

Full text of "OR08076 AC CJ's Great Cats World Park and Craig Wagner 11 18 13"

See other formats

In re:

CJ'S GREAT CATS WORLD PARK, INC., an Oregon corporation; and CRAIG WAGNER, an individual,

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

Docket No. 14

individual,

Respondents.

COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. §2131 et seq .lithe "Act" or "AW A"), and th

e regulations and standards issued thereunder (9 C.F.R. §1.1 et seq .lithe "Regulations" and "Standards"). Therefore, the Administrator of the Animal and Plant Health Inspection Service ("APHIS") issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1 . CJ's Great Cats World Park, Inc. ("CJ's World Park"), is an Oregon corporation whose president, secretary, director, and registered agent for service of process is Craig Wagner and/or Craig Warner, whose mailing address is 27919 Redwood Highway, Cave Junction, Oregon 97523. At all times mentioned herein, said respondent was operating as an exhibitor, as that term is used in the Act and the Regulations, and has held AWA license 92-C-0144 since approximately March 26, 2008.

2. Craig Wagner is an individual whose mailing address is 27919 Redwood Highway, Cave Junction, Oregon 97523. On information and belief, complainant alleges that respondent Craig Wagner is also known as Craig Warner. At all times mentioned herein, said respondent was the president, secretary, registered agent, and director of respondent CJ's World Park and operated as an exhibitor, as that term is used in the Act and the Regulations, or acted for

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or was employed by an exhibitor (respondent CJ's World Park), and his acts, omissions, or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent CJ's World Park. Respondent Wagner operated as an exhibitor and held a license, or was a principal of a licensed exhibitor, on or about the following dates:

- a. 1993-1994; Wild River Exotics, AWA license number 41 -C-0066;
- b. 1994-2004; Craig Wagner dba Center for Endangered Cats, AWA license number 41-C-0082;
- c. 2004; Cynthia Gamble and Craig Wagner partnership; AWA license number 41 -C-0013 ;
- d. 2004-2005; Great Cats of the World Park, AWA license number 92-C-0128;
- e. 2005-2008; Great Cats of the World Park, Inc., AWA license number 92-C-0128.

3. Respondents operate a zoo (as that term is defined in the Regulations), and exhibit approximately 46 wild and exotic animals. Respondents conduct exhibitions both on and off-site. The gravity of the violations herein is great, and include repeated noncompliance with the Regulations and failure to meet the minimum Standards for handling animals, resulting in injuries. In 1990, respondent Wagner was charged in Wisconsin with, and pled no contest to, possession of wild animals without a permit and the sale of an endangered animal. Wisconsin v. Wagner, Polk Cty. Cases 1990F0000003, 1990F0000004. In 1993, respondent Wagner was convicted in Wisconsin of animal neglect. Wisconsin v. Wagner, Case No. 92 CM 185 (Wisconsin, 1993)(Wisc. Stat. 951.13: "No person owning or responsible for confining or impounding any animal may fail to supply the animal with a sufficient supply of food and water as prescribed in this section."). Respondent Wagner was sentenced to 9 months in jail (stayed), placed on

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probation for four years, and ordered to pay \$45,308 in restitution. On June 24, 1994, APHIS offered a stipulation to respondent Wagner, with respect to alleged violations stemming from his exhibition of animals without adequate distance and/or barriers between animals and the public. APHIS issued an official warning notice (MN 04-002-AC) to respondent Wagner, dba Center for

Endangered Cats, with respect to the failure on March 12, 2004, to provide minimally-adequate veterinary care to a snow leopard, two Amur leopards, a lynx, and a caracal, to provide animals with potable water and sufficient food, and to have adequately-trained employees. On August 2, 2006, Great Cats of the World was found by a federal district court to have conspired to violate the Endangered Species Act (18 U.S.C. § 371, 16 U.S.C. § 1538(f)), by "agreeing with others to sell and offer to sell endangered species, namely ocelots, in interstate commerce." U.S. v. Great Cats of the World, Inc., No. CR 06-3 14-M0 (D. Or.)(Plea Agreement, August 2, 2006, signed by respondent Wagner).

ALLEGED VIOLATIONS

4. On or about November 21, 2008, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards. Respondents failed to repair the mesh wire panel between enclosures housing jaguars, which had a roughly one foot square hole, exposing the animals to injury. 9 C.F.R. § 3.125(a).

5. On July 10, 2009, respondents failed to make, keep and maintain records of the acquisition of four animals (two clouded leopards, one tiger and one snow leopard), as required, in willful violation of the Regulations. 9 C.F.R. § 2.75(b)(1).

6. On or about February 4, 2011, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards. Respondents failed to repair

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the jaguar enclosure, which had a softball-size hole in the wall paneling, exposing exterior metal and compromising the structural integrity of the enclosure. 9 C.F.R. § 3.125(a).

7. On or about July 2, 2011, at Larkspur, Colorado, respondents failed to handle a tiger and two leopards during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tigers and the general

viewing public so as to assure the safety of the animal and the public, and failed to handle a tiger and two leopards as carefully as possible, in willful violation of the Regulations. 9 C.F.R.

§§ 2.131(b)(1), (c)(1).

8. On or about July 7, 2011, at Larkspur, Colorado, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards. Respondents' enclosure housing a caracal (Twister) had a hole under the fence of adequate size to permit the caracal to escape or the entrance of other animals, and the shelter for an ocelot (Pepe) had a nail protruding from the top that could injure the animal. 9 C.F.R. § 3.125(a).

9. On or about November 26, 2011, at Cave Junction, Oregon, respondents failed to handle a leopard and a tiger as carefully as possible, and failed to handle the leopard and tiger during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of the animals and the public, and specifically, (1) respondents held a "photo shoot" with a teenager, in which the teenager was permitted to handle a tiger and a leopard directly, with no distance and/or barrier, whereupon the leopard bit the teenager; and (2) following the leopard's biting the teenager, respondents placed a leopard loose and unattended inside respondents' admissions building/gift shop, whereupon three visitors (two adults and a

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toddler) entered the building, and the leopard attacked and injured the toddler, and thereafter injured one of the adults, all in willful violation of the Regulations. 9 C.F.R. §§ 2.131(b)(1),

(c)(1).

10. On or about November 26, 2011, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards. Respondents housed a

leopard

in a manner that exposed the animal to risk of harm, namely, inside respondents' admissions building/gift shop, which was open and accessible to the public, and could permit the animal to escape. 9 C.F.R. § 3.125(a).

11. On or about May 6, 2013, respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards, as follows:

a. Respondents housed a tiger (Zena) in a manner that exposed the animal to risk of harm, in that the enclosure's plywood wall has a large, basketball-size hole that left the outer sheet metal panels exposed. 9 C.F.R. § 3.125(a).

b. Respondents housed exotic felids (Geoffroy's cats) in an enclosure with a build-up of urine and debris on the walls. 9 C.F.R. § 3.131(a).

12. On or about July 20, 2013, at Larkspur, Colorado, respondents failed to handle animals as carefully as possible, and, during public exhibition, failed to handle exotic felids so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of the animals and the public. Specifically, respondents exhibited leopards and tigers to the public on a stage without any physical barriers (other than a rope), or adequate distance, between the animals and the public, in willful violation of the Regulations. 9 C.F.R. §§ 2.13 1(b)(1), (c)(1).

13. On or about September 21, 2013, at Hillsboro, Oregon, respondents failed to handle animals as carefully as possible, and, during public exhibition, failed to handle exotic felids so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of the animals and the public. Specifically, respondents exhibited leopards and a tiger to the public on a stage with an inadequate physical barrier (a portable panel) and inadequate distance between the animals and the public, in willful violation of the Regulations. 9 C.F.R. §§ 2.13 1(b)(1),

(c)(1)-

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondents. The respondents 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 complaint.

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The Animal and Plant Health Inspection Service requests that unless the respondents fail

to file an answer within the time allowed therefor, or file an answer admitting all the material

allegations of this complaint, this proceeding be set for 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 1 day of 20 1 3

Administrator

Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
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Office of the General Counsel
United States Department of Agriculture
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Help save Krissy and Boo

Posted: 4 January 2010. Updated: 4 January 2010

Beaten, chained, passed from one owner to the next.... The sad lives of Boo and Krissy – the elephants the USDA left behind....

On August 22, 2009 we were delighted as circus elephants Tina and Jewel were confiscated by the US Department of Agriculture (USDA) in Leggett, Texas. They were taken to San Diego Zoo. The elephants were owned by the notorious Wil (Wilbur) Davenport.



Tragically **the elephant Boo (also known as Queenie) who ADI met during our investigation of US circuses was left behind – chained to a tree.** Davenport surrendered his USDA exhibitor's license. And just a few miles away **Boo's one time companion, Krissy, remained with the Swain family.**

On October 26, 2009, The USDA filed formal charges against Wilbur Davenport for multiple violations of the federal Animal Welfare Act (AWA). The charges state that *"the gravity of the violations alleged...is great"* and that Davenport has *"not shown good faith"* in his repeated unwillingness to comply with AWA regulations. The charges include:

- ▶ **Defying federal officials.** Three counts of abusing and harassing USDA/APHIS officials, including refusal to give federal officers access to animals and facilities.
- ▶ **Seven counts of failure to provide minimal veterinary care** to the elephants between March 2008 and August 2009, including failures to provide appropriate tests, vaccinations and to keep records of life-threatening weight loss that was documented, chronic and visible.
- ▶ **Failing to handle elephants safely and humanely:** Four counts, including an incident in Indianapolis when all three elephants were used to give rides and one elephant (Boo) and 13 people, many of them children, were injured.
- ▶ **Failing to abide by welfare standards:** Five counts of violating the minimum standards of the AWA including failure to protect the elephants from extreme temperatures and failure to provide food of sufficient quantity and nutritive value.

Under the AWA, penalties of up to **\$2500** for each day of each violation can be assessed against Davenport, and consideration is to be given to the gravity of these violations and to his failure to show compliance – good faith. Interfering with the duties of federal officials, as Davenport is alleged to have done, can result in up to **three years of imprisonment.**

The Background

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Stop Circus Suffering

José & Liso
Anti-Poaching Fund

ADI President's Blog

Celebrity Support

Sign up for our email newsletter

Planned giving & legacies

Work with ADI

An ADI field officer first met Asian elephant Boo (who has also been known as Baby Ruth and Queenie) and African elephant Krissy/Chris (both names are used) in 2004; Boo was then 35 years old and Krissy about 20 years old.



At that time, Mike Swain (who does business as Progressive Pachyderms) claimed that he owned Boo. He told our field officer that Krissy was owned by his father, Bill Swain, who does business as Trunks and Humps.

Mike Swain was touring that year with Bailey Brothers Circus, and our field officer worked alongside him for two months filming and recording how the elephants lived.

View the Undercover Footage here

During the day, the elephants lived in a small electric fenced enclosure and at night (from about 9.30pm) were chained inside the trailer. Typically, they were unshackled and let out of their semi/trailer about mid-morning, after spending the night for about 13 hours chained with no water. Mid-afternoon they would be prepared for elephant rides and then the show. The elephants were chained at least 54% of the time. Whenever Mike Swain left the site or was inside his trailer (usually every day for two to four hours), Krissy would be chained to the semi by a leg due to her repeated attempts to escape. This chain was only 2½ feet long, severely restricting her movements.

When the circus moved on, the elephants spent excessive periods of time stuck in the trailer. They would be moved out at about 6am (still in the semi from the previous night); they remained chained in the trailer for the duration of the journey; then on arrival they waited in the trailer a further 2-3 hours while the site was set up.

On one occasion, they spent the whole day inside the trailer traveling to a Hindu festival to give rides. A couple of days later, they traveled from Austin to Kansas and did not leave the trailer for the entire day. They had been out of the trailer for only six of the previous 72 hours, and that had been to give rides at the festival. The next day, the elephants were driven to Butler, Missouri and were not let out of their trailer until noon. Krissy was immediately chained up outside and was unchained only for the afternoon show.

When the trailer door was not secured properly during the day she would bang on it with her trunk. Krissy often threw objects (hay, stones, feces, dirt, rubber dishes) at people, both circus workers and members of the public. She would often eat rubbish found in her enclosure, such as plastic and paper bags. When fed by the public she would snatch the plastic/paper bag containing the food and eat everything. Krissy frequently tried to escape, even dismantling the electric fence on several occasions (Swain thought she was becoming accustomed to the electric shock). She threw hay, grass and stones at people and had a reputation for aggression, cornering and pushing circus workers.

Elephants are designed to travel long distances each day, browse a variety of plants, and have a highly developed social structure. Keeping such large, powerful animals in temporary accommodations has a severe impact on their welfare, because they are constantly chained. In such confined and deprived conditions they literally go out of their minds. We call it circus madness.

ADI caught Mike Swain on video cruelly beating Krissy with a bullhook, dragging her to the ground with the hook, and then kicking her in the face as he screamed at her. Boo cowers next to her. Swain was also filmed hitting the elephants with a golf

club and giving them electric shocks.

USDA Complaint

ADI presented our evidence to the USDA, but we were told in April 2009 that they would not be taking further action because Swain had told them that he did not currently own any elephants, nor was he currently handling any.

We therefore continued to track these two elephants. This year Krissy was back with Mike Swain's father Bill doing elephant rides and Boo was performing for the Davenport family. And who had been running Bailey Brothers Circus where we filmed the savage abuse of the elephants? The Davenport family.

In 2007 and 2008, Boo/Queenie appeared with Tina and Jewel for the Davenports at Circus Vasquez (named Queenie for one year, Boo the next). In the 2009 season, she performed at Will Davenport's Hamid (Midian Shrine) Circus. Will Davenport claims that Bill Swain, who sold her to Gopher (John) Davenport (aka John Lewis), previously owned Boo.

Krissy has continued to perform for the Swain family. In April, as the USDA told us he was no longer handling elephants, Mike Swain posed for a picture with Krissy – on her knees, a front leg raised in the air, with Mike Swain next to her holding a stick or bullhook and grinning at the camera.

We tracked the Swains this year and found Krissy giving elephant rides with two other elephants, Jean and another African elephant believed to be Nanda – all three of these poor animals were taken from the wild. When she wasn't giving rides, she was chained up. And guess who is reported to have previously owned Krissy? John (Gopher) Davenport.

There is also evidence that Mike Swain has owned a 35-year old female African elephant called Spanky since 1996; the USDA needs to follow this up. ADI has submitted a new dossier to the USDA on the Swains and the Davenports and their elephants, and we are insisting that a new investigation is launched.

How to help Boo/Queenie and Krissy

Write to the USDA today

Tom Vilsack,
Secretary of Agriculture,
U.S. Department of Agriculture,
1400 Independence Ave. S.W.,
Washington, DC 20250;
and

APHIS Administrator Kevin Shea:
Phone: 202-720-3861.
Email: Kevin.A.Shea@usda.gov



Thank them for protecting Tina and Jewel:

Urge them to return to Leggett, Texas, and confiscate Boo/Queenie who is now living in isolation.

Ask them to extend the USDA's investigations to Bill Swain of Conroe and Mike Swain of Cut and Shoot, Texas, who regularly work with Davenport.

Urge them to seize Krissy/Chris, Jean, Nanda, and Spanky.

Remind them of the video of horrific abuse and deprivation Krissy and Boo/Queenie endured at the hands of Mike Swain in a circus run by the

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) Dockets Nos. 14-0035 and
) 14-0036
CJ'S GREAT CATS WORLD PARK, INC., an)
Oregon corporation; and CRAIG WAGNER, an)
individual;)
)
Respondents.) CONSENT DECISION AND
ORDER

REC'D - USDA/DALJ/OHC
2020 JAN 9 AM 11:22

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 *et seq.*)(Act), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 *et seq.*).

This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondents admit the jurisdictional allegations in the complaint and specifically admit that the Secretary has jurisdiction in this matter, neither admit nor deny the remaining allegations, waive oral hearing and further procedure, waive all rights to seek judicial review and otherwise challenge or contest the validity of this decision, including waiving challenges to the Administrative Law Judge's authority to enter this Decision and Order under the Administrative Procedure Act and the Constitution of the United States, and waive any action against the United States Department of Agriculture under the Equal Access to Justice Act of 1980 (5 U.S.C. § 504 *et seq.*) for fees and other expenses incurred by respondent in connection with this proceeding or any action against any USDA employee in their individual capacity.

The parties consent and agree for the purpose of settling this proceeding, to the entry of this decision, and resolving any and all other alleged or potential violations of the Act by

respondents occurring up to and including December 20, 2019. This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138). The complainant agrees to the entry of this decision.

FINDINGS OF FACT

1. CJ's Great Cats World Park, Inc. (CJ's World Park), is an Oregon corporation whose president, secretary, director, and registered agent for service of process is Craig Wagner, whose mailing address is [REDACTED]. At all times mentioned herein, said respondent was operating as an exhibitor, as that term is used in the Act and the Regulations, and has held AWA license 92-C-0144 since approximately March 26, 2008.

2. Craig Wagner is an individual whose mailing address is [REDACTED]. At all times mentioned in the complaint, said respondent was the president, secretary, registered agent, and director of respondent CJ's World Park and operated as an exhibitor, as that term is used in the Act and the Regulations, or acted for or was employed by an exhibitor (CJ's World Park), pursuant to section 2139 of the Act (7 U.S.C. § 2139).

Respondent Wagner operated as an exhibitor and held a license, or was a principal of a licensed exhibitor, on or about the following dates:

- a. 1993-1994; Wild River Exotics, AWA license number 41-C-0066;
- b. 1994-2004; Craig Wagner dba Center for Endangered Cats, AWA license number 41-C-0082;
- c. 2004; Cynthia Gamble and Craig Wagner partnership; AWA license number 41-C-0013;
- d. 2004-2005; Great Cats of the World Park, AWA license number 92-C-0128;
- e. 2005-2008; Great Cats of the World Park, Inc., AWA license number 92-C-0128.

CONCLUSION OF LAW

Respondents having admitted the findings of fact set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

ORDER

1. Respondents Craig Wagner and CJ's Great Cats of the World Park, Inc., their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. Respondents are jointly and severally assessed a civil penalty of Six Thousand Dollars (\$6,000), which shall be paid by January 15, 2020, by check made payable to the Treasurer of the United States, indicating that the payment is in reference to AWA Docket Nos. 14-0035 and 14-0036, and sent to:

USDA, APHIS, MISCELLANEOUS
P.O. Box 979043
St. Louis, Missouri 63197-9000

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

CJ's Great Cats World Park, Inc.,
an Oregon corporation


Craig Wagner
Respondent

By: 
Craig Wagner
Respondent

[REDACTED]
Ciarra Toomey
Attorney for Complainant

[REDACTED]
Carson Bowler
Attorney for Respondents

Done at Washington, D.C.,
this 9 day of ~~December 2019~~
January 2020

[REDACTED]
Jill S. Clifton
Administrative Law Judge



Inspection Report

TRUNKS & HUMPS, INC.

Customer ID: 4863

Certificate: 74-C-0140

Site: TRA

TRUNKS & HUMPS, INC.

P. O. BOX 7216

Type: ROUTINE INSPECTION

CUT AND SHOOT, TX 77306

Date: Jul-07-2011

2.131 (c) (1)

REPEAT

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 licensee was returning to the ride arena after participating in a parade with one female African elephant, Paige, and walked the elephant through a crowd of public bystanders. The walkway (approximately 20 feet wide) was crowded on both sides and in front of the elephant by the public. There were staff that were supposed to be keeping the public at a safe distance from the elephant while the handler was focused on the elephant but, as the elephant and handler approached the ride arena, there were no staff between the elephant and 2 small children that were within one foot of the elephant. This is not adequate handling to ensure the safety of the animals and the public.

Animal handling must be done with sufficient distance and/or barriers to minimize the risk of harm to the animal and the public.

This is a repeat noncompliance which was cited during the inspection performed on 7/31/10 and which was to be corrected by 7/31/10.

2.131 (d) (3)

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.>>

Three elephants were being used for rides by the public at the Renaissance Fair on 7/2/11. This APHIS official observed at least two incidences where only one handler was attempting to control two elephants carrying members of the public for rides. The handler would attempt to control both animals by walking at the rear of the first elephant, Chrissy, and at the head of the second elephant, Paige. When the first elephant would move up to the ride stand to unload and reload passengers, the elephant was seen to reach over or under the barrier when public would try to touch or feed her. The handler was not able to

Prepared By:

TRACY THOMPSON, D.V.M.

TRACY A THOMPSON, D.V.M. USDA, APHIS, Animal Care

Date:

Title:

VETERINARY MEDICAL OFFICER Inspector 5044

Nov-21-2011

Received By:

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

Date:

Title:

Nov-21-2011



Inspection Report

control what the first elephant was doing while remaining focused on the second elephant that was still loaded with passengers.

Dangerous animals such as elephants must be under the direct control and supervision of a knowledgeable and experienced animal handler during public exhibition.

To be corrected immediately.

Accompanied on the inspection by the Owner and Cindy Rhodes, ACI. Inspection performed on 7/2/11 and 7/7/11 at the Renaissance Fair, Larkspur, Colorado. Exit interview conducted on site.

***NOTE: This inspection report has been amended to show the date that the inspection was completed was 7/7/11. The noncompliances cited were observed during an inspection on 7/2/11 during public exhibition at the Renaissance Fair in Larkspur, CO.

Prepared By:

TRACY THOMPSON, D.V.M.

TRACY A THOMPSON, D.V.M. USDA, APHIS, Animal Care

Title:

VETERINARY MEDICAL OFFICER Inspector 5044

Date:

Nov-21-2011

Received By:

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

Date:

Nov-21-2011



Inspection Report

TRUNKS & HUMPS, INC.

Customer ID: 4863

Certificate: 74-C-0140

Site: TRA

TRUNKS & HUMPS, INC.

P. O. BOX 7216

Type: ROUTINE INSPECTION

CUT AND SHOOT, TX 77306

Date: Jul-25-2010

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 licensee left the ride arena to participate in a parade with one female African elephant, Paige, and walked the elephant through a crowd of public bystanders with only one other assistant behind the elephant. The walkway (approximately 20 feet wide) was crowded on both sides and in front of the elephant by the public. Within a short distance (~100 yards) from the arena, the elephant stopped to defecate and urinate. The licensee left the elephant's side to help the assistant clean up the manure and there was no handler in control of the elephant nor any other

employees/assistants on hand to ensure the public did not approach the animal during this time. This is not adequate handling to ensure the safety of the animals and the public.

Animal handling must be done with sufficient distance and/or barriers to minimize the risk of harm to the animal and the public.

To be corrected by 7/31/10.

2.131 (d) (4)

HANDLING OF ANIMALS.

<< If public feeding of animals is allowed, the food must be provided by the animal facility and shall be appropriate to the type of animal and its nutritional needs and diet.>>

During the elephant rides, the elephant, Jean, was seen to take food from the public who were observing from outside of the ride arena barrier fence. The food was not being provided by the animal facility and the licensee stated that regularly members of the public will ask to feed the elephants with food such as peanuts and apples that they have brought themselves, not provided by the animal facility. Allowing the public to feed the elephants anything they bring poses a risk to the animals' health and well-being as the food may not be appropriate for its nutritional needs and diet.

Prepared By:

TRACY A THOMPSON, D.V.M. USDA, APHIS, Animal Care

Date:

Title: VETERINARY MEDICAL OFFICER Inspector 5044

Sep-23-2011

Received By:

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

Date:

Title:

Sep-23-2011



Inspection Report

Public feeding of animals shall only be done with food provided by the animal facility and which is appropriate to the type of animal and its nutritional and dietary needs.

To be corrected immediately.

Inspection performed at the Renaissance Fair in Larkspur, CO Accompanied on the inspection by the licensee. Exit interview performed on site with the licensee.

NOTE: This is a corrected report to reflect an error in the original report designating a noncompliance under the heading for Section 2.131 (c)(2) instead of the correct heading for Section 2.131 (c)(1). Corrected report sent via certified and regular mail to the licensee.

Prepared By:

TRACY A THOMPSON, D.V.M. USDA, APHIS, Animal Care

Date:

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Sep-23-2011

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