

UNITED STATES DEPARTMENT OF AGRICULTURE 2015 JUN 11 PM 12: 16

BEFORE THE SECRETARY OF AGRICULTURE

RECEIVED

In re:	)	AWA Docket No. 15-0125
	)	15-0126
BURTON SIPP, an individual doing	)	
business as ANIMAL KINGDOM ZOO;	)	
and ANIMAL KINGDOM ZOO, INC.,	)	
a New Jersey domestic profit corporation,	)	
	)	
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. § 1.1 et seq.) (the Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Burton Sipp is an individual doing business as Animal Kingdom Zoo, and whose mailing addresses are 216 Hedgeman Road, Moorestown, New Jersey 08057-1309, and c/o Infront Training Center, LLC, 96 Trotter Road, New Cumberland, West Virginia 26047. At all times mentioned herein, respondent Sipp was an exhibitor, as that term is used in the Act and the Regulations, held AWA license 22-C-0094, and operated a zoo in Bordentown, New Jersey. AWA license 22-C-0094 terminated on June 10, 2014, pursuant to 9 C.F.R. §§ 2.5(a)(3), 2.5(a)(4), 2.5(b).

2. Animal Kingdom Zoo, Inc., is a New Jersey domestic profit corporation formed on October 23, 2012 (ID No. 0400525785), and whose registered agent is Christopher J. Basner, 2 King's Highway West, Suite 205, Haddonfield, New Jersey 08033. As alleged herein, respondent Animal Kingdom Zoo, Inc., was an exhibitor, as that term is used in the Act and the Regulations, did not hold an AWA license and, together with respondent Sipp, operated a zoo in Bordentown, New Jersey.

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

3. In 2012, respondent Sipp reported to APHIS that he held 187 animals. In 2013, respondent Sipp reported to APHIS that he held 133 animals. The violations alleged in this complaint include, *inter alia*, mishandling of animals resulting in injuries to the public, and failures to obtain adequate veterinary care, resulting in animal deaths. Respondents Sipp and Animal Kingdom Zoo, Inc., have not shown good faith. Among other things, said respondents, despite having been advised repeatedly by APHIS to have an injured hyena seen by a veterinarian immediately, falsely represented to APHIS that the hyena would be seen by a veterinarian on the morning of October 24, 2012. On or about March 20, 2008, respondent Sipp resolved potential violations of the Regulations pursuant to 9 C.F.R. § 4.11 (NJ04024). On November 1, 2011, APHIS sent an Official Warning to respondent Sipp with respect to noncompliance with the veterinary care Regulations, and failure to meet the minimum facilities standards during the period from June 23, 2010, and October 5, 2011.

4. APHIS conducted inspections of respondent Sipp's facilities, records and animals on February 23, May 23, June 26, September 5, October 10, 2012. APHIS conducted inspections of respondent Sipp's and respondent Animal Kingdom Zoo, Inc.'s facilities, records and animals on October 23, October 24, November 9, December 20 and December 26, 2012, January 8, February 6, April 3, April 9, May 17, July 17, and August 1, 2013, and January 8, 2014. On each of the foregoing occasions, APHIS documented noncompliance with the Regulations.

ALLEGED VIOLATIONS

5. On or about October 20, 2012, respondent Sipp failed to notify the APHIS Animal Care Regional Director of a change in substantial control of the said respondent's business or

operation, as required. 9 C.F.R. § 2.8.

6. From on or about February 23, 2012, through October 10, 2012 (as documented in APHIS inspection reports on February 23, 2012, May 23, 2012, September 5, 2012, and October 10, 2012, respondent Sipp willfully violated the Regulations by failing to employ an attending veterinarian under formal arrangements that included a written program of veterinary care for the provision of care to all animals in respondent's custody. 9 C.F.R. § 2.40(a)(1).

7. From on or about October 23, 2012, through February 6, 2013 (as documented in APHIS inspection reports on October 23, 2012, November 9, 2012, December 20, 2012, December 26, 2012, January 8, 2013, and February 6, 2013), respondents Sipp and Animal Kingdom Zoo, Inc., willfully violated the Regulations by failing to employ an attending veterinarian under formal arrangements that included a written program of veterinary care for the provision of care to all animals in respondent's custody. 9 C.F.R. § 2.40(a)(1).

8. On or about August 31, 2012, and September 1, 2012, respondent Sipp willfully violated the Regulations by failing to ensure that his attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care, and specifically, on two occasions, respondent Sipp refused to follow his attending veterinarian's recommendations to provide additional care and treatment, including hospitalization, to an ailing lemur, and refused to permit the attending veterinarian to provide such treatment and care, and the lemur died, without having received treatment, on September 1, 2012. 9 C.F.R. § 2.40(a)(2).

9. On or about the following dates, respondent Sipp willfully violated the Regulations (9 C.F.R. § 2.40), by failing to provide adequate veterinary care to animals, and/or failing to establish and maintain programs of veterinary care that included the availability of appropriate personnel,

and/or the use of appropriate methods to prevent and treat disease and injury, and/or daily observation and communication with respondent Sipp's veterinarian and/or adequate guidance to personnel regarding animal handling:

a. February 23, 2012. Respondent Sipp failed to provide adequate hoof care to animals, and failed to observe and obtain adequate veterinary care for a Beisa oryx with overgrown hooves. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

b. August 31, 2012 and September 1, 2012. Respondent Sipp failed to provide adequate veterinary care to a female lemur. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

c. September 5, 2012 and October 10, 2012. Respondent Sipp failed to provide adequate veterinary care to three wolves with wounds on their ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

d. September 5, 2012 and October 10, 2012. Respondent Sipp failed to provide adequate veterinary care to two pot-bellied pigs with wounds on their ears. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

e. September 5, 2012 and October 10, 2012. Respondent Sipp failed to provide adequate veterinary care to a spider monkey with a visibly-injured foot. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

10. On or about the following dates, respondents Sipp and Animal Kingdom Zoo, Inc., willfully violated the Regulations (9 C.F.R. § 2.40), by failing to provide adequate veterinary care to animals, and/or failing to establish and maintain programs of veterinary care that included the availability of appropriate personnel, and/or the use of appropriate methods to prevent and treat disease and injury, and/or daily observation and communication with respondents' veterinarian

and/or adequate guidance to personnel regarding animal handling:

a. October 13, 2012, through October 25, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed for thirteen days to provide adequate veterinary care to an injured hyena, despite having been repeatedly advised by APHIS inspectors to have the hyena seen by a veterinarian immediately, and because of the respondents' unconscionable delay in obtaining treatment for the hyena, the hyena's injuries progressed to the point where the hyena could no longer be successfully treated and was euthanized, and pursuant to the AWA, each day during which a violation continues is a separate violation. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

b. December 20, 2012, and December 26, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide adequate veterinary care to a female spider monkey that was wheezing and had an abnormally large, pendulous abdomen, and had not been seen by a veterinarian for these conditions. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

c. December 20, 2012, and December 26, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide adequate veterinary care to a mandrill that had an untreated wound on his left hip, and the mandrill had not been seen by a veterinarian for this condition. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

d. December 20, 2012, and December 26, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide adequate hoof care to animals, and failed to observe and obtain adequate veterinary care for a pot-bellied pig with overgrown hooves. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

e. December 19, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed

to provide adequate veterinary care to a giraffe (Zuri). 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

11. On or about the following dates, respondent Sipp willfully violated the record-keeping Regulations (9 C.F.R. § 2.75(b)(1)):

a. September 5, 2012. Respondent Sipp failed to make, keep, and maintain complete and accurate records for four wolves and a lamb.

b. October 10, 2012. Respondent Sipp failed to make, keep, and maintain complete and accurate records for four wolves.

12. On or about the following dates, respondents Sipp and Animal Kingdom Zoo, Inc., willfully violated the record-keeping Regulations (9 C.F.R. § 2.75(b)(1)):

a. December 20, 2012. Respondents failed to make, keep, and maintain complete and accurate records for four wolves.

13. On or about October 10, 2012, respondent Sipp willfully violated the Regulations (9 C.F.R. § 2.78(a)(1)), by transporting nonhuman primates (a capuchin and a common marmoset) without having obtained health certificates for these animals, as required.

14. On or about the following dates, respondent Sipp willfully violated the Regulations governing the handling of animals:

a. May 12, 2012. During exhibition, respondent Sipp handled spider monkeys without adequate distance and/or barriers between the animals and the public, and one of three spider monkeys bit a child that was able to approach the spider monkeys' enclosure. 9 C.F.R. § 2.131(c)(1).

b. June 26, 2012. During exhibition, respondent Sipp handled nonhuman

primates, including without limitation, mandrill, Siamang, and Diana monkey, without adequate distance and/or barriers between the animals and the public to ensure the safety of the animals and the public. 9 C.F.R. § 2.131(c)(1).

c. June 26, 2012. Respondent Sipp failed to have responsible and readily identifiable employees or attendants present during periods of public contact with nonhuman primates. 9 C.F.R. § 2.131(d)(2).

d. June 26, 2012. Respondent Sipp permitted the public to feed nonhuman primates food provided by the public. 9 C.F.R. § 2.131(d)(4).

15. On or about the following dates, respondents Sipp and Animal Kingdom Zoo, Inc., willfully violated the Regulations governing the handling of animals:

a. October 13, 2012, through October 25, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed for thirteen days to handle an injured hyena as carefully and expeditiously as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and during that time said respondents took no meaningful steps to care for the injured hyena. 9 C.F.R. § 2.131(b)(1).

b. December 22, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to handle two four-month-old hyenas as carefully and expeditiously as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, said respondents failed to contain the hyenas, who escaped from their enclosure, whereupon one of the hyenas was hit by a car and killed, and the second hyena may have sustained injuries as well. 9 C.F.R. § 2.131(b)(1).

16. On or about the following dates, respondent Sipp willfully violated the Regulations,

9 C.F.R. § 2.100(a), by failing to meet the Standards, as follows:

- a. February 23, 2012. Respondent Sipp fail to develop an appropriate plan for environmental enhancement to promote the psychological well-being of nonhuman primates, and specifically, respondent's plan had not been reviewed by respondent's attending veterinarian. 9 C.F.R. § 3.81.
- b. February 23, 2012. Respondent Sipp housed hyena in an enclosure that contained exposed wire mesh with sharp edges. 9 C.F.R. § 3.125(a).
- c. February 23, 2012. Respondent Sipp housed coatimundi in an enclosure that had a structurally-compromised horizontal beam. 9 C.F.R. § 3.125(a).
- d. May 23, 2012. Respondent Sipp housed a Diana monkey in an enclosure that had a structurally-compromised cross beam. 9 C.F.R. § 3.75(a).
- e. June 26, 2012. Respondent Sipp housed nonhuman primates in enclosures that lacked adequate public barriers that restricted public contact between the public and the nonhuman primates. 9 C.F.R. § 3.78(e).
- f. September 5, 2012. Respondent Sipp housed numerous nonhuman primates (Patas monkeys, lemurs, spider monkeys, grivet, Siamang, blue monkeys, Diana monkey, mandrill, Sykes Monkey) in enclosures that were structurally compromised and/or in need of repair. 9 C.F.R. § 3.75(a).
- g. September 5, 2012. Respondent Sipp failed to provide nonhuman primates and wolves with wholesome food that was not contaminated, moldy or deteriorated. 9 C.F.R. §§ 3.82(d), 3.129(b).
- h. September 5, 2012. Respondent Sipp failed to establish and maintain an



effective pest control program throughout the facility. 9 C.F.R. §§ 3.84(d), 3.131(d).

i. September 5, 2012. Respondent Sipp housed numerous animals (kangaroos, hyenas, wolves, coatimundi, bearded pigs) in enclosures that were structurally compromised and/or in need of repair. 9 C.F.R. § 3.125(a).

j. September 5, 2012. Respondent Sipp failed to provide a suitable method to rapidly eliminate excess water in enclosures housing hyenas and wolves. 9 C.F.R. § 3.127(c).

k. October 10, 2012. Respondent Sipp housed numerous nonhuman primates (Patas monkeys, spider monkeys, blue monkeys, Sykes monkey, Diana monkey) in enclosures that were structurally compromised and/or in need of repair. 9 C.F.R. § 3.75(a).

l. October 10, 2012. Respondent Sipp failed to establish and maintain an effective pest control program throughout the facility. 9 C.F.R. §§ 3.84(d), 3.131(d).

m. October 10, 2012. Respondent Sipp housed numerous animals (kangaroos, hyenas) in enclosures that were structurally compromised and/or in need of repair. 9 C.F.R. § 3.125(a).

n. October 10, 2012. Respondent Sipp failed to provide a suitable method to rapidly eliminate excess water in enclosures housing hyenas and wolves. 9 C.F.R. § 3.127(c).

17. On or about the following dates, respondents Sipp and Animal Kingdom Zoo, Inc., willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards, as follows:

a. October 23, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to maintain housing enclosures for hyenas in good repair so that they contained the hyenas,

and as a result, three hyenas escaped from their enclosure. 9 C.F.R. § 3.125(a).

b. October 23, 2012, November 9, 2012, and December 20, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to employ a sufficient number of adequately-trained employees. 9 C.F.R. § 3.132.

c. December 20, 2012, April 3, 2013, and May 17, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., housed nonhuman primates in enclosures that were structurally compromised and/or in need of repair. 9 C.F.R. § 3.75(a).

d. December 20, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., housed hyenas in enclosures that were structurally compromised and in need of repair. 9 C.F.R. § 3.125(a).

e. December 22, 2012. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to maintain housing enclosures for hyenas in good repair so that they contained the hyenas, and as a result, two hyenas escaped from their enclosure, and one was killed. 9 C.F.R. § 3.125(a).

f. April 3, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., housed bearded pigs, sheep, llamas, and pot-bellied pigs in enclosures that were structurally compromised and in need of repair. 9 C.F.R. § 3.125(a).

g. April 3, 2013, May 17, 2013, and January 8, 2014. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide a suitable method to rapidly eliminate excess water in enclosures housing hyenas. 9 C.F.R. § 3.127(c).

h. April 9, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to keep the premises clean, in order to protect the animals from injury, and specifically, there

was an accumulation of construction and demolition debris on the premises and adjacent to animal housing areas. 9 C.F.R. §§ 3.84(c), 3.131(c).

i. May 17, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to keep the premises clean and in good repair, in order to protect the animals from injury and facilitate husbandry practices. 9 C.F.R. §§ 3.84(c), 3.131(c).

j. May 17, 2013, and January 8, 2014. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide a suitable method to rapidly eliminate excess water in enclosures housing wolves. 9 C.F.R. § 3.127(c).

k. July 17, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide adequate shelter from sunlight to a giraffe. 9 C.F.R. § 3.127(a).

l. July 17, 2013, and August 1, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to provide adequate shelter from sunlight to pot-bellied pigs. 9 C.F.R. § 3.127(a).

m. July 17, 2013. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to enclose the facility by an adequate perimeter fence, and specifically, respondents' fence permitted an animal or animals to enter the premises and the enclosure housing a red fox. 9 C.F.R. § 3.127(d).

n. July 17, 2013, and January 8, 2014. Respondents Sipp and Animal Kingdom Zoo, Inc., failed to keep the premises clean and in good repair, in order to protect the animals from injury and facilitate husbandry practices. 9 C.F.R. § 3.131(c).

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. APHIS 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 9<sup>th</sup> day of June 2015

  
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Administrator  
Animal and Plant Health Inspection Service

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