thing people learn from these exhibitors is how animals behave in captivity, and a grudging acceptance of how wild animals are able to survive in bored, cramped, lonely conditions where they are kept far from their natural environment.

Then too, the public is misled by a show of meaningless certifications such as "federally licensed by the U.S. Department of Agriculture".

While federal permits are required to exhibit, breed, or sell exotic animals, it appears they will be issued to anyone who pays a minimal fee and fills out a half page questionnaire that consists of your name, address, and an animal inventory. Nothing is asked of the owner's qualifications. While the USDA enforces the Animal Welfare Act, their standards are minimal, rarely addressing an animal's psychological needs.

At King Kong Zoo, I was completely in awe by the large number of wild and exotic animals. I was appalled by their living conditions.

Almost every animal there was enclosed in a space by themselves, with the exception of the lions and tigers which were paired by twos for apparent breeding purposes. I found no cubs in the zoo, although

I have been told there were cubs there last year. Is it possible the cubs have been sold for thousands of dollars.

I am told that sometime these animals bring more money dead than alive for their hides. While the process of killing them is unethical and unlawful, a practice sometimes used to avoid damaging pelts, animals are killed by shoving ice picks through their ears and into their brains or suffocating them by wrapping plastic bags around their heads, and drowning them. I'm not accusing the local zoo of this behavior, but it seems suspicious that there have been several cubs born in the zoo, and now they are no where to be found.

During my visit, of the eight large cats I saw, only one was up pacing back and forth against the bars of its enclosure. The others were lying down seemingly exhausted and bored. Of the two bears at the zoo, one of them, an Asiatic Black bear, and the other, a neurotic brown bear, continuously paced back and forth pawing in the corners as if trying to get out. How exhausting that must be?

My greatest concern was for the Chimpanzee. I was shocked to see this human-like primate in such a small zoo. He was named Archie and lived alone in his small cage. His sad eyes and lack of hair down the front of both his arms suggested that he had been pulling out his arm hair, perhaps due to boredom and frustration. I am told this is a fairly common neurotic behavior in captive primates living alone in stressful environments.

Before leaving the zoo, I briefly stepped into the Reptile Room to glance at the smaller creatures. What I found was not only a room full of rare and dangerous reptiles, but an open door to the back room apparently for access the animal tanks. After taking a closer look I found that not only had this door been open, but it was accessible for children to browse about with the Tarantulas and Boas. There was no lock on the door to keep out children or even some curious adults.

Since September, 2007 the King Kong Zoo has undergone four USDA inspections, these inspections were minimal due to the lack of regulations, as well as, insufficient inspectors across the U.S. There are only 100 USDA exhibit inspectors for approximately 10,000 roadside zoos across the nation.



July 6, 2010

Jason Clark
PETA
501 Front Street
Norfolk, VA 23510

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Dear Mr. Clark:

Thank you for your letter dated July 2, 2010 concerning The King Kong Zoological Park located in Murphy, NC. Your concern has been given complaint number E10-219. Please refer to this number when inquiring about this concern.

Please be assured that we will evaluate the situation and take appropriate enforcement action if necessary.

Thank you for bringing this to our attention and for your concern for the welfare of animals.

Sincerely,

Elizabeth Goldentyer, D.V.M.
Regional Director
Eastern Region, Animal Care



Animal Care is a part of the Department of Agriculture's Animal and Plant Health Inspection Service.

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Inspection Report

THE KING KONG ZOOLOGICAL PARK INC

Customer ID: **33656**

Certificate: **55-C-0222**

Site: 001

THE KING KONG ZOOLOGICAL PARK INC

184 BLAIRSVILLE HWY

Type: ROUTINE INSPECTION

MURPHY, NC 28906

Date: Aug-10-2010

2.126 (a) (2)

ACCESS AND INSPECTION OF RECORDS AND PROPERTY.

(a) (2) To examine records required to be kept by the Act and the regulations in this part.

***The enrichment plan was not available for review. All documents must be available for review during inspections. This affects 8 animals.
To be correct from this day forth.

3.125 (d)

FACILITIES, GENERAL.

(d) Waste disposal. Provision shall be made for the removal and disposal of animal and food wastes, bedding, dead animals, trash and debris. Disposal facilities shall be so provided and operated as to minimize vermin infestation, odors, and disease hazards. The disposal facilities and any disposal of animal and food wastes, bedding, dead animals, trash, and debris shall comply with applicable Federal, State, and local laws and regulations relating to pollution control or the protection of the environment.

***The kitchen and freezer area of the facility has an extensive amount of old food waste. There are boxes of decaying bananas and other fruit and vegetables. In the freezer there are barrels of meat waste. The floor of the kitchen has puddles from the decaying fruit and meats. The owner indicates that Wednesday is trash day. Food waste, if needing to be stored until trash pickup, must be stored in an area so as not to contaminate other food or cause disease hazards. This affects all animals of the facility.
To be corrected by: 12 Aug 2010.

3.130

WATERING.

If potable water is not accessible to the animals at all times, it must be provided as often as necessary for the health and comfort of the animal. Frequency of watering shall consider age, species, condition, size, and type of the animal. All water receptacles shall be kept clean and sanitary.

Prepared By:

CINDY L LISLE, A C I

USDA, APHIS, Animal Care

Date:

Title: ANIMAL CARE INSPECTOR

Inspector 1064

Aug-10-2010

Received By:

JOHN CURTIS

Date:

Title: OWNER

Aug-10-2010



Inspection Report

***The water dishes in the leopard enclosures have mosquito larvae swimming around in them. Potable water must be provided to the animal. Water that is contaminated by insect larvae is not considered potable and should be changed often enough to prevent contamination. The spotted leopard's water dish also has a layer of algae. This affects 2 animals.

To be corrected by: 12 Aug 2010

An exit briefing was conducted with the owner, Cindy Lisle, AC, and, Dr. Ellen Magid, SACS.

Prepared By:

CINDY L LISLE, A C I USDA, APHIS, Animal Care
Title: ANIMAL CARE INSPECTOR Inspector 1064

Date:
Aug-10-2010

Received By:

JOHN CURTIS
Title: OWNER

Date:
Aug-10-2010



ANIMAL WELFARE COMPLAINT

Complaint No. E10-222	Date Entered 6Jul10	Received By J.Wood
Referred To Smith/Lopinto	Reply Due 6Aug10	

Facility or Person Complaint Filed Against

Name Jennifer Caudil		Customer/License/Registration No. 58-C-0947	
Address 410 HOULE AVENUE			
City Sarasota	State FL	Zip 34232	Phone No 2147012090

Complainant

Name Lisa Wathne		Organization PETA	
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address 206-367-0228

How was complaint received? e-mail

Forward response to FOIA: Yes No

Details of Complaint: PETA has recently received several complaints from circus goers about big cats being abusively whipped during the circus's performances.

Results: An inspection took place in response to the above complaint, by ACI Jan Baltrush, and myself John Lopinto VMO. the inspection took place at Westfield mall in Bayshore NY on July 7 and 8. On the 7th we watched the show at spectators no one knew who we were. We did not see any abuse with the whip We did not see any animals that were afraid of the handler and on the 8th we inspected the animal at their quarters. They appeared in good flesh and condition they went to the handler and he scratched them. They appeared to be comfortable with him. It should be noted that USDA inspected this licensee and this was not an issue therefore I feel this complaint is not valid.

If you have any questions please contact me.

Application packet provided? Yes No

INSPECTOR
John F. Lopinto VMO

REVIEWED BY
Michael J Smith SVMO

DATE
8-Jul-10

DATE
9-Jul-10

JUL 12 2010



To:
Cc:
Bcc:
Subject: Fw: URGENT re: Cole Bros. Circus



"Lisa Wathne"
<LisaW@peta.org>
07/02/2010 03:48 PM

To <Betty.J.Goldentyer@aphis.usda.gov>
cc <Robert.A.Willems@aphis.usda.gov>
Subject URGENT re: Cole Bros. Circus

July 2, 2010

Dr. Elizabeth Goldentyer
Director, Eastern Region
USDA, APHIS, AC

Via email: betty.j.goldentyer@aphis.usda.gov

URGENT!

Dear Dr. Goldentyer,

We are writing to ask that you immediately investigate the following regarding the **Cole Bros. Circus, license # 58-C-0080**. PETA has recently received several complaints from circus goers about big cats being abusively whipped during the circus's performances.

Yesterday, a PETA employee attended the circus's 4:30 p.m. performance in Meriden, Conn., and confirmed that the tiger handler, who was identified as Jason Walker, was liberally whipping all of the big cats – 6 tigers and 1 liger. The PETA staffer saw that the whip was frequently making contact with the animals. The big cats were uncooperative and obviously reluctant to perform, and Walker was noticeably frustrated. The behavior of the liger was especially concerning. The animal was extremely skittish; he withdrew and cringed when the whip was close to him and constantly tried to back away from Walker. At the end of the performance, Walker attempted to get all seven big cats to lie side by side but a couple of the cats would not cooperate and the liger appeared very concerned about avoiding the whip.

When exiting the circus, the PETA employee heard comments from other circus goers who were appalled by the abusive handling of the tigers during the performance.

The big cats observed during the show demonstrated clear and obvious behavioral stress, which is a violation of the regulations of the Animal Welfare Act, specifically Section 2.131(b)(1).

To our knowledge, Cole Bros. will be at the Westfield Sunrise Mall in Massapequa, N.Y. from July 2 to July 4, and at Westfield South Shore in Bay Shore, N.Y. from July 6 through July 11. **We ask that you please immediately send an inspector to observe one of Cole Bros.' upcoming performances, with special attention to the big cat act, and pursue strict enforcement of the Animal Welfare Act.**

Thank you for your time and for your attention to this matter. May we please be advised of the USDA's actions? I can be contacted at 206-367-0228 or LisaW@peta.org. Thank you.

Sincerely,

Lisa Wathne
Captive Exotic Animal Specialist

cc: Robert.A.Willems@aphis.usda.gov



July 6, 2010

Lisa Wathne
PETA
501 Front Street
Norfolk, VA 23510

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Dear Lisa:

Thank you for your letter dated 2-Jul-10 concerning Cole Bros. Circus (Jennifer Caudil) located in Meredian, CT. Your concern has been given complaint number E10-222. Please refer to this number when inquiring about this concern.

Please be assured that we will evaluate the situation and take appropriate enforcement action if necessary.

Thank you for bringing this to our attention and for your concern for the welfare of animals.

Sincerely,

Elizabeth Goldentyer, D.V.M.
Regional Director
Eastern Region, Animal Care



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Inspection Report

JENNIFER CAUDILL

Customer ID: 25975

Certificate: 58-C-0947

Site: TRA

JENNIFER CAUDILL

410 HOULE AVENUE

Type: ROUTINE INSPECTION

SARASOTA, FL 34232

Date: Jul-08-2010

2.75 (b) (1)

RECORDS: DEALERS AND EXHIBITORS.

Every exhibitor shall make, keep, and maintain records or forms which fully and correctly disclose the following information concerning animals other than dogs and cats, purchased or otherwise acquired, owned, held, leased, or otherwise in his or her possession or under his or her control, or which is transported, sold, euthanized, or otherwise disposed of by that exhibitor. The records shall include any offspring born of any animal while in his or her possession or under his or her control.

- (i) The name and address of the person from whom the animals were purchased or otherwise acquired;
- (ii) The USDA license or registration number of the person if he or she is licensed or registered under the Act;
- (iii) The vehicle license number and State, and the driver's license number (or photographic identification card for nondrivers issued by a State) and State of the person, if he or she is not licensed or registered under the Act;
- (iv) The name and address of the person to whom an animal was sold or given;
- (v) The date of purchase, acquisition, sale, or disposal of the animal(s);
- (vi) The species of the animal(s); and
- (vii) The number of animals in the shipment.

During this inspection it was noted that the paperwork that showed that 8 tigers, 1 liger, 2 camels, 2 zebras, and 2 llamas were purchased in 11/09 did not contain the sellers USDA #, and or Driver's License / Plate #. to ensure that all animals can be traced back to its origin, all required information needs to be documented on all animal acquisitions and dispositions.

To Be Corrected By: July 31,2010

2.78 (a) REPEAT

HEALTH CERTIFICATION AND IDENTIFICATION.

No exhibitor shall transport in commerce any dog unless the dog is accompanied by a health certificate executed and issued by a licensed veterinarian. The health certificate shall state that:

The licensed veterinarian inspected the dog on a specified date which shall not be more than 10 days prior to the delivery of the dog for transportation; and when so inspected, the dog appeared to the licensed veterinarian to be free of any infectious disease or physical abnormality which would endanger the animal(s) or other animals or endanger

Prepared By: *Jean P Baltrush*
 JAN P BALTRUSH, A C I USDA, APHIS, Animal Care
 Title: ANIMAL CARE INSPECTOR Inspector 1011

Date: Jul-08-2010

Received By: _____
 JENNIFER CAUDILL - ELECTED NOT TO SIGN REPORT
 Title: CERTIFIED MAIL

Date: Jul-08-2010

JUL 12 2010



Inspection Report

public health.

The licensee is transporting dogs in commerce, crossing state lines while traveling with the Cole Bros. Circus, with no health certificates for the 8 dogs and 6 puppies. Health certificates are required to ensure the dogs are healthy for travel so not to endanger the dogs or other animals. A health certificate issued by a licensed veterinarian within 10 days is required before the dogs are transported in commerce, across state lines. Correct before leaving New York State.

2.125

REPEAT

INFORMATION AS TO BUSINESS; FURNISHING OF SAME BY DEALERS, EXHIBITORS, OPERATORS OF

Each exhibitor shall furnish to any APHIS official any information concerning the business of the exhibitor which APHIS may request in connection with the enforcement of the provisions of the Act, the regulations and the standards in this subsection.

The APHIS officials were informed by Jennifer Caudill that the exotic cats are now being exhibited under her own USDA license.

AC Eastern Regional Office does not have an itinerary of the dates and locations of exhibition. The licensee must notify the AC Regional Director in Raleigh, NC of the travel itinerary so AWA inspections can be conducted to ensure the welfare of the animals. Accurate information must be provided to APHIS officials to be able to properly enforce the Animal Welfare Act, regulation and standards to ensure the health and well-being of the animals. An itinerary of the dates and locations of exhibition must be sent to the AC Regional Director as soon as known to facilitate the enforcement of the regulations and standards of the Animal Welfare Act. A sheet with the circus' "official route" was given to the APHIS employees today. However, this route only contains information up until July 11, 2010. An updated itinerary will need to be submitted to the Regional Office before July 11, 2010.

2.131

(a)

REPEAT

HANDLING OF ANIMALS.

All licensees who maintain wild or exotic animals must demonstrate adequate experience and knowledge of the species they maintain.

During this inspection the licensee was exhibiting 8 exotic cats, while 1 young tiger was on the premise but was not part of the act. The Eastern Regional Office has not approved the knowledge and experience of the licensee with dangerous animals. A licensee that does not demonstrate sufficient knowledge or experience with handling dangerous wild or exotic animals cause the safety of the public, individual and the animals to be compromised. This must be corrected by demonstrating or providing documented proof of possessing the necessary knowledge and experience for handling dangerous wild and/or exotic animals such as lions, tigers, wolves, bears or elephants to the Eastern Regional Office and having that documentation approved by the Eastern Regional Office. Until corrected, no

Prepared By: *JAN P BALTRUSH* *John P. Legend*
 JAN P BALTRUSH, A C I USDA, APHIS, Animal Care Date: Jul-08-2010
 Title: ANIMAL CARE INSPECTOR Inspector 1011

Received By: _____ Date: _____
 Title: JENNIFER CAUDILL - ELECTED NOT TO SIGN REPORT Jul 12 2010
 CERTIFIED MAIL Jul-08-2010



Inspection Report

regulated activity involving dangerous wild and/or exotic animals should be performed by this licensee. This is only corrected upon receipt of approval from the USDA, APHIS, Animal Care Eastern Regional Office.

NOTE: The licensee has furnished a copy of her qualifications to APHIS employees at the time of this inspection. However, no approval has been obtained by the Eastern Regional Office. Therefore, no regulated activity can be conducted until the approval has been granted.

2.131 (d) (3) REPEAT

HANDLING OF ANIMALS.

During public exhibition, dangerous animals such as lions, tigers, wolves, bears, or elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler.

During this inspection the licensee was exhibiting 8 exotic cats, 1 young tiger was on the premise but was not being used in the act. The USDA, APHIS, Animal Care Eastern Regional Office has not approved the handling qualifications of the licensee and the animal handler. During public exhibition the animals need to be under the direct control and supervision of a knowledgeable and experienced animal handler for the safety of the individual, public and the animals. This must be corrected by demonstrating or providing documented proof that the animal handler possesses the necessary knowledge and experience for handling dangerous animals such as lions, tigers, wolves, bears or elephants to the Eastern Regional office and having that documentation approved by the Eastern Regional Office. Until corrected, this licensee cannot conduct regulated activity involving dangerous animals such as lions, tigers, wolves, bears or elephants. This is correctable upon receipt of approval from the USDA, APHIS, Animal Care Eastern Regional Office.

3.129 (a)

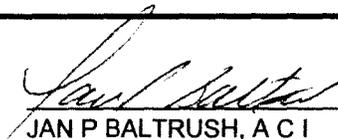
FEEDING.

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.

At the time of this inspection we were informed that the liger and tigers were being fed a chicken and beef diet. Although the animals appeared to be in good flesh / condition, this diet will need to be reviewed and approved by the attending veterinarian. Due to the fact that this is not a commercially manufactured diet it will need to be approved by the attending vet to ensure its nutritional value. This diet, and its approval will need to be documented and kept available for review by APHIS employees.

***To Be Corrected By: July 31, 2010

Prepared By:


JAN P BALTRUSH, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR Inspector 1011

Date:
Jul-08-2010

Received By:

JENNIFER CAUDILL - ELECTED NOT TO SIGN REPORT

Title: CERTIFIED MAIL

Date:
Jul-08-2010

JUL 12 2010



Inspection Report

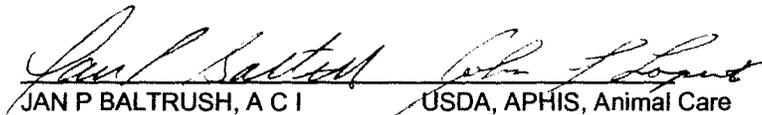
Note: This licensee appears to be circumventing the revocation of Lancelot Kollman Ramos 2.10(b), 2.11(d), 2.12.

This inspection was conducted on July 7, 2010 and July 8, 2010 at the Cole Bros. Circus in Bay Shore, NY. On July 7, 2010 the 8:00 p.m. performance was attended. The inspection and exit briefing were completed on July 8, 2010.

An exit briefing was conducted with the licensee and two USDA Animal Care employees.

The licensee elected not to sign the inspection report. A copy of the report was left with the licensee.

Prepared By:


JAN P BALTRUSH, A C I USDA, APHIS, Animal Care

Title: ANIMAL CARE INSPECTOR Inspector 1011

Date:

Jul-08-2010

Received By:

JENNIFER CAUDILL - ELECTED NOT TO SIGN REPORT

Title: CERTIFIED MAIL

Date:

Jul-08-2010

JUL 12 2010



USDA, APHIS, Animal Care

ANIMAL WELFARE COMPLAINT

Complaint No. E10-234	Date Entered 21Jul10	Received By J.Wood
Referred To Smith/Lopinto	Reply Due 21Aug10	

Facility or Person Complaint Filed Against

Name Ringling Brothers/Hollywood Animals	Customer/License/Registration No. 52-C-0137/93-C-0297		
Address 8607 WESTWOOD CENTER DRIVE			
City Fairfax	State VA	Zip 22182	Phone No 703-448-4000

Complainant

Name Debbie Leahy	Organization PETA		
Address 501 Front Street			
City Norfolk	State VA	Zip 23510	Phone No./Email address 630-393-9627

How was complaint received? e-mail

Forward response to FOIA: Yes No

Details of Complaint: Over the past several weeks PETA has received near-daily complaints from circus attendees about the underweight and sickly condition of these lions, and now have been informed by reliable sources that these lions have been so ill that they were unable to perform due to severe vomiting but are now being forced to perform again.

Results:

This memo is in response to the above complaint. On Aug 17, Both Dr. Paula Gladue and myself Dr. John Lopinto inspected Ringling Bros at Coney Island NY Ringling Circus does not own or have tigers or any other regulated animals at this venue. The lion act is owned by (b)(6),(b)(7)c (Hollywood Animals 93-C-0297)

When questioned (b)(6),(b)(7)c did indicatee 1 lion only had vomited. The lion was seen by a local veterinarian and then referred to the Univ of Pen. A check of Medical records indicates the lion was seen at the Univ of Penn and underwent x rays and endoscope. The report showed no significant findings and recommendations was to split the diet up into 2-3 feedings rather than 1 feedings. According to the owner it seems to be working. All the lions appeared to be in good flesh and no signs of vomiting at the time of inspection.

In summary while there was 1 tiger that has vomited it has been seen for a medical diagnostic workup by a veterianry staff. An inspection was performed and no NCI s were noted.

If you any further questions please contact me

Application packet provided? Yes No

INSPECTOR
John F. Lopinto

DATE
18-Aug-10

REVIEWED BY
Michael J Smith

DATE
18-Aug-10



To:

Doc:

Rec:

Subject: Fw: From PETA: Please investigate lions used in Ringling's Coney Island show



"Debbie Leahy"
<DebbieL@peta.org>
07/20/2010 04:15 PM

To <Betty.J.Goldentyer@aphis.usda.gov>
cc

Subject From PETA: Please investigate lions used in Ringling's
Coney Island show

Dr. Elizabeth Goldentyer
Director
Eastern Region
USDA, APHIS, Animal Care

**Re: Sick and Debilitated Lions at Ringling Bros. Coney Island Circus -
Urgent Investigation Request**

Dear Dr. Goldentyer:

This is an official request that the USDA immediately investigate the sick and debilitated lions being held at the Ringling Bros. Coney Island Circus in Brooklyn, NY (license # 52-C-0137), who we believe to be on lease from Hollywood Animals (license # 93-C-0297).

Over the past several weeks we have received near-daily complaints from circus attendees about the underweight and sickly condition of these lions, and now have been informed by reliable sources that these lions have been so ill that they were unable to perform due to severe vomiting but are now being forced to perform again. We believe that the declining condition of the lions and the fact that they are being forced to perform is violative of numerous standards promulgated under the Animal Welfare Act including:

- the mandate that "[a]nimals shall be exhibited only for periods of time and under conditions consistent with their good health and well-being," 9 C.F.R. § 2.131(d)(1);
- the requirement that all animal handling "be done as . . . carefully as possible in a manner that does not cause trauma, . . . behavioral stress, physical harm, or unnecessary discomfort," *id.* § 2.131(b)(1); and
- the duty to provide "adequate veterinary care," *id.* § 2.40(a).

Given the dire and apparently declining condition of the lions, we urge you to send an inspector to conduct an unannounced inspection of these animals immediately. As you know, Ringling has a considerable history of animal deaths, including the tragic death of the lion Clyde. Please take action without delay to protect these lions and ensure that they do not suffer further under your watch.

Thank you for your prompt attention to this important matter. Please feel free to contact me directly at 630-393-9627 if you have any questions or would like to discuss this matter. In addition, please inform me of any actions taken in response to this complaint.

Sincerely,

Debbie Leahy, Director
Captive Animals Rescue & Enforcement
PETA
630-393-9627 / 630-393-2941 (fax)



July 21, 2010

United States
Department of
Agriculture

Marketing and
Regulatory
Programs

Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

Debbie Leahy
PETA
501 Front Street
Norfolk, VA 23510

Dear Debbie:

Thank you for your letter dated 20 Jul 10 concerning Feld Entertainment/Hollywood Animals located in Brooklyn, NY. Your concern has been given complaint number E10-234. Please refer to this number when inquiring about this concern.

Please be assured that we will evaluate the situation and take appropriate enforcement action if necessary.

Thank you for bringing this to our attention and for your concern for the welfare of animals.

Sincerely,

Elizabeth Goldentyer, D.V.M.
Regional Director
Eastern Region, Animal Care



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Inspection Report

HOLLYWOOD ANIMALS

Customer ID: 3623

Certificate: 93-C-0297

Site: TRA

HOLLYWOOD ANIMALS

WALKING WITH LIONS

P.O. BOX 2088

Type: ROUTINE INSPECTION

SANTA CLARITA, CA 91386

Date: Aug-17-2010

No non-compliant items identified during this inspection. Inspection took place at Coney Island NY

An exit interview was conducted at the end of the inspection with the licensee.

Prepared By:

John Lopinto
JOHN LOPINTO, D V M
USDA, APHIS, Animal Care
1008

Date:
Aug-17-2010

Title:

(b)(6),(b)(7)c

Received By:

Brian McMillian
BRIAN MCMILLIAN
OWNER

Date:
Aug-17-2010

Title: