

Reassigned to Reggie

12/16/2010 3:32 PM

To: Specialist

From: Reggie

Re: FOIA 08-1212

PETA submitted the requested complaints and seek records and the results of the complaints.

AC's response indicated that 3 of the 4 complaints are part of IES investigations which are open.

Issues to resolve:

IES records are incomplete and in disarray

Cannot determine if the complaint filed and the IES records are relative to complaint

The complaints did not specify if they were sent or referred to IES to conduct investigations.

Open IES prior to receiving complaints.



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Legislative and
Public Affairs

Freedom of
Information

4700 River Road
Unit 50
Riverdale, MD
20737-1232

September 25, 2008

Ms. Teresa Marshall
Administrative Assistant
People for the Ethical Treatment of Animals
501 Front Street
Norfolk, VA 23510

Re: FOIA 08-1212

Dear Ms. Marshall:

This is to acknowledge receipt of your letter dated September 22, 2008 which was received in this office on September 24, 2008, in which you requested agency records that document actions taken under the Animal Welfare Act in response to previously reported concerns for Great Bear Adventure Park, et al.

The records you seek are maintained outside of this Office and we have not yet been able to complete a search to determine whether there are records within the scope of your request. Additionally, all Freedom of Information Act (FOIA) requests are processed on a "first-in, first-out" basis, according to track. Due to the large number of FOIA requests our Agency has been receiving, we have a considerable backlog, and unfortunately a number of requests still remain in the queue. Accordingly, we will be unable to comply with the twenty-working-day time limit in this case, as well as the ten additional days provided by the statute. Please be advised; however, responding to all FOIA requests as promptly as possible is a high priority for our Agency.

I regret the necessity of this delay, but I assure you that your request will be processed as soon as possible. If you have any questions or wish to discuss reformulation or an alternative time frame for the processing of your request, you may contact me at (301) 734-5250.

Sincerely,

Bevelyn R. Whitfield
Program Specialist
Freedom of Information & Privacy Act Staff
Legislative and Public Affairs

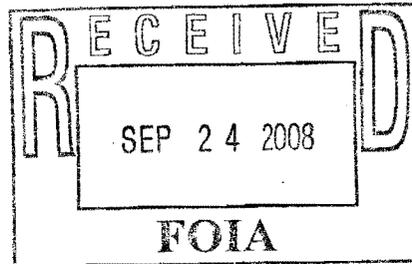
No. 7556 P. 1/2

081212

Rev
AC/IES

September 22, 2008

Tonya Woods
Director for Freedom of Information
USDA
4700 River Road, Unit 50
Riverdale, MD 20737-1232



PETA

PEOPLE FOR THE ETHICAL
TREATMENT OF ANIMALS

501 FRONT ST.
NORFOLK, VA 23510
757-622-PETA
757-628-0784 (FAX)

PETA.org
Info@peta.org

Two pages via fax: 301-734-5941

Dear Ms. Woods:

OCT 23 2008

This is a request for public records made on behalf of People for the Ethical Treatment of Animals (PETA) pursuant to the federal Freedom of Information Act (FOIA), 5 U.S.C. § 552, as amended.

PETA requests copies of all USDA agency records that document actions taken under the Animal Welfare Act in response to the following previously reported concerns:

Licensee	Date of Complaint	Concern #
Great Bear Adventure Park	11/7/2007	08-044
Rustler's Roost	11/13/2007	08-049
Sea Life Park	11/20/2007	08-057
Predator World	12/11/2007	08-069
Ellen Trout Zoo	12/20/2007	08-072
GW Exotics	1/7/2008	08-077

Agency records should include citations, stipulations, warnings, inter-office memos and e-mails, inspector notes, and any other agency enforcement actions. If records that are responsive to this request are located in other USDA offices, please forward this request to all appropriate offices.

PETA is a non-profit public interest organization and as such PETA requests that all fees be waived pursuant to 5 U.S.C. § 552 (a)(4)(A)(iii). PETA has no commercial interest in the requested information and its disclosure will contribute significantly to the public's understanding of USDA's regulations and policies as applied to exhibitors of animals.

If this request is denied in whole or part, please justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

ep. 22. 2008 12:47PM

If you have any questions about this request, please contact me at 757-962-8323. Thank you for your assistance.

Very truly yours,

Teresa Marshall

**Teresa Marshall, Administrative Assistant
Captive Animals & Entertainment Issues**

FREEDOM OF INFORMATION ACT

TO: Animal Care - Western Region

REQUEST #: 08-1212

REQUESTER : *T. Marshall*

DATE DUE BACK TO FOIA: 10/10/08

Bev

Attached is a FOIA request for documents maintained by your office. Please conduct a thorough search for all responsive records, including files that may be kept in locations other than your office. Please ensure that you read the request thoroughly and that we respond with ONLY the information that has been requested. Many times much more information is copied and forwarded that was not in the original request wasting YOUR TIME, not to mention paper and postage. Please complete this page and return it with one single-sided copy of the responsive records to:

Linda Jackson Fax: 301-734-4993
4700 River Road, Unit 84
Riverdale, MD 20737

DO NOT STAPLE DOCUMENTS

Search Time *(Clerical): 15 min. *Does not include photocopying time.

Search Time *(Professional):

Review Time (Professional):

Total time spent on this request, INCLUDING copying time: 15 min.

Search Conducted by:

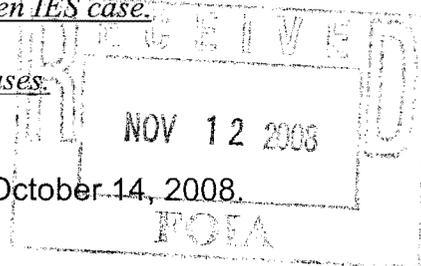
NAME	TITLE	REGION	PHONE	DATE MAILED
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<i>Breanna McFall</i>	<i>Student</i>	<i>Western</i>	<i>970-494-7587</i>	
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Missing Document Explanation/Special Notes:

Attached are all agency records including; citations, stipulations, warnings, inspector notes, and any other agency enforcement actions from the previous three years.

- ✓ Great Bear Adventure Park, Complaint # 08-044, This is an open IES case.
- Rustler's Roost, Complaint # 08-049,
- ✓ Predator World, Complaint # 08-069, This has three open IES cases.
- Ellen Trout Zoo, Complaint # 08-072, - IES CASE
- GW Exotics, Complaint # 08-077, This has two open IES cases
- ✓ Sea Life Wild Park, Complaint # 08-057 has no results as of October 14, 2008.



478 11/12/08

Need to be
completely done
over.

will discuss
on Thursday

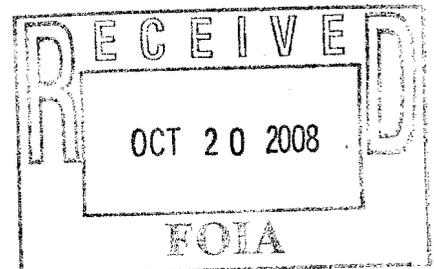
Felicia L
Hubb/MD/APHIS/USDA
10/16/2008 11:36 AM

To Bevelyn R Whitfield/MD/APHIS/USDA,
cc
bcc
Subject FOIA 08-1212

Good Afternoon,

This is the official IES response to FOIA request 08-1212. The records involved with this request (MO07035 & MT08008) have been scanned and will be hand delivered to your office. This file is being close out with this response.

Thank You,
Felicia L. Hubb
Program Management Specialist
Investigative & Enforcement Services
Riverdale, Maryland 20737
301-734-6339 Voice
301-734-4328 Fax
Felicia.L.Hubb@aphis.usda.gov



TO: IES

REQUESTER: Teresa Marshall(PETA)

REQUEST #: FOIA 08-1212

DUE TO FOIA: (10/10/08)

Attached is a FOIA request for documents maintained by your office. Please conduct a thorough search for all responsive records, including files that may be kept in locations other than your office.

Please complete this page and return it with one single-sided copy of the responsive records by mail to: USDA, APHIS, LPA, FOI, 4700 River Rd., Unit 50, Riverdale, MD 20737 or hand deliver to Suite 2B02.21. Address records to the attention of Bev Whitfield.

DO NOT STAPLE THE DOCUMENTS.

Search time* (clerical): _____

Search time* (professional): 15 Mins.

*Does not include photocopying time

Review time (professional): 20 Mins.

Search Conducted by:

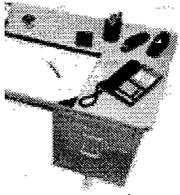
Name	Title	Office and Phone
<u>Felicia Hubb</u>	<u>Program Management Spec.</u>	<u>734-6339</u>

Missing Document Explanation/Special Notes:

The responsive records relate to an investigation. Yes No

FOIA Liaison's Initials & Date:  10/08/2008

***PLEASE NOTE: Agency records retention periods are affected by this FOIA/PA request. DO NOT DESTROY ORIGINALS for a minimum of 3 years. Please see APHIS Records Management Handbook: Inf 8 - Privacy Act Requests and Inf 9 - FOIA Requests.



Bevelyn R
Whitfield/MD/APHIS/USDA
09/30/2008 11:24 AM

To Linda F Jackson/MD/APHIS/USDA,
IESFOIA/MD/APHIS/USDA
cc
bcc
Subject FOIA Search Request 08-1212

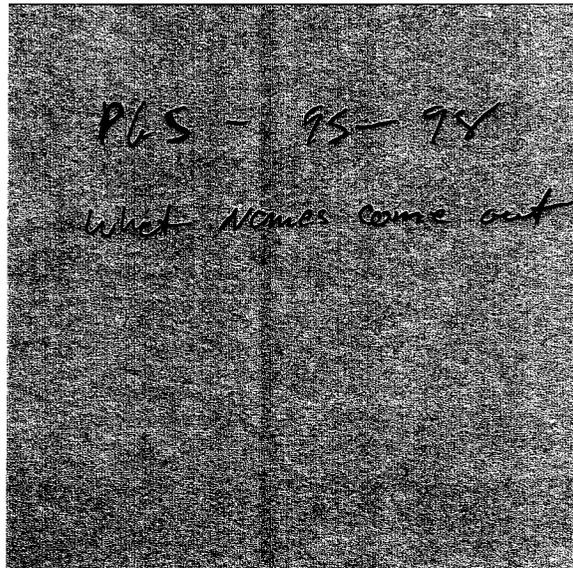
FYI.



08-1212 (request).pdf 08-1212 Search Sheet (AC).doc 08-1212 Search Sheet (IES).doc

Bev Whitfield
FOIA/PA Program Specialist
Department of Agriculture
Freedom of Information
Legislative and Public Affairs
Ph: (301) 734-5250
Fax: (301) 734-5941

BEST COPY AVAILABLE



TO: IES

**REQUESTER: Teresa Marshall
(PETA)**

REQUEST #: FOIA 08-1212

DUE TO FOIA: (10/10/08)

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Search time* (clerical): _____

Search time* (professional): _____

*Does not include photocopying time

Review time (professional): _____

Search Conducted by:

Name	Title	Office and Phone

Missing Document Explanation/Special Notes:

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FOIA Liaison's Initials & Date:

***PLEASE NOTE: Agency records retention periods are affected by this FOIA/PA request. DO NOT DESTROY ORIGINALS for a minimum of 3 years. Please see APHIS Records Management Handbook: Inf 8 - Privacy Act Requests and

TO: Animal Care

REQUESTER: Teresa Marshall
(PETA)

REQUEST #: FOIA 08-1212

DUE TO FGIA: (10/10/08)

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DO NOT STAPLE THE DOCUMENTS.

Search time* (clerical): _____

Search time* (professional): _____

*Does not include photocopying time

Review time (professional): _____

Search Conducted by:

Name	Title	Office and Phone
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_____	_____	_____
_____	_____	_____

Missing Document Explanation/Special Notes:

The responsive records relate to an investigation. Yes No

FOIA Liaison's Initials & Date:

***PLEASE NOTE: Agency records retention periods are affected by this FOIA/PA request. DO NOT DESTROY ORIGINALS for a minimum of 3 years. Please see APHIS Records Management Handbook: Inf 8 - Privacy Act Requests and

Case Id: MO07035 Program Code: AC Docket Number: AWA 08-031

Violation Date: 17 FEB 2007 Request Date: 21 MAR 2007 Open Date: 29 MAR 2007 Close Date: 16 FEB 2010 Promise Date: 29 MAY 2007

Case Description

FAILURE TO COMPLY WITH AWA STANDARDS

Event Information

Event No.	Event Date	State	Investigator	Stop Date	Event Description
1	29 MAR 2007	MO		28 JUN 2007	PRIMARY INVESTIGATION (CLOCK)
2	28 JUN 2007	MO	(b)(6)		SUBMITTED TO IES STAFF
3	28 JUN 2007	MO			SUBMITTED TO PROGRAM
4	09 JUL 2007	HQ	KIMBERLY NICHOLS		CASE RECEIVED
6	12 JUL 2007	HQ	ROXANNE FOLK	17 OCT 2007	SPECIALIST REVIEW (CLOCK)
7	29 OCT 2007	HQ	ROXANNE FOLK		SUBMITTED TO O.G.C.
8	04 DEC 2007	DC	* CARROLL COLLEEN A		Assigned to O.G.C. Attorney
9	16 MAR 2009	HQ	JENNIFER JACKSON		SPECIALIST REASSIGNED
10	25 MAR 2009	HQ	* CARROLL COLLEEN A		AWAITING HRG
11	16 FEB 2010	MD	FELICIA L. HUBB		PLEASE SEE MO05001 CASE FILE FOR ALL LEGALS
12	16 FEB 2010	MD	FELICIA L. HUBB		DEREK WERNER: FINAL ACTION CONSENT DECISION
13	16 FEB 2010	MD	FELICIA L. HUBB		BRECK WAKEFIELD: FINAL ACTION CONSENT DECISION

Violator Address Information

BRECK WAKEFIELD
236 PREDATOR LANE
BRANSON MO 65737
Room:

Type: Business 2nd Phone:
Phone: 417-272-0411 Fax:

Business Name: PREDATOR WORLD

DEREK WERNER
236 PREDATOR LANE
BRANSON MO 65737
Room:

Type: Business 2nd Phone:
Phone: 417-272-0411 Fax:

Business Name: PREDATOR WORLD

Witness Address Information

Case Id: MO07035 Program Code: AC Docket Number: AWA 08-031

Federal Codes Violated

Violator	CFR Title	Part	Section	Subsection	Paragraph	Subparagraph	Violation Date	Severity
BRECK WAKEFIELD	9 CFR	3	125	a			17 FEB 2007	MODERATE
BRECK WAKEFIELD	9 CFR	3	125	c			03 APR 2007	MODERATE
BRECK WAKEFIELD	9 CFR	3	127	d			17 FEB 2007	MODERATE
BRECK WAKEFIELD	9 CFR	3	127	d			03 APR 2007	MODERATE
BRECK WAKEFIELD	9 CFR	3	131	d			03 APR 2007	MODERATE
DEREK WERNER	9 CFR	3	125	a			17 FEB 2007	MODERATE
DEREK WERNER	9 CFR	3	125	c			03 APR 2007	MODERATE
DEREK WERNER	9 CFR	3	127	d			17 FEB 2007	MODERATE
DEREK WERNER	9 CFR	3	127	d			03 APR 2007	MODERATE
DEREK WERNER	9 CFR	3	131	d			03 APR 2007	MODERATE

Final Action

Violator:	BRECK WAKEFIELD	Fine Amount:	\$0
Disposition:	ADMIN	Fine Suspended:	\$0
Final Action:	CONSENT DECISION	Facility Improvement:	\$0
Effective Date:		Payment Received:	\$0
Fine Terms:		Balance:	\$0

Facility Improvement Date:

Remarks

Case Id: MO07035 Program Code: AC Docket Number: AWA 08-031

Violator:	DEREK WERNER	Fine Amount:	\$0
Disposition:	ADMIN	Fine Suspended:	\$0
Final Action:	CONSENT DECISION	Facility Improvement:	\$0
Effective Date:		Payment Received:	\$0
Fine Terms:		Balance:	\$0

Facility Improvement Date:

Remarks

Sanction

Violator	Sanction
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Case Id: MT08008 Program Code: AC Docket Number:

Violation Date: 02 NOV 2007 Request Date: 27 NOV 2007 Open Date: 06 DEC 2007 Close Date: 31 OCT 2008 Promise Date: 07 MAR 2008

Case Description

BEAR ATTACK OF CARETAKER

Event Information

Event No.	Event Date	State	Investigator	Stop Date	Event Description
1	06 DEC 2007	MT	(b)(6)	24 OCT 2008	PRIMARY INVESTIGATION (CLOCK)
2	15 OCT 2008	MT	(b)(6)		SUBMITTED TO AREA MANAGER FOR REVIEW.
3	30 OCT 2008	MD	MICHAEL K. MCCANN		SUBMITTED TO IES STAFF
4	31 OCT 2008	HQ	EDMUND GRANT		CASE RECEIVED
6	31 OCT 2008	HQ	RUTH ANN MCDERMOTT		RUSSELL KILPATRICK: FINAL ACTION INSUFFICIENT EVIDENCE

Violator Address Information

RUSSELL KILPATRICK
GENERAL DELIVERY
CORAM MT 59913
Room:

Type: Business
Phone: 406-387-4662

2nd Phone:
Fax:

Business Name: GREAT BEAR ADVENTURE

Witness Address Information

Federal Codes Violated

Violator	CFR Title	Part	Section	Subsection	Paragraph	Subparagraph	Violation Date	Severity
RUSSELL KILPATRICK	9 CFR	3	132				02 NOV 2007	

Final Action

Case Id: MT08008 Program Code: AC Docket Number: _____

Violator:	RUSSELL KILPATRICK	Fine Amount:	\$0
Disposition:	ADMIN	Fine Suspended:	\$0
Final Action:	INSUFFICIENT EVIDENCE	Facility Improvement:	\$0
Effective Date:		Payment Received:	\$0
Fine Terms:		Balance:	\$0

Facility Improvement Date:

Remarks
DR GIBBENS REQUESTED FACT FINDING. CLOSE PER DR GIBBENS AS IE PER EMAIL 11/05/08

Sanction

<u>Violator</u>	<u>Sanction</u>
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