

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 07-0183
)	
GREAT CATS OF INDIANA, INC., an)	
Indiana corporation; LAUROB, LLC,)	
an Indiana limited liability company, and)	
ROBERT B. CRAIG and LAURA)	
PROPER, individuals doing business as)	
GREAT CATS OF INDIANA,)	
)	
Respondents.)	DECISION AND ORDER

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, and subsequently amended, alleging that the respondents willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This initial decision and order is entered pursuant to section 1.141(e) of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.141(e)).

The Administrator of the Animal and Plant Health Inspection Service ("APHIS") initiated this case in furtherance of USDA's statutory mandate under the Act to ensure that animals transported, sold or used for exhibition are treated humanely and carefully.¹ In its amended complaint, APHIS seeks penalties against respondents for violating the Act and the regulations and standards promulgated thereunder, 9 C.F.R. § 2.1 et seq. (the "Regulations" and "Standards"). The respondents filed an answer denying material allegations of the complaint.

¹The Animal Welfare Act, 7 U.S.C. § 2131 et seq. (the "Act"), was originally passed by Congress specifically to address the public's interest in preventing the theft of pets and in ensuring that animals used in research were treated humanely. The Act was amended to regulate the transportation, purchase, sale, housing, care, handling and treatment of animals used for exhibition purposes or as pets

The hearing of this matter was scheduled to commence on January 4, 2010, by notice filed April 29, 2009, following a teleconference held by me on that date. Respondents were represented by respondent Robert B. Craig. On December 15, 2009, I filed a Hearing Room Designation stating that the hearing would be held in Lafayette, Indiana, and identifying the building, address, and courtroom. The Hearing Clerk sent a copy of that notice to respondents on December 16, 2009. Respondents were duly notified of the time, place and location of the scheduled hearing.

On January 4, 2010, I presided over an oral hearing in this matter in Lafayette, Indiana. Complainant was represented by Colleen Carroll, Office of the General Counsel, U.S. Department of Agriculture. Respondents failed to appear at the hearing without good cause. Pursuant to the Rules of Practice, respondents are deemed to have waived the right to an oral hearing and to have admitted all of the material allegations of fact contained in the amended complaint. 7 C.F.R. §1.141(e). Complainant elected to follow the procedure set forth in section 1.139 of the Rules of Practice. Therefore, I issue this initial decision and order on January 4, 2010.

FINDINGS OF FACT

1. Respondent Great Cats of Indiana, Inc. (“GCI”), is an Indiana corporation (number 2001112600247, incorporated November 21, 2001) whose address is 10471 East Highway 24, Idaville, Indiana 47950, and whose agent for service of process is respondent Robert B. Craig. At all times mentioned herein, respondent GCI operated as an exhibitor as that term is defined in the Act. Respondent GCI has never held an Animal Welfare Act license.

2. Respondent Laurob, LLC (“Laurob”) is an Indiana limited liability company (number 2003021700011, formed on January 30, 2003) whose address is 10471 East Highway 24, Idaville, Indiana 47950, and whose agent for service of process is respondent Robert B. Craig. Beginning

in January 2003, respondent Laurob operated as an exhibitor as that term is defined in the Act, and since February 24, 2004, has held Animal Welfare Act license 32-C-0186, issued to “LAUROB, LLC, DBA: GREAT CATS OF INDIANA.” In its initial license application submitted in July 2003, Laurob identified itself as a limited liability company doing business as “Great Cats of Indiana.” Its 2005 through 2008 license renewal forms represent that it is a corporation. In its application, Laurob identified the nature of its business as both a “zoo” and a “broker.”

3. Respondent Robert B. Craig is an individual whose mailing address is 10471 East Highway 24, Idaville, Indiana 47950. Complainant is informed and believes and on that basis alleges that respondent Craig is a director and officer of respondent GCI and a manager of respondent Laurob, and since approximately November 2001 has operated as an exhibitor using the names “Great Cats of Indiana” and Cougar Valley Farms, Inc.

4. Respondent Laura Proper is an individual whose mailing address is 10471 East Highway 24, Idaville, Indiana 47950. Complainant is informed and believes and on that basis alleges that respondent Proper is a director and officer of respondent GCI and a manager of respondent Laurob, and since approximately November 2001 has operated as an exhibitor using the names “Great Cats of Indiana” and Cougar Valley Farms, Inc.

5. Respondents Craig and Proper were the principals of Cougar Valley Farms, Inc., an Indiana corporation that validly held Animal Welfare Act license 32-B-0136, from its incorporation until its dissolution by the Indiana Secretary of State on December 8, 2001. Although a defunct corporation is not a “person,” as defined in the Act and the Regulations, and therefore cannot legitimately hold a license, for almost two years, between December 8, 2001, through September 19, 2003, respondents Craig and Proper continued to operate as dealers under the name “Cougar

Valley Farms, Inc.,” and to use (and renew) the license that APHIS had issued to Cougar Valley Farms, Inc., as their own for their own purposes.

6. Respondents operate a moderately-large business, and have regularly had custody and control of approximately 30 to 50 animals, including canids, felids and bears. The gravity of the violations in this case is great. They include repeated instances in which respondents exhibited animals without adhering to the handling Regulations, failed to provide minimally-adequate veterinary care to animals that were suffering, and failed to provide minimally-adequate housing and husbandry to animals. Respondents have not shown good faith. They have continually failed to comply with the Regulations and Standards, after having been repeatedly advised of deficiencies, and on August 30, 2004, APHIS issued a notice of warning to respondent Laurob. Respondents Craig and Proper operated for two years ostensibly using a dealer’s license issued to a defunct corporation (Cougar Valley Farms, Inc.). On November 1, 2006, respondent Craig misrepresented to inspectors that on October 25-26, 2006, he sought veterinary care from two veterinarians for a jaguar in distress, when both veterinarians confirmed to APHIS that respondent Craig had never so communicated with them.

7. Since approximately November 21, 2001, respondent GCI has continually operated as a dealer and an exhibitor, as those terms are defined in the Act and the Regulations (7 U.S.C. § 2132(h), 9 C.F.R. § 1.1), and specifically operated a “zoo,” as defined in the Regulations (9 C.F.R. § 1.1), at its business location at 10471 East Highway 24, Idaville, Indiana 47950, without having a valid license under the Act, in willful violation of the Regulations. 9 C.F.R. § 2.1(a). Since approximately December 8, 2001, and continuing through March 16, 2004, respondents Craig and Proper continued to do business as dealers and exhibitors using the name of a defunct corporation,

Cougar Valley Farms, Inc., whose AWA dealer license (32-B-0132) had, by regulation, expired upon the dissolution of Cougar Valley Farms, Inc. Complainant is informed and believes and on that basis alleges that beginning in approximately 2002, respondents Craig and Proper sought to substitute GCI as the holder of license number 32-B-0132.

8. On January 16, 2008, respondents GCI, Laurob, Craig and Proper failed to allow APHIS officials to enter their place of business, during normal business hours, to conduct an inspection of respondents' facility, animals and records.

9. On September 19, 2003, respondents Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care and regularly-scheduled visits to the premises.

10. On August 26, September 6, September 15 and September 26, 2005, and July 12, October 25-26, and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care and regularly-scheduled visits to the premises.

11. On September 15 and September 26, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) two emaciated juvenile tigers with brittle coats, (ii) a cougar (Buddy Boy) with unhealed wounds on his right front paw that occurred months before, and (iii) wolves in poor condition with bloody diarrhea.

12. On November 30, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) three bears with loose stools, (ii) three juvenile tigers, (iii) wolves, and (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, or to following the bandaging and surgical debridement prescription.

13. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services, and housed juvenile tigers in enclosures that were too small for them, and would not accommodate their rapid growth.

14. On February 28 and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to employ an attending veterinarian who had appropriate authority to ensure the provision of veterinary care to animals, as required, and specifically, respondents failed to adhere to the veterinary medical instructions of their attending veterinarian, failed to follow recommended veterinary programs and treatments, and in fact, have elected to disregard their veterinarian's advice, and instead to make their own veterinary medical decisions regarding the veterinary care for the animals in their custody.

15. On February 28, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) animals recommended for worming with fenbendazole,

(ii) animals needing testing for heartworm (*dirofilaria immitis*) and hookworm (*ancylostoma*), (iii) a lion (Mufasa) with a dental abscess, (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, and (v) animals in need of fecal exams for the treatment of parasites.

16. On July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars, (iii) a cougar (Buddy Boy) whose wounds were treated not by a veterinarian but by respondent Craig, and (iv) animals in need of fecal exams for the treatment of parasites.

17. On or about October 25-26, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to obtain any veterinary medical treatment for a jaguar that stopped eating, became aggressive, then lethargic, and died on October 26, 2006, without having been seen by a veterinarian.

18. On November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars, (iii) three thin tigers, and (iv) animals in need of fecal exams for the treatment of parasites.

19. Between January 28, 2007, through February 4, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included

the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) one tiger, one lion, one jaguar, and four cougars, all of whom died without having been seen by a veterinarian, despite their suffering from vomiting and diarrhea.

20. On March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a leopard with an open wound on its left rear, (ii) a cougar (Raja) with half of a tail, and a bloody open wound on the end, (iii) an emaciated adult lion (Cofu), and (iv) a lion (Mufasa) with a dental abscess and an open wound with hair loss on his left rear hock.

21. On April 17, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a tiger (Cooper) whose tail was docked, and its sutures removed leaving an open wound and exposed bone, (ii) an emaciated adult lion (Cofu), and (iii) a lion (Mufasa) with a dental abscess.

22. Between May 30, 2007, through August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with an untreated dental abscess.

23. On June 9, 2008, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to a cougar (Buddy Boy) with a raw, open sore on his right front paw (which paw had been the subject of an amputation that occurred years earlier), and instead, respondent Craig elected not to communicate with his attending veterinarian or to obtain veterinary care from a veterinarian, but instead simply to treat the animal himself.

24. On September 17, 2008, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent disease, and failed to provide adequate veterinary medical treatment to canids, who did not receive any heartworm preventive. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

25. On or about March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) who, having had his abscess treated (by extracting his lower left canine) (*see* ¶¶ 15-16, 18, 20-22 above), evidenced a draining tract on the bottom of his mandible; and (ii) a large felid (Samson) has a watery drainage from both eyes and crusty material around his nose.

26. On June 14, 2004, APHIS inspectors determined that on June 14, 2003, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition 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 animals and the public, and specifically, respondents exhibited a bear (Trouble) without sufficient distance and/or barriers to prevent the public from approaching and having direct contact with the bear, and a customer on a tour of the facility put her hand into the bear's cage, whereupon the bear bit off part of the customer's left index finger.

27. On January 27, April 5, approximately July, August 26, September 15, September 26, and November 30, 2005, and February 28, July 12, and November 1, 2006, and March 13, July 17, and August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition 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 animals and the public.

28. On August 29 and September 7, 2007, respondents GCI, Laurob, Craig and Proper exposed a young (five to six-week-old), immature, unvaccinated tiger to excessive public handling, and exhibited the tiger for periods of time and in a manner that would be detrimental to its health and well-being, and specifically, allowed the tiger to roam around respondents' gift store, making it available to customers.

29. Respondents failed to meet the minimum facilities and operating standards for dogs, and specifically, on March 9, 2004, respondents failed to house wolf-hybrids in enclosures that were in good repair and structurally sound.

30. Respondents failed to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), as follows:

- a. On September 10, 2002, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the shelter box for two black bears, the housing enclosure for three lions, and the female tiger enclosure.
- b. On September 10 and December 3, 2002, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste in animal enclosures.
- c. On September 10, 2002, respondents Craig and Proper failed to maintain their perimeter fence structurally sound and in good repair, and specifically, there was no perimeter fence around the enclosure for four juvenile lions.
- d. On September 10, 2002, respondents Craig and Proper failed to provide two black bears with adequate shelter from inclement weather.
- e. On September 10, 2002, respondents Craig and Proper failed to keep water receptacles for animals clean and sanitary.
- f. On September 10, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed excessive weed growth, trash and accumulated debris.
- g. On December 3, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris.
- h. On July 29, 2003, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the housing enclosure for a male lion (Chucky).

i. On July 29, 2003, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste, bedding and trash in lion and tiger enclosures.

j. On July 29, 2003, respondents Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed excessive maggots on the ground of the pathway outside the lion and tiger enclosures.

k. On September 19, 2003, respondents Craig and Proper failed to remove excreta from primary enclosures for bears as often as necessary.

l. On March 9 and June 14, 2004, April 5, August 26, September 6, September 26 and November 30, 2005, February 28, July 12 and November 1, 2006, March 13, April 17, May 30, July 17, August 29, and September 24, 2007, and March 3, 2008, respondents GCI, Laurob, Craig and Proper failed to keep water receptacles for animals functional, available, clean and sanitary, and to provide animals with clean, potable water as often as necessary for their health and well-being.

m. On March 9 and June 14, 2004, April 5, September 15 and September 26, 2005, July 12 and November 1, 2006, March 13, April 17, July 17, and August 29, 2007, March 3 and November 17, 2008, and March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair.

n. On January 27, April 5, August 26 and September 15, 2005, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to have ample lighting in animal enclosures.

o. On January 27, August 26, September 6, September 15, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, April 17 May 30, July 17, August 29, and September 24, 2007, respondents GCI, Laurob, Craig and Proper failed to remove excreta and other waste from primary enclosures for all animals as often as necessary.

p. On April 5, August 26, September 15 and September 26, 2005, and February 28, July 12 and November 1, 2006, and September 24, 2007, respondents GCI, Laurob, Craig and Proper [failed to] provide for the removal and disposal of food and animal waste, bedding and trash.

q. On August 26, September 15, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to store supplies of food in facilities that adequately protect them against deterioration, molding and contamination.

r. On August 26, September 26 and November 30, 2005, July 12 and November 1, 2006, March 13, May 30, July 17, and August 29, 2007, June 9, September 17, and November 17, 2008, and March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to provide a suitable method to eliminate excess water from animal enclosures.

s. On August 26, 2005, and March 13, May 30, July 17, August 29, and September 24, 2007, respondents GCI, Laurob, Craig and Proper failed to provide adequate wholesome, palatable and uncontaminated food to animals.

t. On August 26, September 15 and September 26, 2005, and February 28, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to keep the premises clean

and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris.

u. On September 15, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed numerous rat holes.

v. On September 26 and November 30, 2005, February 28, July 12, November 1 and December 7, 2006, and March 3 and November 17, 2008, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate shelter from inclement weather.

w. On November 30, 2005, and February 28, July 12 and November 1, 2006, and July 17, and August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to maintain their perimeter fence functional, and in structurally sound condition.

x. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate space in which to make social and postural adjustments.

y. From September 10, 2002, through March 3, 2008, respondents Craig and Proper failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry, and from January 5, 2004, through March 3, 2008, respondents GCI and Laurob failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry.

z. On May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to provide eight tigers with adequate shelter from sunlight.

aa. On July 17, 2009, respondents GCI, Laurob, Craig and Proper failed to keep the premises in good repair, and specifically, APHIS inspectors observed an exposed (open) electrical box on the enclosure housing the tiger and cougar.

bb. On or about September 7, 2007, respondents GCI, Laurob, Craig and Proper transported a young tiger in a primary enclosure that did not conform to the Standards, and specifically respondents transported the tiger to and from staff members' homes in an open-topped bin that does not contain the animal.

CONCLUSIONS OF LAW

1. Since approximately November 21, 2001, respondent GCI has continually operated as a dealer and an exhibitor, as those terms are defined in the Act and the Regulations (7 U.S.C. § 2132(h), 9 C.F.R. § 1.1), and specifically operated a "zoo," as defined in the Regulations (9 C.F.R. § 1.1), at its business location at 10471 East Highway 24, Idaville, Indiana 47950, without having a valid license under the Act, in willful violation of the Regulations. 9 C.F.R. § 2.1(a). Since approximately December 8, 2001, and continuing through March 16, 2004, respondents Craig and Proper continued to do business as dealers and exhibitors using the name of a defunct corporation, Cougar Valley Farms, Inc., whose AWA dealer license (32-B-0132) had, by regulation, expired upon the dissolution of Cougar Valley Farms, Inc. Complainant is informed and believes and on that basis alleges that beginning in approximately 2002, respondents Craig and Proper sought to substitute GCI as the holder of license number 32-B-0132.

2. On January 16, 2008, respondents GCI, Laurob, Craig and Proper failed to allow APHIS officials to enter their place of business, during normal business hours, to conduct an

inspection of respondents' facility, animals and records, in willful violation of section 2.126 of the Regulations. 9 C.F.R. § 2.126(a)(1).

3. On September 19, 2003, respondents Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care and regularly-scheduled visits to the premises, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(1).

4. On August 26, September 6, September 15 and September 26, 2005, and July 12, October 25-26, and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care and regularly-scheduled visits to the premises, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(1).

5. On September 15 and September 26, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) two emaciated juvenile tigers with brittle coats, (ii) a cougar (Buddy Boy) with unhealed wounds on his right front paw that occurred months before, and (iii) wolves in poor condition with bloody diarrhea, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

6. On November 30, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of

appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) three bears with loose stools, (ii) three juvenile tigers, (iii) wolves, and (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, or to following the bandaging and surgical debridement prescription, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

7. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services, and housed juvenile tigers in enclosures that were too small for them, and would not accommodate their rapid growth, in willful violation of the Regulations. 9 C.F.R. § 2.40(b)(1).

8. On February 28 and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to employ an attending veterinarian who had appropriate authority to ensure the provision of veterinary care to animals, as required, and specifically, respondents failed to adhere to the veterinary medical instructions of their attending veterinarian, failed to follow recommended veterinary programs and treatments, and in fact, have elected to disregard their veterinarian's advice, and instead to make their own veterinary medical decisions regarding the veterinary care for the animals in their custody, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(2).

9. On February 28, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) animals recommended for worming with fenbendazole,

(ii) animals needing testing for heartworm (*dirofilaria immitis*) and hookworm (*ancylostoma*), (iii) a lion (Mufasa) with a dental abscess, (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, and (v) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

10. On July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars, (iii) a cougar (Buddy Boy) whose wounds were treated not by a veterinarian but by respondent Craig, and (iv) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

11. On or about October 25-26, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to obtain any veterinary medical treatment for a jaguar that stopped eating, became aggressive, then lethargic, and died on October 26, 2006, without having been seen by a veterinarian, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

12. On November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars,

(iii) three thin tigers, and (iv) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

13. Between January 28, 2007, through February 4, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) one tiger, one lion, one jaguar, and four cougars, all of whom died without having been seen by a veterinarian, despite their suffering from vomiting and diarrhea, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

14. On March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a leopard with an open wound on its left rear, (ii) a cougar (Raja) with half of a tail, and a bloody open wound on the end, (iii) an emaciated adult lion (Cofu), and (iv) a lion (Mufasa) with a dental abscess and an open wound with hair loss on his left rear hock, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

15. On April 17, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a tiger (Cooper) whose tail was docked, and its sutures removed leaving an open wound and exposed bone, (ii) an emaciated adult lion (Cofu), and (iii) a

lion (Mufasa) with a dental abscess, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

16. Between May 30, 2007, through August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with an untreated dental abscess, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

17. On June 9, 2008, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to a cougar (Buddy Boy) with a raw, open sore on his right front paw (which paw had been the subject of an amputation that occurred years earlier), and instead, respondent Craig elected not to communicate with his attending veterinarian or to obtain veterinary care from a veterinarian, but instead simply to treat the animal himself, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

18. On September 17, 2008, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent disease, and failed to provide adequate veterinary medical treatment to canids, who did not receive any heartworm preventive. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

19. On or about March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) who, having had his abscess treated (by extracting his lower left canine) (*see* ¶¶ 15-16, 18, 20-22 above), evidenced a draining tract on the bottom of his mandible; and (ii) a large felid (Samson) has a watery drainage from both eyes and crusty material around his nose, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

20. On June 14, 2004, APHIS inspectors determined that on June 14, 2003, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition 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 animals and the public, and specifically, respondents exhibited a bear (Trouble) without sufficient distance and/or barriers to prevent the public from approaching and having direct contact with the bear, and a customer on a tour of the facility put her hand into the bear's cage, whereupon the bear bit off part of the customer's left index finger, in willful violation of the Regulations. 9 C.F.R. § 2.131(b)(1)[renumbered as 9 C.F.R. § 2.131(c)(1), effective July 14, 2004].

21. On January 27, April 5, approximately July, August 26, September 15, September 26, and November 30, 2005, and February 28, July 12, and November 1, 2006, and March 13, July 17, and August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition 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 animals and the public, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

22. On August 29 and September 7, 2007, respondents GCI, Laurob, Craig and Proper exposed a young (five to six-week-old), immature, unvaccinated tiger to excessive public handling, and exhibited the tiger for periods of time and in a manner that would be detrimental to its health and well-being, and specifically, allowed the tiger to roam around respondents' gift store, making it available to customers, in willful violation of section 2.131(c)(3) and 2.131(d)(1) of the Regulations. 9 C.F.R. §§ 2.131(c)(3), 2.131(d)(1).

23. Respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for dogs, and specifically, on March 9, 2004, respondents failed to house wolf-hybrids in enclosures that were in good repair and structurally sound. 9 C.F.R. §§ 3.1(a), 3.4(c).

24. Respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), as follows:

a. On September 10, 2002, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the shelter box for two black bears, the housing enclosure for three lions, and the female tiger enclosure. 9 C.F.R. § 3.125(a).

b. On September 10 and December 3, 2002, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste in animal enclosures. 9 C.F.R. § 3.125(d).

c. On September 10, 2002, respondents Craig and Proper failed to maintain their perimeter fence structurally sound and in good repair, and specifically, there was no perimeter fence around the enclosure for four juvenile lions. 9 C.F.R. § 3.127(d).

d. On September 10, 2002, respondents Craig and Proper failed to provide two black bears with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

e. On September 10, 2002, respondents Craig and Proper failed to keep water receptacles for animals clean and sanitary. 9 C.F.R. § 3.130.

f. On September 10, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed excessive weed growth, trash and accumulated debris. 9 C.F.R. § 3.131(c).

g. On December 3, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris. 9 C.F.R. § 3.131(c).

h. On July 29, 2003, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the housing enclosure for a male lion (Chucky). 9 C.F.R. § 3.125(a).

i. On July 29, 2003, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste, bedding and trash in lion and tiger enclosures. 9 C.F.R. § 3.125(d).

j. On July 29, 2003, respondents Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed excessive

maggots on the ground of the pathway outside the lion and tiger enclosures. 9 C.F.R. § 3.131(d).

k. On September 19, 2003, respondents Craig and Proper failed to remove excreta from primary enclosures for bears as often as necessary. 9 C.F.R. § 3.131(a).

l. On March 9 and June 14, 2004, April 5, August 26, September 6, September 26 and November 30, 2005, February 28, July 12 and November 1, 2006, March 13, April 17, May 30, July 17, August 29, and September 24, 2007, and March 3, 2008, respondents GCI, Laurob, Craig and Proper failed to keep water receptacles for animals functional, available, clean and sanitary, and to provide animals with clean, potable water as often as necessary for their health and well-being. 9 C.F.R. § 3.130.

m. On March 9 and June 14, 2004, April 5, September 15 and September 26, 2005, July 12 and November 1, 2006, March 13, April 17, July 17, and August 29, 2007, March 3 and November 17, 2008, and March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair. 9 C.F.R. § 3.125(a).

n. On January 27, April 5, August 26 and September 15, 2005, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to have ample lighting in animal enclosures. 9 C.F.R. § 3.126(c).

o. On January 27, August 26, September 6, September 15, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, April 17 May 30, July 17, August 29, and September 24, 2007, respondents GCI, Laurob, Craig and

Proper failed to remove excreta and other waste from primary enclosures for all animals as often as necessary. 9 C.F.R. § 3.131(a).

p. On April 5, August 26, September 15 and September 26, 2005, and February 28, July 12 and November 1, 2006, and September 24, 2007, respondents GCI, Laurob, Craig and Proper [failed to] provide for the removal and disposal of food and animal waste, bedding and trash. 9 C.F.R. § 3.125(d).

q. On August 26, September 15, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to store supplies of food in facilities that adequately protect them against deterioration, molding and contamination. 9 C.F.R. § 3.125(c).

r. On August 26, September 26 and November 30, 2005, July 12 and November 1, 2006, March 13, May 30, July 17, and August 29, 2007, June 9, September 17, and November 17, 2008, and March 10, 2009, respondents GCI, Laurob, Craig and Proper failed to provide a suitable method to eliminate excess water from animal enclosures. 9 C.F.R. § 3.127(c).

s. On August 26, 2005, and March 13, May 30, July 17, August 29, and September 24, 2007, respondents GCI, Laurob, Craig and Proper failed to provide adequate wholesome, palatable and uncontaminated food to animals. 9 C.F.R. § 3.129.

t. On August 26, September 15 and September 26, 2005, and February 28, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris. 9 C.F.R. § 3.131(c).

u. On September 15, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed numerous rat holes. 9 C.F.R. § 3.131(d).

v. On September 26 and November 30, 2005, February 28, July 12, November 1 and December 7, 2006, and March 3 and November 17, 2008, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).

w. On November 30, 2005, and February 28, July 12 and November 1, 2006, and July 17, and August 29, 2007, respondents GCI, Laurob, Craig and Proper failed to maintain their perimeter fence functional, and in structurally sound condition. 9 C.F.R. § 3.127(d).

x. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate space in which to make social and postural adjustments. 9 C.F.R. § 3.128.

y. From September 10, 2002, through March 3, 2008, respondents Craig and Proper failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry, and from January 5, 2004, through March 3, 2008, respondents GCI and Laurob failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry. 9 C.F.R. § 3.132.

z. On May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to provide eight tigers with adequate shelter from sunlight. 9 C.F.R. § 3.128.

aa. On July 17, 2009, respondents GCI, Laurob, Craig and Proper failed to keep the premises in good repair, and specifically, APHIS inspectors observed an exposed (open) electrical box on the enclosure housing the tiger and cougar. 9 C.F.R. § 3.131(c).

bb. On or about September 7, 2007, respondents GCI, Laurob, Craig and Proper transported a young tiger in a primary enclosure that did not conform to the Standards, and specifically respondents transported the tiger to and from staff members' homes in an open-topped bin that does not contain the animal. 9 C.F.R. § 3.137(a).

ORDER

1. Respondents, 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 issued thereunder.

2. Animal Welfare Act license 32-C-0186 and Animal Welfare Act license 32-B-0136 are hereby revoked.

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

Done at Lafayette, Indiana
this 4 day of January, 2010

s/ Jill S. Clifton

Jill S. Clifton
Administrative Law Judge