



UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 15-0058
)
DOUGLAS KEITH TERRANOVA, an individual;)
and TERRANOVA ENTERPRISES, INC., a Texas) 15-0059
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.)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Douglas Keith Terranova (Terranova) is an individual whose mailing address is 6962 S. FM 148, Kaufman, Texas 75142. At all times mentioned herein, respondent Terranova was (1) operating as an exhibitor, as that term is defined in the Act and the Regulations, and/or (2) acting for or employed by an exhibitor or exhibitors (respondent Terranova Enterprises, Inc.), and his acts, omissions or failures within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures, as well as the acts, omissions, or failures of respondent Terranova Enterprises, Inc.

2. Respondent Terranova Enterprises, Inc. (Terranova Enterprises), is a Texas corporation (0159995901) whose president and registered agent for service of process is respondent Terranova, 6962 S. FM 148, Kaufman, Texas 75142-7141. Respondents Terranova and Terranova Enterprises do business as Terranova Wild Animal Act. At all times mentioned herein, Terranova

Enterprises was operating as an exhibitor, as that term is defined in the Act and the Regulations, and held AWA license number 74-C-0199.

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

3. Respondents exhibit domestic, wild, and exotic animals. Respondents represented to APHIS that they held 21 animals in 2010, 20 animals in 2011, and 20 animals in 2012. The gravity of the violations alleged in this complaint is great, involving failures to handle animals carefully and in a manner that protects the animals and the public, and to provide access for inspection.

4. Respondents have a history of previous violations. On December 20, 2011, an administrative law judge (ALJ) issued an initial decision and order in two administrative proceedings: *In re Terranova Enterprises, Inc., a Texas corporation doing business as Animal Encounters, Inc.; Douglas Keith Terranova, an individual; et al.*, AWA Docket No. 09-0155; *In re Terranova Enterprises, Inc., a Texas corporation doing business as Animal Encounters, Inc.; Douglas Keith Terranova, an individual; et al.*, AWA Docket No. 10-0418 (Decision and Order as to Terranova Enterprises, Inc. d/b/a Animal Encounters Inc. and Douglas Keith Terranova). The ALJ found that respondents Terranova and Terranova Enterprises committed the following violations on the following occasions:

June 9-10, 2008	7 U.S.C. § 2146(a) 9 C.F.R. § 2.126	respondents failed to make their facilities, animals, and records available for inspection by APHIS officials.
June 5, 2008	9 C.F.R. § 2.40(b)(1) 9 C.F.R. § 2.40(b)(4)	respondents failed to have adequate programs of veterinary care for animals (elephants)
Summer 2008	9 C.F.R. § 2.40(a) 9 C.F.R. § 2.40(b)(1)	respondents failed to provide adequate veterinary care to elephants, and to have

	9 C.F.R. § 2.40(b)(2)	adequate programs of care for animals
February 28, 2008	9 C.F.R. § 2.126(a)	respondents failed to make their written plan of veterinary care available for inspection
June 15, 2006	9 C.F.R. § 2.131(b)(1) 9 C.F.R. § 2.131(c)(1)	respondents mishandled two camels by leaving them unattended, wherein one of the camels became entangled in a loose rope barrier
June 5, 2007	9 C.F.R. § 2.131(b)(1)	respondents mishandled a mountain lion by spraying it with water and liquid detergent during cleaning
June 5, 2008	9 C.F.R. § 2.131(b)(1)	respondents failed to handle elephants as carefully as possible
May 12-Aug.15, 2008	9 C.F.R. § 2.131(b)(1)	respondents mishandled a young tiger by failing to provide the tiger with an adequate diet
May 12-Aug.15, 2008	9 C.F.R. § 2.131(b)(1)	respondents mishandled a young tiger by failing to treat the tiger's wound on its nose
November 4, 2009	9 C.F.R. § 2.131(b)(1)	respondents mishandled elephants by leaving an elephant alone during attempts to recapture another elephant
November 4, 2009	9 C.F.R. § 2.131(c)(1)	respondents mishandled elephants during exhibition by not ensuring that there was adequate distance and/or barriers between the animals and the public
November 4, 2009	9 C.F.R. § 2.131(d)(1)	respondents exhibited elephants under conditions inconsistent with their good health and well being
June 23-25, 2005	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. § 3.81 requiring documentation of a plan for environmental enhancement for nonhuman primates
June 11, 2008	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. § 3.125(a) requiring that enclosures be kept in

		repair and have adequate structural strength
August 2008	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. 3.125(a) requiring that enclosures be kept in repair and have adequate structural strength
August 2008	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. 3.125(c) requiring that animals housed outdoors be provided with adequate shade
June 24, 2007	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. § 3.127 requiring an adequate perimeter fence
May 12-Aug.15, 2008	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. § 3.129(a) by failing to offer a young tiger an appropriate diet
November 4, 2009	9 C.F.R. § 2.100(a)	respondents did not comply with 9 C.F.R. § 3.127 requiring an adequate perimeter fence

Respondents did not appeal the Initial Decision and Order, and it became final and unappealable on January 31, 2012. Respondents have not shown good faith. They have continued to mishandle dangerous animals and to fail to comply with the AWA and the Regulations. Respondents were jointly and severally assessed a civil penalty of \$25,000 in AWA Dockets Nos. 09-0155 and 10-0418 and, to date, have not paid any part of that civil penalty.¹

FAILURE TO OBEY CEASE AND DESIST ORDER

5. The Decision and Order in AWA Dockets Nos. 09-0155 and 10-0418 provided, in part:

“The Terranova Respondents, their agents, employees, successors and assigns, directly or indirectly through any corporate or other device are ORDERED to cease and desist from further violations of the Act and controlling regulations.”

¹Respondents were also ordered by the ALJ to provide to APHIS “with an affidavit describing the number of personnel hired for each exhibit, and the training and experience of animal handlers,” but have never provided such an affidavit.

The order became final and effective on January 31, 2012. On or about September 28, 2012, April 20, 2013, and September 25, 2013, respondents knowingly failed to obey the cease and desist order made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in the above-cited cases. Pursuant to section 2149(b) and 7 C.F.R. § 3.91, the respondents are each subject to a civil penalty of \$1,650 for each knowing failure to obey the Secretary's cease-and-desist order. 7 U.S.C. § 2149(b); 7 C.F.R. § 3.91.

ALLEGED VIOLATIONS

6. On or about August 2, 2010, and September 28, 2012, respondents willfully violated the Act and the Regulations by failing to have a responsible person available to provide access to APHIS officials to inspect its facilities, animals and records during normal business hours. 7 U.S.C. § 2146(a); 9 C.F.R. § 2.126(a).

7. On or about April 20, 2013, respondents willfully violated the Regulations (1) by failing to handle an animal as carefully as possible in a manner that would not cause physical harm or unnecessary discomfort, (2) by failing, during public exhibition, to handle an animal with sufficient distance and/or barriers between the animal and the public, so as to ensure the safety of the animal and the public, and (3) by failing, during public exhibition, to have a dangerous animal under the direct control and supervision of a knowledgeable and experienced animal handler, and specifically, respondents exhibited a tiger (Leah) in a circus in Salina, Kansas, and upon the conclusion of the performance, the tiger was not secured in an enclosure, but was loose and out of respondents' control and supervision in the performance area, and thereafter entered the women's restroom in the public concourse area. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1), 2.131(d)(3).

8. On or about March 10, 2011, respondents willfully violated the Regulations by failing

to handle animals as carefully as possible, and by failing, during public exhibition, to handle animals with sufficient distance and/or barriers between the animals and the public, so as to ensure the safety of the animal and the public, and specifically, respondents exhibited six tigers in a 12-foot high circular wire enclosure in which respondents placed 31-inch high pedestals, which effectively reduced height of the barrier between the tigers and the public, and offered a potential means for a tiger or tigers to exit the enclosure. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1).

9. On or about the following dates, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the minimum Standards promulgated under the AWA (9 C.F.R. Part 3), as follows:

a. March 10, 2011. Respondents' exhibition enclosure for six tigers was not structurally sound and maintained in good repair to protect the animals from injury and to contain them, and specifically, the enclosure was constructed of wire, and there were areas where the wires had come undone, leaving gaps in the sides of the enclosure; and when the enclosure was used for exhibitions, respondents placed 31-inch pedestals inside the enclosure, which reduced the effective height of the sides of the enclosure, and diminished the ability of the enclosure to contain the tigers. 9 C.F.R. § 3.125(a).

b. March 10, 2011. Respondents utilized transport enclosures as primary enclosures for six tigers, and the enclosures did not offer the tigers sufficient space to make normal postural and social adjustments. 9 C.F.R. § 3.128.

c. September 25, 2013. Respondents failed to provide areas housing nonhuman primates with a regular diurnal lighting cycle. 9 C.F.R. § 3.76(c).

d. September 25, 2013. Roof panels on the top of the covered portion of the

tiger exercise yard had become unfastened from the top rails of the enclosure. 9 C.F.R. § 3.125(a).

e. September 25, 2013. Respondents failed to remove from an area adjacent to the tiger facility an accumulation of unused building materials, including livestock panels and old lumber, and other miscellaneous items not used for animal husbandry. 9 C.F.R. § 3.131(c).

f. September 25, 2013. There were weeds and grasses growing in and around the premises and animal areas that offered harborage to rodents and other animals and pests. 9 C.F.R. § 3.131(c).

g. September 25, 2013. Respondents maintained unused chain link pens containing wooden structures that were in disrepair, and had weeds growing inside of them that could provide harborage for pests. 9 C.F.R. § 3.131(c).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have has 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 12th day of June, 2015



Administrator
Animal and Plant Health Inspection Service

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