

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:)	AWA Docket No. 15-0 <u>162</u>
)	
BIG RUN WOLF RANCH, INC., an)	<u>163</u>
Illinois corporation; JOHN F. BASILE,)	
an individual doing business as Big Run)	
Wolf Ranch,)	
)	
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.)(AWA or Act), and the regulations and standards issued thereunder (9 C.F.R. § 1.1 et seq.)(Regulations and Standards). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Big Run Wolf Ranch, Inc. (BRWR), is an Illinois corporation (62527625) whose agent for service of process is respondent John F. Basile, 14857 Farrell Road, Lockport, Illinois 60441. At all times mentioned herein, respondent BRWR was an exhibitor, as that term is defined in the Act and the Regulations, and beginning in July 2013, held AWA license 33-C-0447.

2. Respondent John F. Basile is an individual doing business as Big Run Wolf Ranch, and whose business address is 14857 Farrell Road, Lockport, Illinois 60441. At all times mentioned herein, respondent Basile was an exhibitor and dealer, as those terms are defined in the Act and the Regulations, and held AWA license 33-B-0001 until July 2013. Respondent Basile is the principal and president of respondent BRWR, and at all times herein was an agent and an officer of said respondent, and acting within the scope of his authority.

ALLEGATIONS REGARDING SIZE OF BUSINESS AND
GRAVITY OF VIOLATIONS

3. In 2012, respondent Basile represented to APHIS that he sold four animals for a total of \$3,000. In 2013, respondent BRWR represented to APHIS that it had custody of 23 animals, and in 2014, respondent BRWR represented to APHIS that it had custody of 21 animals. The allegations in this complaint involve the repeated failure to handle animals carefully. Respondents made it a practice to exhibit a bear, a cougar and a tiger carelessly and without sufficient distance and/or barriers between those animals and the public, and specifically, respondent Basile repeatedly brought a cougar and a tiger into local bars.

ALLEGED VIOLATIONS

4. On or about June 30, 2014, respondents failed to provide adequate veterinary care to the following animals and/or failed to establish programs of adequate veterinary care that included the availability of appropriate facilities, personnel, equipment, equipment and services, the use of appropriate methods to prevent, control, and treat diseases and injuries, daily observation of animals, a mechanism of direct and frequent communication in order to convey timely and accurate information about animals to the attending veterinarian, and adequate guidance to personnel involved in animal care, and specifically, two wolves (Sonora and Uriah) were observed to be suffering from severe fly bits on their ears and respondents failed to use prescribed medications on these animals, or to communicate with their attending veterinarian about this continuing problem, in willful violation of the Regulations. 9 C.F.R. § 2.40(a), 9 C.F.R. § 2.40(b)(1), 9 C.F.R. § 2.40(b)(2), 9 C.F.R. § 2.40(b)(4).

5. On or about the following dates, respondents willfully violated the Regulations

governing the handling of animals:

a. September 22, 2012. Respondents, during exhibition, failed to handle animals so that there was minimal risk of harm to the animals and the public, with sufficient distance and/or barriers between the animals and the public so as to ensure the safety of the animals and the public, and specifically, respondents allowed members of the public, including children, to feed an adult bear (Kuma) by hand. 9 C.F.R. § 2.131(c)(1).

b. December 14, 2013. Respondents failed to handle a tiger as carefully as possible in a manner that does not cause it physical harm or unnecessary discomfort and, during exhibition, failed to handle a tiger so that there was minimal risk of harm to the tiger and the public, with sufficient distance and/or barriers between the tiger and the public so as to ensure the safety of both the tiger and the public, and specifically, respondent Basile took a juvenile tiger (Khan), on a leash, into a bar (Uncle Ritchie's) in Lockport, Illinois, during a Christmas party, and exhibited the tiger in the bar without any distance or barriers between the tiger and the bar patrons and employees, and the tiger injured one of the patrons. 9 C.F.R. § 2.131(b)(1), 9 C.F.R. § 2.131(c)(1).

c. December 16, 2013. Respondents failed to handle a tiger as carefully as possible in a manner that does not cause it physical harm, or unnecessary discomfort and, during exhibition, failed to handle a tiger so that there was minimal risk of harm to the tiger and the public, with sufficient distance and/or barriers between the tiger and the public so as to ensure the safety of both the tiger and the public, and specifically, respondent Basile took a juvenile tiger (Khan), on a leash, to a bar (Rocco's Pub) in Lockport, Illinois, and exhibited the tiger in the bar's patio area, without any distance or barriers between the tiger and the bar

patrons and employees. 9 C.F.R. § 2.131(b)(1), 9 C.F.R. § 2.131(c)(1).

d. February 16, 2014. Respondents failed to handle a tiger as carefully as possible in a manner that does not cause it physical harm, or unnecessary discomfort and, during exhibition, failed to handle a tiger so that there was minimal risk of harm to the tiger and the public, with sufficient distance and/or barriers between the tiger and the public so as to ensure the safety of both the tiger and the public, and specifically, respondent Basile walked a juvenile tiger (Khan), on a leash, in the downtown area of Lockport, Illinois, and took the tiger into at least one bar (Uncle Ritchie's Place) and exhibited the tiger in the bar without any distance or barriers between the tiger and the bar patrons and employees. 9 C.F.R. § 2.131(b)(1), 9 C.F.R. § 2.131(c)(1).

e. During the period from September 23, 2012, through January 23, 2014. Respondents, during exhibition, have failed to handle animals so that there was minimal risk of harm to the animals and the public, with sufficient distance and/or barriers between the animals and the public so as to ensure the safety of the animals and the public, and specifically, respondent Basile advised that during exhibition, respondents allow members of the public, including children, to feed an adult bear (Kuma) cookies by hand. 9 C.F.R. § 2.131(c)(1).

f. March 14, 2014. Respondents failed to handle a tiger as carefully as possible in a manner that does not cause it physical harm or unnecessary discomfort, and specifically, respondents tethered a tiger (Khan) outside in an unfenced yard that was open to the public, without any enclosure or perimeter fence. 9 C.F.R. § 2.131(b)(1).

6. On or about the following dates, respondents willfully violated the Regulations, 9

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

- a. January 23, 2014. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury, and specifically, the enclosure housing wolves contained a shelter that had a large hole in one side. 9 C.F.R. § 3.125(a).
- b. January 23, 2014. Respondents fed a juvenile tiger a diet that has not been reviewed or approved by respondents' attending veterinarian. 9 C.F.R. § 3.129(a).
- c. January 23, 2014. Respondents failed to provide potable water to all of respondents' animals housed outdoors, and water receptacles were observed to contain large blocks of ice. 9 C.F.R. § 3.130.
- d. June 30, 2014. Respondents failed to maintain animal enclosures structurally sound and in good repair so as to protect the animals from injury, and specifically, several enclosures housing wolves were in disrepair, with holes under the shelter or resting platform. 9 C.F.R. § 3.125(a).
- e. June 30, 2014. Respondents failed to feed a tiger the amount of meat that was recommended by respondents' attending veterinarian. 9 C.F.R. § 3.129(a).
- f. June 30, 2014. Respondents failed to provide potable water to two wolves, whose water receptacles contained slimy green water. 9 C.F.R. § 3.130.
- g. June 30, 2014. Respondents failed to provide a tiger with adequate space to make normal postural adjustments, and specifically, respondents housed the tiger in an 5-foot by 5-foot cage inside of a garage. 9 C.F.R. § 3.128.
- h. December 1, 2014. Respondents failed to store supplies of food in facilities

that adequately protect them from deterioration, and specifically respondents' chest freezer was in disrepair and food contained therein could not be kept cold. 9 C.F.R. § 3.125(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 this matter proceed 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 5th day of Aug., 2015



Administrator
Animal and Plant Health Inspection Service

COLLEEN A. CARROLL
Attorney for Complainant
Office of the General Counsel
United States Department of Agriculture
1400 Independence Avenue, S.W.
Room 2343 South Building
Washington, D.C. 20250-1400
Telephone (202) 720-6430; 202-690-4299 (Fax)
e-mail: colleen.carroll@ogc.usda.gov