Eastern Regional Office USDA, APHIS, Animal Care 920 Main Campus Drive, Suite 200 Raleigh, NC 27606-5210 (919) 855-7100 Fax (919) 855-7124



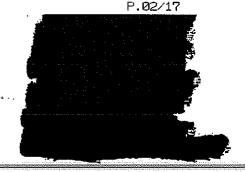
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United States
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Office of Administrative Caw Judges

August 30, 2007

Hearing Clark

Room 1031 South Building

1400 Independence Avenue SW

Washington, DC 20250-9200

(202) 720-4443 (202) 720-0776 fex Great Cats of Indiana, Inc. Agent: Robert B. Craig

10471 East Highway 24 Idaville, Indiana 47950

Laurob, Inc.

d/b/a Great Cats of Indiana

10471 East Highway 24

Idaville, Indiana 47950

Robert B. Craig 10471 East Highway 24 Idaville, Indiana 47950

Laura Proper

10471 East Highway 24 Idaville, Indiana 47950

Dear sir/madam:

Subject:

In re: Great Cats of Indiana, Inc., an Indiana corporation;

Laurob, Inc., an Indiana corporation, and Robert B. Craig and Laura Proper, individuals doing business as Great Cats of Indiana

Respondents - AWA Docket No. 07-0183

Enclosed is a copy of a Complaint which has been filed with this office under the Animal Welfare Act, as amended.

Also enclosed is a copy of the Rules of Practice which govern the conduct of these proceedings. You should familiarize yourself with the rules in that the comments which follow are not a substitute for their exact requirements.

The rules specify that you may represent yourself personally or by an attorney of record. Unless an attorney files an appearance in your behalf, it shall be presumed that you have elected to represent yourself personally. Most importantly, you have 20 days from the receipt of this letter to file with the Hearing Clerk an original and three copies of your written and signed answer to the complaint. It is necessary that your answer set forth any defense you wish to assert, and to specifically admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer or filing an answer which does not deny the material allegations of the complaint, shall constitute an admission of those allegations and a waiver of your right to an oral hearing.

In the event this proceeding does go to hearing, the hearing shall be formal in nature and will be held and the case decided by an Administrative Law Judge on

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the basis of exhibits received in evidence and sworn testimony subject to cross-examination.

You must notify us of any future address changes. Failure to do so may result in a judgment being entered against you without your knowledge. We also need your present and future telephone number.

Your answer, as well as any motions or requests that you may hereafter wish to file in this proceeding should be submitted in quadruplicate to the Hearing Clerk, OALJ, Room 1031, South Building, United States Department of Agriculture, Washington, D.C. 20250-9200.

Questions you may have respecting the possible settlement of this case should be directed to the attorney whose name and telephone number appears on the last page of the complaint.

Sincerely,

Joyce A. Dawson Hearing Clerk

Enclosures - 2

Sent to:

Colleen Carroll, Marketing Division, OCG w/complaint

Dr. Allison Khroustalev, APHIS w/complaint

cahouser:

8/30/07

Dawson

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UNITED STATES DEPARTMENT OF AGRICULTURE



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BEFORE THE SECRETARY OF AGRICULTURE

acasia di mangan) AWA Docket No. 07-0/43
in re:)
	GREAT CATS OF INDIANA, INC., an)
	Indiana corporation; LAUROB, INC., an Indiana corporation, and ROBERT B.))
•	CRAIG and LAURA PROPER, individuals	
	doing business as GREAT CATS OF INDIANA,))
	_) COMPLAINT
	Respondents.) COMPLAIN I

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, the Administrator of the Animal and Plant Health Inspection Service ("APHIS"), issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

- 1. Respondent Great Cats of Indiana, Inc. ("GCP"), is an Indiana corporation (number 2001112600247, incorporated November 21, 2001) whose address is 10471 East Highway 24, Idaville, Indiana 47950, and whose agent for service of process is respondent Robert B. Craig. At all times mentioned herein, respondent GCI operated as an exhibitor as that term is defined in the Act.
- 2. Respondent Laurob, Inc. ("Laurob") is an Indiana corporation (number 2003021700011, incorporated January 30, 2003) whose address is 10471 East Highway 24, Idaville, Indiana 47950, and whose agent for service of process is respondent Robert B. Craig. At all times mentioned herein, respondent Laurob operated as an exhibitor as that term is defined in the Act, and held Animal Welfare Act license 32-C-0186, issued to "LAUROB, INC., DBA: GREAT CATS OF

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- 3. Respondent Robert B. Craig is an individual whose mailing address is 10471 East Highway 24, Idaville, Indiana 47950. Complainant is informed and believes and on that basis alleges that respondent Craig is a director and officer of respondents GCI and Laurob, and since approximately November 2001 has operated as an exhibitor under the names "Great Cats of Indiana" and Cougar Valley Farms, Inc.
- 4. Respondent Laura Proper is an individual whose mailing address is 10471 East Highway 24, Idaville, Indiana 47950. Complainant is informed and believes and on that basis alleges that respondent Proper is a director and officer of respondents GCI and Laurob, and since approximately November 2001 has operated as an exhibitor under the names "Great Cats of Indiana" and Cougar Valley Farms, Inc.
- 5. Respondents Craig and Proper were the principals of Cougar Valley Farms, Inc., an Indiana corporation that validly held Animal Welfare Act license 32-B-0136, from its incorporation until its dissolution by the Indiana Secretary of State on December 8, 2001. Although a defunct corporation is not a "person," as defined in the Act and the Regulations, and therefore cannot legitimately hold a license, for almost two years, between December 8, 2001, through September 19, 2003, respondents Craig and Proper continued to operate as dealers under the name "Cougar Valley Farms, Inc.," and to use (and renew) the license that APHIS had issued to Cougar Valley Farms, Inc., as their own for their own purposes.

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

6. Respondents operate a moderately-large business, and have regularly had custody and

control of approximately 50 animals, including canids, felids and bears.

The gravity of the violations alleged in this complaint is great. They include repeated instances in which respondents exhibited animals without adhering to the handling Regulations, failed to provide minimally-adequate veterinary care to animals that were suffering, and failed to provide minimally-adequate housing and husbandry to animals. Respondents have not shown good faith. They have continually failed to comply with the Regulations and Standards, after having been repeatedly advised of deficiencies, and on August 30, 2004, APHIS issued a notice of warning to respondent Laurob. Respondents Craig and Proper operated for two years ostensibly using a dealer's license issued to a defunct corporation (Cougar Valley Farms, Inc.). On November 1, 2006, respondent Craig misrepresented to inspectors that on October 25-26, 2006, he sought veterinary care from two veterinarians for a jaguar in distress, when both veterinarians confirmed the APHIS that respondent Craig had never so communicated with them.

ALLEGED VIOLATIONS OF THE LICENSING REGULATIONS

7. Since approximately November 21, 2001, respondent GCI has continually operated as a dealer and an exhibitor, as those terms are defined in the Act and the Regulations (7 U.S.C. § 2132(h), 9 C.F.R. § 1.1), and specifically operated a "zoo," as defined in the Regulations (9 C.F.R. § 1.1), at its business location at 10471 East Highway 24, Idaville, Indiana 47950, without having a valid license under the Act, in willful violation of the Regulations. 9 C.F.R. § 2.1(a).

ALLEGED VIOLATIONS OF THE VETERINARY CARE REGULATIONS

8. On September 19, 2003, respondents Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a

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written program of veterinary care and regularly-scheduled visits to the premises, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(1).

- 9. On August 26, September 6, September 15 and September 26, 2005, and July 12, October 25-26, and November 1, 2006, respondents GCl, Laurob, Craig and Proper failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care and regularly-scheduled visits to the premises, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(1).
- On September 15 and September 26, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) two emaciated juvenile tigers with brittle coats, (ii) a cougar (Buddy Boy) with unhealed wounds on his right front paw that occurred months before, and (iii) wolves in poor condition with bloody diarrhea, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- 11. On November 30, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) three bears with loose stools, (ii) three juvenile tigers, (iii) wolves, and (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, or to following the bandaging and surgical debridement prescription, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1),

2.40(b)(2).

- On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services, and housed juvenile tigers in enclosures that were too small for them, and would not accommodate their rapid growth, in willful violation of the Regulations. 9 C.F.R. § 2.40(b)(1).
- 13. On February 28 and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to employ an attending veterinarian who had appropriate authority to ensure the provision of veterinary care to animals, as required, and specifically, respondents failed to adhere to the veterinary medical instructions of their attending veterinarian, failed to follow recommended veterinary programs and treatments, and in fact, have elected to disregard their veterinarian's advice, and instead to make their own veterinary medical decisions regarding the veterinary care for the animals in their custody, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(2).
- 14. On February 28, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) animals recommended for worming with fenbendazole, (ii) animals needing testing for heartworm (dirofilaria immitis) and hookworm (ancylostoma), (iii) a lion (Mufasa) with a dental abscess, (iv) a cougar (Buddy Boy) with unhealed wounds on his right front paw from an amputation that occurred months before, and (v) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

- On July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars, (iii) a cougar (Buddy Boy) whose wounds were treated not by a veterinarian but by respondent Craig, and (iv) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- 16. On or about October 25-26, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to obtain any veterinary medical treatment for a jaguar that stopped eating, became aggressive, then lethargic, and died on October 26, 2006, without having been seen by a veterinarians, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- On November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with a dental abscess, (ii) thin cougars, (iii) three thin tigers, and (iv) animals in need of fecal exams for the treatment of parasites, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- 18. Between January 28, 2007, through February 4, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat

injuries, and failed to provide adequate veterinary medical treatment to (i) one tiger, one lion, on jaguar, and four cougars, all of whom died without having been seen by a veterinarian, despite their suffering from vomiting and diarrhea, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).

- 19. On March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a leopard with an open wound on its left rear, (ii) a cougar (Raja) with half of a tail, and a bloody open wound on the end, (iii) an emaciated adult lion (Cofu), and (iv) a lion (Mufasa) with a dental abscess and an open wound with hair loss on his left rear hock, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- On April 17, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a tiger (Cooper) whose tail was docked, and its sutures removed leaving an open wound and exposed bone, (ii) an emaciated adult lion (Cofu), and (iii) a lion (Mufasa) with a dental abscess, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2).
- 21. On May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to treat injuries, and failed to provide adequate veterinary medical treatment to (i) a lion (Mufasa) with an untreated dental abscess, in

ALLEGED NONCOMPLIANCE WITH REGULATIONS GOVERNING HANDLING OF ANIMALS

- On June 14, 2004, APHIS inspectors determined that on June 14, 2003, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public, and specifically, respondents exhibited a bear (Trouble) without sufficient distance and/or barriers to prevent the public from approaching and having direct contact with the bear, and a customer on a tour of the facility put her hand into the bear's cage, whereupon the bear bit off part of the customer's left index finger, in willful violation of the Regulations. 9 C.F.R. § 2.131(b)(1)[renumbered as 9 C.F.R. § 2.131(c)(1), effective July 14, 2004].
- 23. On January 27, April 5, approximately July, August 26, September 15, September 26, and November 30, 2005, and February 28, July 12, and November 1, 2006, and March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to handle animals during public exhibition so there was minimal risk of harm to the animals and to the public, with sufficient distance and/or barriers between the animals and the general viewing public so as to assure the safety of animals and the public, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

ALLEGED NONCOMPLIANCE WITH STANDARDS GOVERNING HUMANE HANDLING, CARE, AND TREATMENT OF DOGS

24. Respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for dogs, and specifically, on March 9, 2004, respondents failed to house wolf-hybrids in enclosures that were in good repair and structurally

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ALLEGED NONCOMPLIANCE WITH STANDARDS GOVERNING HUMANE HANDLING, CARE, AND TREATMENT OF OTHER, ANIMALS

- 25. Respondents willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals (9 C.F.R. §§ 3.125-3.142), as follows:
 - a. On September 10, 2002, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the shelter box for two black bears, the housing enclosure for three lions, and the female tiger enclosure. 9 C.F.R. § 3.125(a).
 - b. On September 10 and December 3, 2002, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste in animal enclosures. 9 C.F.R. § 3.125(d).
 - c. On September 10, 2002, respondents Craig and Proper failed to maintain their perimeter fence structurally sound and in good repair, and specifically, there was no perimeter fence around the enclosure for four juvenile lions. 9 C.F.R. § 3.127(d).
 - d. On September 10, 2002, respondents Craig and Proper failed to provide two black bears with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).
 - e. On September 10, 2002, respondents Craig and Proper failed to keep water receptacles for lions, tigers and bears clean and sanitary. 9 C.F.R. § 3.130.
 - f. On September 10, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed excessive weed growth, trash and accumulated debris. 9 C.F.R. § 3.131(c).

- g. On December 3, 2002, respondents Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris. 9 C.F.R. § 3.131(c).
- h. On July 29, 2003, respondents Craig and Proper failed to ensure that housing facilities were structurally sound and maintained in good repair, specifically the housing enclosure for a male lion (Chucky). 9 C.F.R. § 3.125(a).
- i. On July 29, 2003, respondents Craig and Proper failed to provide for the removal and disposal of food and animal waste, bedding and trash in lion and tiger enclosures. 9 C.F.R. § 3.125(d).
- j. On July 29, 2003, respondents Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed excessive maggets on the ground of the pathway outside the lion and tiger enclosures. 9 C.F.R. § 3.131(d).
- k. On September 19, 2003, respondents Craig and Proper failed to remove excreta from primary enclosures for bears as often as necessary. 9 C.F.R. § 3.131(a).
- 1. On March 9 and June 14, 2004, April 5, August 26, September 6, September 26 and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, April 17 and May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to keep water receptacles for animals functional, available, clean and sanitary. 9 C.F.R. § 3.130.
- m. On March 9 and June 14, 2004, April 5, September 15 and September 26, 2005, July 12 and November 1, 2006, and March 13 and April 17, 2007, respondents GCI, Laurob, Craig and Proper failed to ensure that housing facilities were structurally sound and

maintained in good repair. 9 C.F.R. § 3.125(a).

- n. On January 27, April 5, August 26 and September 15, 2005, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to have ample lighting in animal enclosures. 9 C.F.R. § 3.126(c).
- On January 27, August 26, September 6, September 1 5, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, April 17 and May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to remove excreta from primary enclosures for all animals as often as necessary. 9 C.F.R. § 3.131(a).
- p. On April 5, August 26, September 15 and September 26, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper provide for the removal and disposal of food and animal waste, bedding and trash. 9 C.F.R. § 3.125(d).
- q. On August 26, September 15, September 26, and November 30, 2005, February 28, July 12 and November 1, 2006, and March 13, 2007, respondents GCI, Laurob, Craig and Proper failed to store supplies of food in facilities that adequately protect them against deterioration, molding and contamination. 9 C.F.R. § 3.125(c).
- r. On August 26, September 26 and November 30, 2005, July 12 and November 1, 2006, and March 13 and May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to provide a suitable method to eliminate excess water from animal enclosures. 9 C.F.R. § 3.127(c).
- s. On August 26, 2005, and March 13 and May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to provide adequate wholesome, palatable and uncontaminated food to animals. 9 C.F.R. § 3.129.

- t. On August 26, September 15 and September 26, 2005, and February 28, and July 12, 2006, respondents GCI, Laurob, Craig and Proper failed to keep the premises clean and in good repair, and specifically, APHIS inspectors observed trash and accumulated debris. 9 C.F.R. § 3.131(c).
- u. On September 15, 2005, respondents GCI, Laurob, Craig and Proper failed to establish and maintain an effective program for pest control, and APHIS inspectors observed numerous rat holes. 9 C.F.R. § 3.131(d).
- v. On September 26 and November 30, 2005, and February 28, July 12, November 1 and December 7, 2006, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate shelter from inclement weather. 9 C.F.R. § 3.127(b).
- w. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to maintain their perimeter fence functional, and in structurally sound condition. 9 C.F.R. § 3.127(d).
- A. On November 30, 2005, and February 28, July 12 and November 1, 2006, respondents GCI, Laurob, Craig and Proper failed to provide animals with adequate space in which to make social and postural adjustments. 9 C.F.R. § 3.128.
- y. From September 10, 2002, through May 30, 2007, respondents Craig and Proper failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry, and from January 5, 2004, through May 30, 2007, respondents GCI and Laurob failed to employ a sufficient number of adequately-trained personnel to maintain an acceptable level of husbandry. 9 C.F.R. § 3.132.
 - z. On May 30, 2007, respondents GCI, Laurob, Craig and Proper failed to

provide eight tigers with adequate shelter from sunlight. 9 C.F.R. § 3.128.

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.

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The Animal and Plant Health Inspection Service 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 an expedited oral hearing, upon motion pursuant to section 1.141(b) of 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, 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 each of the respondents in accordance with section 19 of the Act (7 U.S.C. § 2149); and revoking AWA license number 32-C-0186.

> Done at Washington, D.C. this 27 day of August, 2007

Animal and Plant Health Inspection Service

COLLEEN A. CARROLL Attorney for Complainant Office of the General Counsel United States Department of Agriculture Washington, D.C. 20250-1400 Telephone (202) 720-6430 e-mail: colleen.carroll@usda.gov