

UNITED STATES DEPARTMENT OF AGRICULTURE

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BEFORE THE SECRETARY OF AGRICULTURE

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In re:)	AWA Docket No.	17-905
)		17-0106
WILD WILDERNESS, INC.,)		
an Arkansas corporation; and FREDA)		
WILMOTH, 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.) (Act or AWA), and the regulations issued pursuant thereto (9 C.F.R. Parts 1 and 2) (Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Wild Wilderness, Inc. (Wild Wilderness), is an Arkansas corporation whose registered agent is Freda Wilmoth, 20923 Safari Road, Gentry, Arkansas 72734. At all times mentioned herein, Wild Wilderness was an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license 71-C-0151. Respondent Wild Wilderness exhibits domestic, wild and exotic animals to the public at a drive-through zoo (Wild Wilderness Drive Through Safari) and at an adjacent walk-through zoo.

2. Respondent Freda Wilmoth is an individual whose business address is 20923 Safari Road, Gentry, Arkansas 72734. At all times mentioned herein, Ms. Wilmoth was an exhibitor, or was an officer or agent of an exhibitor, Respondent Wild Wilderness, and was acting within the scope of her employment or office.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS,
GOOD FAITH AND COMPLIANCE HISTORY

3. In 2014, Wild Wilderness reported to APHIS that it held 855 animals; in 2015, Wild

Wilderness reported to APHIS that it held 836 animals; and in 2016, Wild Wilderness reported to APHIS that it held 886 animals.

4. On December 31, 2008, Respondent Wild Wilderness, Inc. resolved alleged violations of the AWA pursuant to the stipulation provisions of the Regulations and the standards promulgated under the Act (9 C.F.R. Part 3) (Standards) and paid a civil penalty of \$3,094. On January 11, 2012, APHIS issued an Official Warning to Respondent Wild Wilderness for alleged violations of the Regulations.

ALLEGED VIOLATIONS

5. On or about the following dates, Respondents failed to provide adequate veterinary care to animals, and failed to establish and maintain programs of adequate veterinary care that included appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and/or daily observation of animals, in willful violation of the Regulations, 9 C.F.R. § 2.40, as follows:

a. March 7, 2013. An adult female capuchin non-human primate had an irregularly-shaped mass on her neck and hair loss on her face, head, back, and side.

b. January 8, 2014. A spider monkey was missing the tips on most of its fingers, and the digits that still had tips had skin that was red and swollen or missing the finger nail.

c. January 8, 2014. The last four inches of an adult Olive baboon's tail were bent at an angle until the baboon chewed off the tail and it fell to the ground, and the area that was chewed was reddened and had a reddish discharge.

d. January 8, 2014. An adult Olive baboon had a shortened tail, approximately six inches long, that had a loss of hair and was a black/brown color and was crusty along most of its length.

- e. January 8, 2014. An adult capuchin had no fingernail on its left thumb.
 - f. January 8, 2014. A red Lechwe antelope was lame and was not bearing weight on its left front limb, and the areas at the shoulder and just below the shoulder were swollen.
 - g. January 27, 2014. An adult male Western baboon had a lesion on the middle finger of its right hand.
 - h. January 27, 2014. An adult male Rhesus macaque was not using its right arm when it walked.
 - i. May 29, 2014. The hooves on at least three animals were overgrown, including an adult female Aoudad sheep, an adult male Aoudad sheep, and a female Ibex goat.
 - j. February 18, 2015. Several bottles of expired medications were observed intermingled with other pharmaceuticals that were currently being used.
 - k. February 3, 2016. A gray wolf hybrid was lame on its right front leg and was observed not to be bearing weight on the limb while it was walking and trotting.
 - l. May 24, 2016. A goat had overgrown hooves, affecting all four legs, which affected its standing posture.
 - m. October 12, 2016. An adult male spider monkey had a circular, red, open lesion on the anterior surface of its left shoulder, and had not been seen by a veterinarian.
6. On or about February 25, 2013, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(b)(1), by failing to handle animals as carefully as possible in a manner that does not cause behavioral stress, physical harm, or unnecessary discomfort, and specifically,

Respondents had placed a collar around the neck of a juvenile male lion, and the lion was found dead in its enclosure having apparently been strangled by the collar.

7. On or about the following dates, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(c)(1), by failing to handle animals during public exhibition with minimal risk of harm to the animals and the public, and with sufficient distance and/or barriers between the animals and the public:

a. March 7, 2013. Respondents failed to construct and maintain adequate barriers separating the rhinoceros and hippopotamus enclosures from the public.

b. May 29, 2014. There was no barrier between the public and the non-human primate barn.

c. May 29, 2014. There was no barrier between the public and the juvenile llama and mini bovine enclosure.

d. October 22, 2014. There was insufficient distance and/or barriers between a lion and the public during exhibition, and specifically, Respondents allowed a park visitor to have direct contact with the lion.

e. June 13, 2016. Five wolf hybrid cubs were in an enclosure with no barrier between them and the public.

f. October 12, 2016. There was no barrier between the public and the juvenile camel enclosure, or between the public and the juvenile hog enclosure outside the giraffe barn.

8. On or about the following dates, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(d)(2), by failing to have a responsible, knowledgeable, and readily identifiable employee or attendant present at all times during public contact:

a. March 7, 2013. Respondents failed to have any attendants present during public exhibition in the walk-through park.

b. November 22, 2016. Respondents failed to have any facility representatives present while members of the public were petting and feeding the animals in the petting zoo enclosures.

9. On or about the following dates, Respondents willfully violated the Regulations, 9 C.F.R. § 2.131(e), by failing to take appropriate measures to alleviate the impact of climatic conditions that would be detrimental to the animal's health:

a. On or about January 6 through January 28, 2014, Respondents allowed a spider monkey to be exposed to cold conditions, which caused him to develop frostbite on his hands and feet and resulted in the loss of several digits.

b. January 8, 2014. Respondents housed three baboons in an unheated outdoor enclosure with no bedding when the temperature was 34.2 degrees Fahrenheit and the wind chill was 24.7 degrees, and it was snowing and sleeting.

c. January 27, 2014. Respondents housed twelve baboons and nine macaques outdoors when the outdoor temperature was 20 degrees Fahrenheit and the sheltered portion of the animals' enclosure was 46.6 degrees Fahrenheit.

10. On or about the following dates, Respondents willfully violated the Regulations (9 C.F.R. § 2.100(a)), by failing to comply with the minimum standards for animals.

a. January 23, 2012. An enclosure housing three non-human primates contained a dirty shelter and the floor had an excessive accumulation of dirt, grime, and waste material. 9 C.F.R. § 3.75(c)(3).

b. January 23, 2012. The concrete drainage pad adjacent to the outdoor portion of the non-human primate winter enclosures contained an excessive accumulation of waste material. 9 C.F.R. § 3.75(f).

c. January 23, 2012. One rhesus macaque was not contained in an enclosure and was running free in the drive-through area of the park, and two other nonhuman primates had escaped from an enclosure and were loose in the park. 9 C.F.R. § 3.80(a)(2)(iii).

d. January 23, 2012. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair, 9 C.F.R. § 3.125(a), and specifically:

i. The resting boards in the serval enclosure were rotten, and the boards in the fox enclosure were worn leaving jagged edges and exposing the top of a nail; and

ii. The sheet metal shelter in the bear enclosure was torn loose, exposing sharp metal edges; and

iii. The metal food pan in the bear enclosure was bent and folded over on itself.

e. January 23, 2012. There was an excessive accumulation of waste, including bones, fruit, vegetables, food scraps, and feces, in five enclosures housing eleven animals. 9 C.F.R. § 3.125(d).

f. January 23, 2012. Four enclosures housing ten animals contained dirty water receptacles with brownish-green water in several of the enclosures. 9 C.F.R. § 3.130.

g. March 7, 2013. In the food storage area of the round silo building were rodent feces and an open bag of non-human primate feed on the pallet where non-human

primate food was stored, and dirt, rodent feces, food kibble and other miscellaneous objects on the floor of the building. 9 C.F.R. § 3.75(e).

h. March 7, 2013. Respondents failed to maintain an enriched environment for the non-human primates, as there were no toys in the enclosures or entries in the worksheet indicating that the plan was being followed. 9 C.F.R. § 3.81(b).

i. March 7, 2013. In the round silo building food storage area, there were rodent feces on the pallet where the rabbit chow food was stored, there was bird waste and rodent feces on the pallet where the dog food and rabbit pellets were stored, and there was dirt, food kibble, rodent feces, leaves, and other material on the floor of the building. 9 C.F.R. § 3.125(c).

j. January 8, 2014. Two ring-tailed lemurs were found outside of their enclosure in the giraffe barn chewing on live electrical wire. 9 C.F.R. § 3.75(a).

k. January 8, 2014. The food storage area was dirty and the food was stored in a manner that did not protect it from spoilage or contamination. 9 C.F.R. § 3.75(e).

l. January 8, 2014. Respondents failed to provide an acclimation statement for three baboons which were housed in an unheated outdoor enclosure with no bedding that did not provide adequate shelter from the elements. 9 C.F.R. §§ 3.78(a), 3.78(b).

m. January 8, 2014. Respondents failed to provide food to non-human primates that was clean, wholesome, and palatable to the animals, 9 C.F.R. § 3.82(a), and specifically:

i. The enclosure located in the chimpanzee barn, housing a Spider monkey, had produce that was in contact with fecal material on the floor of the enclosure; and

- ii. The food receptacle in an outdoor enclosure housing three baboons had dirt and contained food debris on the interior and exterior surfaces.
- n. January 8, 2014. Respondents failed to provide sufficient potable water in clean and sanitized water receptacles to ten non-human primates in six enclosures in the chimpanzee barn. 9 C.F.R. § 3.83.
- o. January 8, 2014. Respondents failed to maintain clean and sanitized housing for non-human primates and there was an accumulation of waste on the floor in eight enclosures housing 17 non-human primates and on the resting platforms in two of the enclosures. 9 C.F.R. § 3.84(a).
- p. January 8, 2014. The food storage area was dirty and Respondents failed to store the food in a manner that protected it from spoilage and/or contamination. 9 C.F.R. § 3.125(c).
- q. January 8, 2014. Respondents failed to provide shelter appropriate to the local climatic conditions to afford animals protection and prevent discomfort to such animals outdoors, 9 C.F.R. § 3.127(b), and specifically when it was snowing and sleeting and the temperature was 34.2 degrees Fahrenheit and the wind chill was 24.7 degrees:
 - i. An enclosure housing three Bornean Bearded pigs did not contain a shelter; and
 - ii. The enclosure housing six miniature pigs contained a sheet metal hoop that was open on both ends, and the sheet metal was attached to wood lumber at the ground that extended up the opening on both ends; and
 - iii. The enclosure housing two bobcats was constructed of wire fencing and was covered in black plastic that was not firmly attached.

- r. January 8, 2014. Respondents failed to provide food to animals that was wholesome, palatable, and free from contamination, 9 C.F.R. § 3.129(a), and specifically:
- i. A chicken leg was on the floor in the caracal enclosure, with ice, straw, and dirt attached to the surface of the meat; and
 - ii. The bobcat enclosure contained pieces of meat and fecal matter near the feeding receptacle.
- s. January 8, 2014. The water receptacle in the bobcat enclosure was contaminated. 9 C.F.R. § 3.130.
- t. January 8, 2014. There was a large amount of excreta in the bobcat enclosure, including in the water receptacle and on the top of the metal feeding and resting surface. 9 C.F.R. § 3.131(a).
- u. January 27, 2014. The flooring in the fox enclosure containing three foxes consisted of chain-link fence. 9 C.F.R. § 3.125(a).
- v. May 29, 2014. Respondents failed to provide documentation of enhancement required for single housed young juveniles and great apes, and specifically, a five-month old male Capuchin monkey was housed without access or view of other capuchins. 9 C.F.R. § 3.81(c).
- w. February 18, 2015. Two ring-tailed lemurs were observed outside of their enclosures. 9 C.F.R. § 3.75.
- x. February 3, 2016. An enclosure housing two rabbits did not contain a shelter and the temperature at the time of inspection was 40 degrees Fahrenheit. 9 C.F.R. § 3.52(c).

y. February 3, 2016. The hippopotamus shelter did not provide adequate shelter from inclement weather, was not heated, and the temperature at the time of inspection was 40 degrees Fahrenheit. 9 C.F.R. § 3.127(b).

z. May 24, 2016. There was a pair of rusted metal farm implements with sharp points and jagged edges being used as enrichment in an enclosure housing two red lemurs. 9 C.F.R. § 3.75(c)(1)(ii).

aa. May 24, 2016. Respondents failed to clean and sanitize hard surfaces in accordance with 9 C.F.R. § 3.84, 9 C.F.R. § 3.75(c)(3), and specifically:

i. In the middle section of the walk-through area next to the primate barn, the shelter in an enclosure housing three young baboons was dirty and heavily stained;

ii. In an outdoor enclosure in front of the primate area, the shelter for two red lemurs was dirty and stained;

iii. On the back row behind the giraffe feeding area, four ring-tailed lemurs were in an outdoor cage that had old food and other waste in and around the cage, and numerous flies were present in and around the area; and

iv. In the drive-through area, two enclosures contained a heavily contaminated PVC pipe and a dirty, stained PVC enrichment device.

bb. May 24, 2016. There was a widespread, systematic lack of enrichment for the non-human primates throughout the facility, and many primates had no or very few enrichment items added to their cages. 9 C.F.R. § 3.81(b).

cc. May 24, 2016. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair, 9 C.F.R. § 3.125(a), and specifically:

i. In the enclosures housing a muntjac and a wallaby, the gate between the enclosures had rusted through at the top and was hanging only by the bottom hinges;

ii. In the drive-through section of the park, the enclosure housing three red foxes had a layer of wire covering the ground that was warped in multiple locations, creating holes and gaps in the sheet of wire, and the second level of the enclosure consisted of a wire floor with a few wooden running boards;

iii. In the pen housing two lions (Kuvo and Keara), the climbing structure had several broken boards and a row of exposed nails; and

iv. The kangaroo enclosure fence along the road and driveway was leaning sharply.

dd. May 24, 2016. Respondents failed to provide shelter appropriate to the local climatic conditions to afford animals protection and prevent discomfort to such animals outdoors, 9 C.F.R. § 3.127(b), and specifically:

i. On the upper row of the big cat hill, two enclosures housing lions did not have any source of natural or artificial shade present;

ii. An enclosure housing two warthogs near the petting zoo area had no natural or artificial shelter;

iii. Two shelters in the wallaby and muntjac enclosure had holes in the exterior walls, interior walls, and interior ceiling, with a nail head exposed in one hole;

iv. The first enclosure housing oryx had a shelter with a damaged roof, including a strip of metal hanging down the side of the shelter; and

v. A shelter in the oryx area had a hole in the interior ceiling with a large strip of metal dangling into the main area of the shelter.

ee. May 24, 2016. Respondents failed to provide potable water to animals, 9 C.F.R. § 3.130, and specifically:

i. Three porcupines housed with primates in enclosures around the primate barn had no water at the time of inspection; and

ii. On the big cat hill, numerous water troughs including in several cat enclosures, the bear enclosure, and the enclosure housing ponies with Jacob's sheep, were dirty and had an accumulation of green algae and other contaminants.

ff. May 24, 2016. There were numerous flies present in the main food storage area, food preparation room, and the big cat meat storage, and none of the areas had effective fly control methods. 9 C.F.R. § 3.131(d).

gg. October 12, 2016. There was an excessive accumulation of rodent feces on the surface of an elevated plywood slab in the rabbit enclosure inside the giraffe barn. 9 C.F.R. § 3.56(d).

hh. October 12, 2016. There was an excessive accumulation of feces on the floor of the shelter of the baboon enclosure housing three baboons. 9 C.F.R. § 3.75(c)(3).

ii. October 12, 2016. There was water covering 75 percent of the floor of the shelter in an enclosure housing a spider monkey and a blue monkey, and the floor area in the shelter for both non-human primates did not provide adequate shelter from the elements. 9 C.F.R. § 3.78(b).

jj. October 12, 2016. There was a widespread, systematic lack of enrichment for the non-human primates throughout the facility, and many primates had no or very few enrichment items added to their cages. 9 C.F.R. § 3.81(b).

kk. October 12, 2016. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair, 9 C.F.R. § 3.125(a), and specifically:

i. There was a hole in the wood siding with sharp points on the exposed wood in the giraffe barn;

ii. The top of the chain link fence housing the juvenile camel in the walk-through area was pulled apart, and had sharp points at head-level of the camel;

iii. Two enclosures housing two ligers and one tiger did not have sufficient enclosure fencing;

iv. The chain link fencing used to protect trees in two enclosures housing two ligers and one tiger was pulled apart and had sharp points;

v. Sheet metal had been pulled away from interior and exterior support structures in several shelters in the drive-through portion of the facility, and was within reach of the animals contained in the enclosure; and

vi. The wood platforms in the big cat area on the hill were deteriorating, and had broken pieces of wood, bolts exposed, and some of the platforms appeared unstable.

ll. October 12, 2016. Respondents failed to provide sufficient shade in two enclosures housing three lions, and specifically there were no trees or man-made structures to provide shade. 9 C.F.R. § 3.127(a).

mm. October 12, 2016. Respondents failed to provide potable water to animals, 9 C.F.R. § 3.130, and specifically:

i. There were bedding shavings on the bottom interior surface of the black water receptacle in the enclosure housing two juvenile cougars; and

ii. There was greenish-brown discoloration on the surface, and also dirt, leaves, and debris, in the concrete water troughs in two enclosures housing three tigers.

nn. November 22, 2016. The bars of the enclosure were not sufficient to contain a ring-tailed lemur, which was outside its enclosure in the chimpanzee barn. 9 C.F.R. § 3.75(a).

oo. November 22, 2016. Respondents failed to maintain an enriched environment for the non-human primates, as there were no toys in the enclosures. 9 C.F.R. § 3.81(b).

pp. November 22, 2016. Respondents failed to ensure that housing facilities were structurally sound and were kept in good repair, 9 C.F.R. § 3.125(a), and specifically:

i. Two enclosures housing two ligers and one tiger did not have sufficient enclosure fencing;

ii. An enclosure housing a juvenile tiger had an insufficient enclosure fence;

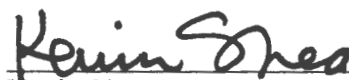
iii. There was loose metal on several shelters in the drive-through portion of the facility; and

iv. The wood platforms in the big cat area on the hill had broken pieces of wood, nails and sharp points exposed, and some platforms appeared unstable.

qq. November 22, 2016. There was insufficient shade in two enclosures housing three lions, and specifically, there were no trees in the enclosure that provided shade, and there was a tarp that did not provide shade for most of the day. 9 C.F.R. § 3.127(a).

WHEREFORE, it is hereby ordered that for the purpose of determining whether Respondents have in fact willfully violated the Act and the Regulations, this complaint shall be served upon Respondents. Respondents shall file an answer with the Office of the Hearing Clerk, Room 1031 - South Building, United States Department of Agriculture, 1400 Independence Avenue, SW, Washington, DC 20250-9200, in accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-162.13). Failure to file an answer shall constitute an admission of all the material allegations of this amended complaint. APHIS requests that this matter proceed in accordance with the Rules of Practice governing proceedings under the Act, and that such order or orders be issued as are authorized by the Act (7 U.S.C. § 2149) and warranted under the circumstances.

Done at Washington, D.C.
this 9th day of Jan. 2017



Kevin Shea
Administrator
Animal and Plant Health Inspection Service

LAUREN E. BECKER
SAMUEL JOCKEL
Attorneys for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2043 South Building
Washington, D.C. 20250-1400
Telephone (202) 720-7753; 202-690-4299 (Fax)

UNITED STATES DEPARTMENT OF AGRICULTURE OFFICE OF ADMINISTRATIVE LAW JUDGES

In RE: wild wilderness, inc.

OGC Attorney: Lauren E. Becker, OGC

Respondent Attorney:

Respondent: Wild Wilderness, Inc.
Freda Wilmoth

Docket #: 17-0105

Judge:

	Date Filed	LegalEvent	Description	Details
1	1/10/2017	COMP	COMPLAINT	complaint filed by agency for animal and plant health inspection service (aphis)
2	1/26/2017	HCL	HEARING CLERK'S LETTER	HEARING CLERK'S LETTER