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UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No. 12-0
)	
SAFARI'S, INC., an Oklahoma)	
corporation, doing business as SAFARI'S)	
SANCTUARY; and LORI ENSIGN, also)	
known as LORI ENSIGN SCROGGINS,)	
an 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.)(the "Act" or "AWA"), and the regulations issued pursuant thereto (9 C.F.R. § 1.1 et seq.)(the "Regulations"). Therefore, pursuant to section 1.137(a) of the applicable Rules of Practice (7 C.F.R. § 1.137(a)), the Administrator of the Animal and Plant Health Inspection Service ("APHIS"), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Safari's, Inc. ("Safari's"), is an Oklahoma corporation whose agent for service of process is Lori Ensign, 26881 East 58 Street, Broken Arrow, Oklahoma 74014. Said respondent does business as Safari's Sanctuary, located at the same address. At all times mentioned herein, respondent Safari's was an exhibitor as that term is defined in the Act and the Regulations, and, since 2003, has held Animal Welfare Act license 73-C-0137.

2. Respondent Lori Ensign (also known as Lori Ensign Scroggins) is an individual whose mailing address is 26881 East 58 Street, Broken Arrow, Oklahoma 74014. At all times mentioned herein, said respondent was an officer and director of respondent Safari's, held herself out as the "owner" of respondent Safari's, was an exhibitor as that term is defined in the Act and the Regulations, and is liable under the Act pursuant to section 2139 of the Act (7 U.S.C. § 2139).

3. APHIS officials conducted inspections of respondents' facilities, animals, and records on December 11, 2008, August 11 and December 17, 2009, April 8, August 6, and December 6, 2010, and April 27 and September 14, 2011, and documented noncompliance with the Regulations on each of these occasions.

ALLEGATIONS REGARDING THE SIZE OF RESPONDENTS' BUSINESSES,
THE GRAVITY OF THE ALLEGED VIOLATIONS,
RESPONDENTS' GOOD FAITH AND RESPONDENTS' COMPLIANCE HISTORY

4. Respondents jointly operate a large business exhibiting approximately 100 farm, wild and exotic animals. The gravity of the violations alleged in this complaint is great, and include repeated instances in which these respondents failed to provide adequate care to animals and failed to handle animals safely. Respondents have not shown good faith, having continually failed to comply with the Regulations, after having been repeatedly advised of deficiencies. This is the second AWA enforcement proceeding against respondents. *In re Safari's, Inc., etc., et al.*, AWA Docket No. 07-0122.

ALLEGED VIOLATIONS

5. On or about December 11, 2008, respondents failed to maintain complete and accurate disposition records and records of animals on hand, in willful violation of the Regulations. 9 C.F.R. § 2.75.

6. On or about December 11, 2008, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to maintain lemur enclosure in good repair. 9 C.F.R. § 3.75(a).
- b. Respondents' shelter in enclosure for a male capuchin did not adequately protect the capuchin from the elements. 9 C.F.R. § 3.78(b).

- c. Respondents' plan for environmental enhancement was vague and did not adequately address the enrichment needs of nonhuman primates. 9 C.F.R. § 3.81(a).
- d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds. 9 C.F.R. §§ 3.84(c), 3.131(c).
- e. Tiger enclosure and surrounding fence were in disrepair. 9 C.F.R. § 3.125(a).
- f. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing. 9 C.F.R. §§ 3.127(d), 3.77(f).
- g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- h. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

7. On or about August 11, 2009, respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, in willful violation of the Regulations, and specifically, respondents maintained out-of-date (expired) drugs for animal use. 9 C.F.R. § 2.40 (b)(2).

8. On or about August 11, 2009, respondents failed to maintain complete and accurate records of animals on hand, in willful violation of the Regulations. 9 C.F.R. § 2.75(b)(1).

9. On or about August 11, 2009, respondents failed to handle animals as carefully as possible, and made animals available for public contact without having an employee or attendant present, in willful violation of the Regulations. 9 C.F.R. §§ 2.131(b)(1), 2.131(d)(2).

10. On or about August 11, 2009, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to maintain rabbit enclosure in good repair. 9 C.F.R. § 3.53(a).
- b. Respondents' surfaces for vervets were not made of materials that may be readily sanitized 9 C.F.R. § 3.75(c)(1).
- c. Respondents' enclosure for lemurs did not provide adequate shelter from the elements. 9 C.F.R. § 3.78(b)
- d. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically an area adjacent to the bear enclosure had an accumulation of pipe and fencing material and weeds. 9 C.F.R. §§ 3.84(c), 3.131(c).
- e. Respondents' facilities for tigers and lions were in disrepair. 9 C.F.R. § 3.125(a).
- f. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure. 9 C.F.R. § 3.127(c).
- g. Respondents' perimeter fence near primate enclosure had open mesh measuring 6" by 8" fencing that would not restrict animals from entering the premises, and there were two other areas where animals could enter the premises by crawling under the fencing. 9 C.F.R. §§ 3.127(d), 3.77(f).
- h. Respondents stored food intended for animals in a manner that did not protect it from spoilage, and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- i. Respondents failed to sanitize the former lemur enclosure prior to housing two fennec foxes in that enclosure. 9 C.F.R. § 3.131(b).
- j. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

11. On or about December 17, 2009, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to maintain rabbit enclosure in good repair. 9 C.F.R. § 3.53(a).
- b. Respondents failed to keep buildings and surrounding areas clean to facilitate husbandry practices, and specifically areas adjacent to the nonhuman primate and bear enclosures had an accumulation of building materials. 9 C.F.R. §§

3.84(c), 3.131(c).

- c. Respondents' facilities for wolves, tigers, pigs, leopards, cougars, and lions, and the petting zoo area, were in disrepair. 9 C.F.R. § 3.125(a).
- d. Respondents failed to provide a suitable method to eliminate excess water in pig enclosure. 9 C.F.R. § 3.127(c).
- e. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- f. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

12. On or about April 9, 2010, respondents failed to provide adequate veterinary care to a fennec fox, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent disease, in willful violation of the Regulations, and specifically, respondents failed to have a veterinarian examine a fennec fox with a thick hair mat on his back. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

13. On or about April 9, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' pigtailed macaque enclosure was in disrepair. 9 C.F.R. § 3.80(a)(1).
- b. Respondents' capuchin enclosure was not able to be securely locked and was held shut with a makeshift wire and chain. 9 C.F.R. § 3.80(a)(2)(iii).
- c. Respondents failed to keep water bins for nonhuman primates clean and sanitized. 9 C.F.R. § 3.83.
- d. Respondents' vervet and capuchin enclosures had an excessive buildup of feces, debris and mud. 9 C.F.R. § 3.84(b)(2).
- e. There was an accumulation of building material and debris adjacent to the nonhuman primate enclosure. 9 C.F.R. § 3.84(c).
- f. Respondents' facilities for wolves, zebra, tigers, porcupine, kangaroo, and

cougars were in disrepair. 9 C.F.R. § 3.125(a).

- g. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- h. Respondents' enclosure for alpaca (and other species) contained a single shelter that would not accommodate all of the animals, and specifically the alpaca. 9 C.F.R. § 3.127(b)
- i. Respondents' perimeter fence near primate enclosure is in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- j. Respondents had an insufficient number of adequately-trained personnel. 9 C.F.R. § 3.132.

14. On or about June 8, 2010, respondents failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injuries, in willful violation of the Regulations, and specifically, respondents permitted inadequately-trained volunteers to handle dangerous animals, and specifically, respondents permitted one of their volunteers to drive a golf cart around the premises, with a young, unrestrained, bear (Koda) seated in the passenger seat, whereupon, when the cart proceeded down a hill and the bear began to slide off of the cart, the volunteer grabbed the bear's harness, and the bear bit the volunteer. 9 C.F.R. § 2.40 (b)(2).

15. On or about June 8, 2010, respondents failed to handle animals as carefully as possible, and specifically transported a bear as a passenger in a golf cart, without any method of restraining the animal or protecting him from falling or other injury, in willful violation of the Regulations. 9 C.F.R. § 2.131(b)(1).

16. On or about August 6, 2010, respondents failed to provide adequate veterinary care to a female wolf (Kala), and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, in willful violation of the Regulations, and specifically, respondents failed to have a veterinarian examine Kala, who had been injured and

exhibited raw patches on both ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

17. On or about August 6, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents failed to keep water bins for nonhuman primates (Padas monkey) clean and sanitized. 9 C.F.R. § 3.83.
- b. Respondents' baboon, padas monkey, and pigtailed macaque enclosures were not kept clean. 9 C.F.R. § 3.84(a).
- c. Respondents' facilities for camels, llama, goats, wolves, tigers, kangaroo, and cougars were in disrepair. 9 C.F.R. § 3.125(a).
- d. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- e. Respondents' enclosure for bobcats contained an inadequate shelter. 9 C.F.R. § 3.127(b)
- f. Respondents' perimeter fence was in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- g. Respondents failed to keep water receptacles for coatimundi, tigers, and lions clean and sanitized. 9 C.F.R. § 3.130.
- h. Respondents' coatimundi and tiger enclosures were not kept clean. 9 C.F.R. § 3.131(a).
- i. Respondents failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

18. On or about December 6, 2010, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' facilities for llama, porcupine, lions, tigers, and cougars were in disrepair. 9 C.F.R. § 3.125(a).

19. On or about April 27, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' facilities for servals and large felids were in disrepair. 9 C.F.R. § 3.125(a).
- b. Respondents' enclosure for a tiger (Honey) contained an inadequate shelter. 9 C.F.R. § 3.127(b)
- c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).

20. On or about September 14, 2011, respondents failed to provide adequate veterinary care to three wolves with black, crusted skin on their ear tips, and failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to treat injuries, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

21. On or about September 14, 2011, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards, as follows:

- a. Respondents' capuchin enclosure was not kept clean. 9 C.F.R. § 3.84(a).
- b. Respondents' facilities for cougars, goats, camels, kangaroo, foxes, tigers, and lions were in disrepair. 9 C.F.R. § 3.125(a).
- c. Respondents stored food intended for animals in a manner that did not protect it from spoilage and contamination. 9 C.F.R. §§ 3.125(c), 3.129(a).
- d. Respondents' perimeter fence is in disrepair. 9 C.F.R. §§ 3.127(d), 3.77(f).
- e. Respondents failed to keep water receptacles for foxes clean and sanitized. 9 C.F.R. § 3.130.
- f. Respondents failed to keep premises clean and to place trash in designated areas. 9 C.F.R. § 3.131(c).
- g. Respondents failed to establish and maintain an effective pest control program. 9 C.F.R. § 3.131(d).

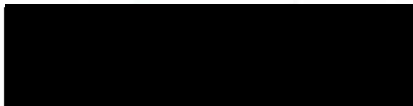
WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the regulations issued under the Act, this

complaint shall be served upon the respondents, 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 complaint.

The Animal and Plant Health Inspection Service requests:

1. 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 remain set for oral hearing; and that an order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order requiring the respondents to cease and desist from violating the Act and the Regulations and Standards issued thereunder; assessing civil penalties against the respondents; and revoking AWA license number 73-C-0137 in accordance with section 19 of the Act (7 U.S.C. § 2149).

Done at Washington, D.C.
this 4th day of April 2012


Acting Administrator
Animal and Plant Health Inspection Service

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