

January 19, 2010

From:

Stop Animal Exploitation Now! (SAEN)

Donald W. Elroy

Director of Captive Wildlife Advocacy

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By email to:

Dr. Chester A. Gipson

Administrator

USDA/APHIS/AC

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Dr. Robert M. Gibbens

Director Western Region

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Dear Dr. Gipson and Dr. Gibbens,

I represent S.A.E.N (Stop Animal Exploitation Now!) as Director of Captive Wildlife Advocacy and we are requesting immediate relief and confiscation of all animals remaining at the Zoocats facility in Kaufman, Texas.

**Exhibitor's license: 74-C-0426 Research registration: 74-R-0142**

On September 24, 2008, a decision by Victor Palmer, Administrative Law Judge, permanently revoked the license of Marcus Cook (AKA Zoocats) and Mr. Cook filed an appeal. After Review a second judge (William Jensen) supported the initial decision on July 27, 2009. At or after this point at least 6-7 cats were confiscated (that were deemed to be in imminent danger) and placed at another Texas facility (In-Sync Exotics). These animals suffered from ataxia, lethargy, hair loss and numerous ailments due to improper care and diet. Zoocats, under appeal did not change procedures for nutrition or veterinary care which prompted the initial decision to confiscate and the violations that led to the initial decision to revoke the license of this facility.

Mr. Cook and Zoocats also held a research designation which was proven in APHIS documentation to have no value and to be based upon total non-compliance with the AWA. The only participant in review was Mr. Cook and the IACUC members had no higher education degree. This license was revoked in the original 2008 decision also. This facility in no way met criteria for a research designation and should never have received this designation.

Throughout the 58 pages of inspection reports in our possession, repetitive violations have occurred and continued over a several year period. Previous inspections from many years before were met with severe non-compliance. The repeat NCI's by Zoocats have resulted in a reactionary approach to animal care as opposed to the preferred proactive approach that USDA should have elected to utilize from the beginning stages of this non-compliance with the rules, regulations and standards of the AWA.

As recent as December 21, 2009 an inspection report documents identical non-compliant situations for other animals still in the care of Marcus Cook and Zoocats.

From the inspection report:

\*\*\*\*At the time of this inspection the diet and the directions for the implementation of the diet continue to be of great concern to Aphis officials. The inspection reports of 3/20/09, 5/13/09, 6/9/09 and 7/8/09 all addressed dietary concerns at this facility. The diet had been solely chicken or chicken parts with the addition of a vitamin supplement in varying doses dependent on who was feeding.

This lack of guidance in diet formulation and implementation has contributed to two previous confiscations from this facility. There continues to be concern for additional animals at this facility, namely Bagherra and the cougars, which appear to have lost body condition from our previous inspection.

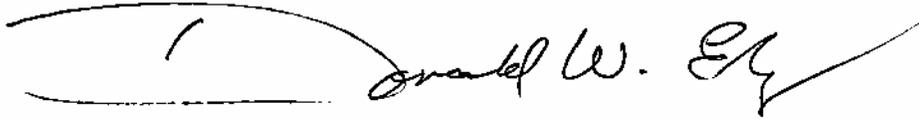
It has been stated on numerous previous inspections, as well as this one, that the owner and veterinarian could and should consult with a nutritionist and or veterinarian who has a background with and is familiar with the nutritional needs of the large exotic cats to incorporate that expertise into the facilities nutrition plan. As for the switching of the current feeding practices to one of a commercially prepared diet it is strongly suggested that help in this effort be sought out from both the company manufacturing the diet used as well as asking them for institutional guidance from those institutions which are currently feeding this diet for suggestions in the transition from poultry to this diet if there is to be success in this endeavor.

This affects 9 animals.

We at SAEN express the same concerns for the remaining animals at this facility and call on APHIS/AC to take immediate action to confiscate all animals remaining at this facility and under the lack of care by this former licensee while the appeal process proceeds. There is no justification for allowing this abusive situation to continue and possibly lead to serious health concerns or death for these animals.

We believe that USDA inspector Donovan Fox, Big Cat expert Laurie Gage, and the Western Region office have fulfilled their responsibility in reporting these violations and filing the case to confiscate certain animals. Yet, we believe that the approach was reactionary and not proactive, when a proactive approach could have prevented this abusive situation. **SAEN believes that due to the most recent inspection reports, it is imperative that USDA/APHIS/AC take immediate proactive action to protect the remaining animals at this facility through confiscation. All remaining animals in the care of Marcus Cook, his associates and/or the Zoocats facility under either the exhibitor's license or research designation must be immediately removed to protect them from further abuse and neglect.**

Thank you for your immediate consideration of this important matter.

A handwritten signature in black ink that reads "Donald W. Elroy". The signature is written in a cursive style with a large, sweeping initial "D" and a long, horizontal flourish at the end.

*Donald W. Elroy*  
*Director of Captive Wildlife Advocacy*  
*S.A.E.N.*  
*Stop Animal Exploitation Now!*  
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*"The truth you seek has no past and no future.  
It is, and that's all it needs to be." - Richard Bach*