

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)
) AWA Docket No. 23-J-0007
)
Jimmy Wayne Hammonds, an individual,)
doing business as The Monkey Whisperer)
LLC,)
) ORDER TO SHOW CAUSE WHY
) ANIMAL WELFARE LICENSE
) 58-B-0614 SHOULD NOT BE
) TERMINATED
Respondent.)

Pursuant to the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*) (Act or AWA) and the regulations issued 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 Cause¹ why AWA license 58-B-0614 should not be terminated, and alleging as follows:

JURISDICTIONAL ALLEGATIONS

1. Jimmy Wayne Hammonds is an individual who resides in the State of Florida.
2. Respondent's mailing address will not be provided in the complaint to protect the Respondent's personal privacy but will be provided to the Hearing Clerk, United States Department of Agriculture, for the purpose of service of this complaint and future documents.
3. Respondent holds Animal Welfare Act license 58-B-0614.

¹ 7 C.F.R. § 1.132 ("complaint" defined as, *inter alia*, an order to show cause).

BASIS FOR TERMINATION

4. The AWA is a remedial statute enacted to “insure that animals . . . are provided humane care and treatment.” Section 2.12 of the Regulations, through the bases enumerated in section 2.11, authorizes the Department to terminate any license issued to 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).

5. On or about March 2, 2022, in case 8:20-cr-00401-WFJ-AAS, in the United States District Court, Middle District of Florida, Tampa Division, the Respondent was found to have violated the Lacey Act, and the Endangered Species Act (“ESA”), both federal laws, that pertain to the transportation, ownership or welfare of animals as set out in the plea agreement filed with the district court on February 28, 2022 and described in the indictment filed with the district court on December 16, 2020:

a. On or about September 28, 2017, continuing through on or about February 15, 2018, the Respondent knowingly conspired with others to commit offenses against the United States, in violation of 16 U.S.C. §§ 3372(a)(2) and 3373(d)(1)(B), to wit: to knowingly engage in conduct that involved the sale, intent to sell, purchase, and intent to purchase of wildlife with a market value in excess of \$350, specifically a capuchin monkey, and knowingly transport, sell, receive, acquire, and purchase this wildlife in interstate commerce, knowing that this wildlife was possessed and transported in violation of the laws and regulations of any state, that is, Fla. Admin. Code R. 68A-6.0023(7) (2018), Cal. Code Regs. tit. 14, § 671, and Calif. Fish & Game Code § 2118.

b. On or about March 10, 2016, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, specifically a cotton-top tamarin, to an individual residing in Wisconsin, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

c. On or about April 7, 2017, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, specifically a cotton-top tamarin, to an individual residing in Alabama, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

d. On or about October 24, 2017, the Respondent knowingly sold and offered for sale in interstate commerce wildlife, specifically two cotton-top tamarins, to an individual residing in South Carolina, and that wildlife was listed as an endangered species, in violation of 16 U.S.C. § 1538(a)(1), § 1540(b)(1), and 18 U.S.C. § 2.

6. Permitting the Respondent to continue to hold an AWA license would be contrary to the Act's purpose of ensuring humane treatment of animals because the Respondent has been found to have violated the Lacey Act, the ESA, and State, or local laws or regulations all pertaining to the transportation, ownership or welfare of animals. Respondent's actions constitute an abuse of the licensure privileges of the AWA. As a result, the Administrator has determined that the renewal or continuation of the Respondent's license would be contrary to the purposes of the Act, and that said license should be terminated.

WHEREFORE, it is hereby ordered that for the purpose of determining whether the Respondent has in fact violated the Act and the Regulations issued under the act, this complaint shall be served upon the Respondent. Respondent shall file an answer with the Office of the Hearing Clerk, Room 1031-South Building, United States Department of Agriculture, 1400

Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this complaint. APHIS requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington DC
this 3rd day of Nov. 2022



Kevin Shea
Administrator
Animal and Plant Health Inspection Service

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