

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

REC'D - USDA/OALJ/HCO  
2022 AUG 12 4:15 PM

In re: )  
) AWA Docket No. 22-J-0055  
) AWA Docket No. 22-J-0056  
)  
April Cicchelli, an individual, ) ORDER TO SHOW CAUSE WHY  
and Ryan Cicchelli, an individual, ) ANIMAL WELFARE ACT  
both doing business as ) LICENSE 34-C-0440  
Second Chance Rescue and Exotics, ) SHOULD NOT BE TERMINATED  
)  
Respondents. )

Pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (“Act” or “AWA”) and the regulations promulgated thereunder (9 C.F.R. § 1.1 et seq.) (“Regulations”), the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this Order to Show Cause<sup>1</sup> why AWA license 34-C-0440 should not be terminated, and alleges as follows:

JURISDICTIONAL ALLEGATIONS

1. Respondents are individuals who reside in Michigan.
2. Respondents’ mailing address will not be provided in the complaint to protect their personal privacy, but will be provided to the Hearing Clerk’s Office, United States Department of Agriculture, for the purpose of serving this complaint and future documents.
3. At all times material herein, the Respondents did business as Second Chance Rescue and Exotics.
4. At all times material herein, the Respondents operated as an exhibitor, as that term is defined in the Act and Regulations, and held AWA license 34-C-0440.

---

<sup>1</sup> 7 C.F.R. § 1.132 (“complaint” defined as, *inter alia*, an order to show cause).

## BASIS FOR TERMINATION

5. The AWA is a remedial statute enacted to “insure that animals . . . are provided humane care and treatment.” Section 2.12 of the Regulations, through section 2.11, authorizes the Department to terminate any license of a person who:

“Has made any false or fraudulent statements or provided any false or fraudulent records to the Department or other government agencies, or has pled *nolo contendere* (no contest) or has been found to have violated any Federal, State, or local laws or regulations pertaining to the transportation, ownership, neglect or welfare of animals, or is otherwise unfit to be licensed and the Administrator determines that the issuance of a license would be contrary to the purposes of the Act.” 9 C.F.R. § 2.11(a)(7).

6. On or about November 15, 2021, the Respondents submitted a re-license application to APHIS to add wild and/or exotic felids to AWA license 34-C-0440.

7. On or about January 26, 2022, APHIS conducted a re-license inspection of the Respondents’ facilities.

8. On or about March 14, 2022, APHIS denied the Respondents’ re-license application based, in substantive part:

On January 26, 2022, you [the Respondents] provided false statements to APHIS officials during an AWA relicensing inspection. Specifically, when questioned as to whether all animals had been seen during the inspection, you indicated all animals had been seen and there were no additional animals. APHIS officials then informed you they were in possession of a Certificate of Veterinary Inspection (CVI) showing you had acquired a young mountain lion, which you denied. When APHIS officials told you the CVI showed the animals had been shipped to Michigan, you subsequently admitted you were in possession of the animal....

Additionally, [On January 26, 2022] APHIS officials questioned whether you [the Respondents] had acquired a North American River otter. You indicated you had not acquired the animal due to tick infestation. However, APHIS officials found records showing you had signed for, and received, possession of an otter on October 8, 2021.

9. On March 25, 2022, the Respondents requested an administrative hearing to contest the denial.

10. On or about May 16 and 17, 2022, in an administrative hearing, in front of Administrative Law Judge (ALJ) Jill Clifton, ALJ Clifton upheld the denial letter.

11. On or about Monday, May 23, 2022, at 11:43:14 AM, the Respondents emailed ALJ Clifton and stated, “We [the Respondents] won’t be appealing and would like it to go off the court date.” As a direct result, on or about Thursday, May 26, 2022 at 8:30 AM, ALJ Clifton issued a clarifying order reaffirming the findings and clarifying the beginning and end of the one year period of waiting, pronouncing that the Decision and Order was final and effective as of May 17, 2022, and that the one year period that the Petitioners [the Respondents] must wait to reapply to relicense, runs from May 17, 2022 through May 17, 2023.

12. Permitting the Respondents to continue to hold an AWA license would be contrary to the Act’s purpose of ensuring humane treatment of animals because the Respondents have been found to have made false or fraudulent statements to the Department. Respondents’ actions constitute an abuse of the licensure privileges of the AWA. The Administrator has determined that the renewal or continuation of the Respondents’ license (AWA license 34-C-0440) would be contrary to the purposes of the Act, and that said license should be terminated.

WHEREFORE, APHIS requests that for the purpose of determining whether AWA license 34-C-0440 should not be terminated in accordance with the Act and the regulations issued under the Act, this Order to Show Cause shall be served upon the Respondents, who shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et seq.). Failure to file an answer shall constitute an admission of all the material allegations of this Order to Show Cause. APHIS requests that unless the Respondents fails to file an answer within the time allowed therefore, or files an answer admitting all the material allegations of this

Order to Show Cause, that this proceeding be decided based upon the written record, or by summary judgment; or, alternatively, following an oral hearing in conformity with the Rules of Practice governing proceedings under the Act; and that such order or orders be issued as are authorized by the Act and warranted under the circumstances.

Done at Washington, D.C.  
this 12<sup>th</sup> day of August 2022



Kevin Shea  
Administrator  
Animal and Plant Health Inspection Service

John V. Rodriguez  
Attorney for the Complainant  
Office of the General Counsel  
United States Department of Agriculture  
Room 2319, South Building  
1400 Independence Avenue, S.W.  
Washington, DC 20250-1400  
Telephone: (202) 720-2510  
Email: [john.rodriguez@usda.gov](mailto:john.rodriguez@usda.gov)