

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re: ) AWA Docket No. 06-0010  
)  
SAM MAZZOLA, an individual doing )  
business as WORLD ANIMAL STUDIOS, )  
INC., a former Ohio domestic corporation )  
and WILDLIFE ADVENTURES OF OHIO, )  
INC., a former Florida domestic stock )  
corporation currently licensed as a foreign )  
corporation in Ohio, )  
Respondent. )

and

In re: ) AWA Docket No. D-07-0064  
)  
Sam Mazzola, )  
Petitioner. )

**SECOND AMENDED COMPLAINT**

There is reason to believe that the respondent named herein has willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.) (the “Act”), and the regulations and standards (9 C.F.R. § 1.1 et seq.) (“Regulations” and “Standards”) issued pursuant to the Act, and that respondent held an invalid Animal Welfare Act license. Therefore, the Administrator of the Animal and Plant Health Inspection Service (“APHIS”) issues this Second Amended Complaint alleging as follows:

JURISDICTIONAL ALLEGATIONS

1. Respondent Sam Mazzola is an individual doing business as World Animal Studios, Inc., Wildlife Adventures of Ohio, Inc., and Animal Zone, and whose mailing address is 9978 N. Marks Road, Columbia Station, Ohio 44028.

2. At all times mentioned herein said respondent was operating as an exhibitor as that term is defined in the Act and the Regulations.

3. Respondent Mazzola, at all material times herein, held himself out as the president of World Animal Studios, Inc., a former Ohio domestic corporation.

4. On February 20, 1999, Ohio Secretary of State J. Kenneth Balckwell notified World Animal Studios, Inc., through its registered agent respondent Mazzola, that:

[World Animal Studios, Inc.] has failed to file the necessary corporate franchise tax reports or pay the required taxes within the time required by law. The OFFICE OF THE SECRETARY OF STATE, in accordance with the provisions of the section 5733.20 of the Ohio Revised Code, hereby provides notification that the Articles of Incorporation (or License to do business in Ohio) for the corporation have been canceled as of February 20, 1999. Continuation of business as a corporation after this date will be in violation of the law.

5. Despite receiving notice described above in paragraph 4, respondent Mazzola, on behalf of World Animal Studios, Inc., applied for, received, and renewed Animal Welfare Act exhibitor's license number 31-C-0065 issued to "WORLD ANIMAL STUDIOS INC."

6. \_\_\_\_\_ Animal Welfare Act license number 31-C-0065 is and, since February 21, 1999, has been, an invalid license because it is issued to a corporation ("WORLD ANIMAL STUDIOS INC") that does not exist and cannot meet the licensing requirements set forth in the Act and the Regulations.

7. On October 12, 2006, complainant received from respondent a renewal application for Animal Welfare Act license number 31-C-0065, wherein respondent changed the licensee's name from "World Animals Studios, Inc." to "World Animals Studios" and changed the type of organization from "corporation" to "individual."

8. On or about October 27, 2006, complainant notified respondent that section 2.5(d) of the Regulations prohibits the transfer of licenses and returned to respondent the renewal application and licensing fee.

9. Thereafter, on or about October 27, 2006, and on or about November 1, 2006, respondent submitted additional information to support the renewal of Animal Welfare Act license number 31-C-0065.

10. Specifically, with regard to box 12 on the renewal form pertaining to “social security or tax identification number,” respondent stated that the “federal tax id number is my personal federal tax id number.”

11. Respondent also stated he “disolved [sic] the corporation.”

12. On or about November 15, 2006, and after considering respondent’s supplemental information, complainant notified respondent that Animal Welfare Act license number 31-C-0065 had not been renewed and was cancelled.

13. APHIS personnel conducted inspections of respondent’s facilities, records and animals for the purpose of determining respondent’s compliance with the Act, Regulations, and Standards on December 13, 2003 (27 animals inspected), February 11, 2004 (41 animals inspected), February 20, 2004, August 19, 2004, September 22, 2004 (3 animals inspected), March 18, 2005 (22 animals inspected), August 16, 2005 (10 animals inspected), March 18, 2006 (21 animals inspected), August 3, 2006 (unable to inspect), August 8, 2006, May 19, 2007, July 26, 2007, September 27, 2007, and December 18, 2007.

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

14. Respondent has a medium-sized business under the Act. During the material times herein, respondent exhibited, on average, 20 wild and exotic animals (including foxes, lemurs, caracals, ocelots, bears, tigers, lions, a cougar and a leopard) at multiple exhibition locations.

15. The gravity of the violations alleged in this complaint is great. Specifically, respondent repeatedly handled and housed animals in a manner that risked the safety of the animals and members of the public, and continually failed to comply with the Regulations and Standards after having been repeatedly advised of deficiencies. In addition, respondent has continually interfered with, threatened, verbally abused and harassed APHIS officials in the course of carrying out their duties, despite receiving notice that such behavior was unacceptable from the U.S. Department of Agriculture, Office of the Inspector General.

16. Although respondent has no history of previous litigated violations, on March 14, 1994, complainant issued to respondent an official warning for violations documented in connection with investigation OH 94-003 AC. Moreover, respondent's conduct over the period covered by this complaint reveals a consistent disregard for, and unwillingness to abide by, the requirements of the Animal Welfare Act and the Regulations and Standards. Such an ongoing pattern of violations establishes a "history of previous violations" for the purposes of section 19(b) of the Animal Welfare Act (7 U.S.C. § 2149(b)) and lack of good faith.

ALLEGED NONCOMPLIANCE WITH REGULATIONS

17. On or about December 13, 2003, through on or about August 3, 2006, respondent willfully violated section 4 of the Act and section 2.1(a)(1) of the Regulations, by operating as an

exhibitor as that term is defined in the Act and the Regulations and/or by transporting animals for exhibition, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

18. On or about January 8, 2007, through on or about January 11, 2007, respondent willfully violated section 2134 of Act and section 2.1(a)(1) of the Regulations, by operating as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at the Ohio Fair Mangers Convention, Columbus, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

19. On or about March 14, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by intending to operate as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at the Cleveland Sport, Travel & Outdoor Show, Cleveland, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

20. On or about May 18, 2007, through on or about May 19, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at Vito's Pizza, Toledo, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

21. On or about July 26, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at the Fayette County Fair,

Washington Court House, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

22. On or about July 31, 2007, through on or about August 5, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at the Hamilton County Fair, Cincinnati, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

23. On or about September 27, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as a dealer as that term is defined in the Act and the Regulations and offering to sell two skunks (a black and white skunk and an albino skunk) at Animal Zone pet store, Midway Mall, Elyria, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(f); 9 C.F.R. §§ 1.1, 2.1(a).

24. On or about October 23, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as a dealer as that term is defined in the Act and the Regulations and selling a black and white skunk at Animal Zone pet store, Midway Mall, Elyria, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(f); 9 C.F.R. §§ 1.1, 2.1(a).

25. On or about December 8, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as an exhibitor as that term is defined in the Act and the Regulations and by transporting animals for exhibition at Animal Zone pet store, Midway Mall, Elyria, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

26. On or about December 16, 2007, through on or about December 18, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by intending to operate and/or operating as an exhibitor as that term is defined in the Act and the Regulations at Animal Zone pet store, Midway Mall, Elyria, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(h); 9 C.F.R. §§ 1.1, 2.1(a).

27. On or about December 18, 2007, respondent willfully violated section 2134 of the Act and section 2.1(a)(1) of the Regulations, by operating as a dealer as that term is defined in the Act and the Regulations and offering to sell a skunk (albino) at Animal Zone pet store, Midway Mall, Elyria, Ohio, without a valid license from the Secretary of Agriculture to do so. 7 U.S.C. §§ 2134, 2132(f); 9 C.F.R. §§ 1.1, 2.1(a).

28. On or about February 14, 2004, the U.S. Department of Agriculture, Office of the Inspector General (“OIG”) counseled respondent regarding his threatening behavior toward APHIS officials during a December 13, 2003 inspection (for example, respondent stated a Supervisory Animal Care Specialist “needed a f \_\_\_ ing bat upside his head”), and advised respondent that such behavior was unacceptable.

29. Nevertheless, respondent has willfully violated section 2.4 of the Regulations by interfering with, threatening, abusing (including verbally abusing), and harassing APHIS officials in the course of carrying out their duties, as follows.

30. On or about August 3, 2006, respondent called an APHIS Animal Care Inspector an “incompetent a \_\_\_ hole” and “f \_\_\_ ing imbecile” that was “too damn dumb” to conduct an inspection, and stated he was suing the Department and “would have” the jobs of both the Animal Care Inspector and his supervisor. 9 C.F.R. § 2.4.

31. On or about August 8, 2006, respondent filed a frivolous complaint with OIG claiming that an APHIS Animal Care Inspector solicited a bribe during an inspection when, in fact, the Inspector had done no such thing and OIG determined that respondent's complaint was baseless. 9 C.F.R. § 2.4.

32. On or about August 3, 2006, respondent willfully violated section 2.126 of the Regulations by failing and refusing to make his facilities, animals, and records available to APHIS officials for inspection. 9 C.F.R. § 2.126.

33. On or about February 11, 2004, complainant notified respondent, in writing, of his failure to maintain and make available for inspection a written program of veterinary care and provided him with the opportunity to demonstrate or achieve compliance.

34. Nevertheless, respondent has willfully violated the attending veterinarian and adequate veterinary care regulations by failing to employ an attending veterinarian under formal arrangements that includes a written program of veterinary care and regularly scheduled visits to the premises, as follows:

35. On or about March 18, 2006, respondent had no written program of veterinary care available for inspection. 9 C.F.R. §§ 2.40(a)(1), 2.126(a)(2).

36. On or about August 8, 2006, respondent had no written program of veterinary care available for inspection. 9 C.F.R. §§ 2.40(a)(1), 2.126(a)(2).

37. On or about December 13, 2003, complainant notified respondent, in writing, of his failure to safely handle animals and provided him with the opportunity to demonstrate or achieve compliance.



38. Nevertheless, respondent has willfully violated section 2.131(c)(1) of the Regulations by failing, during public exhibition, to handle any animal so that there is minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the animal and the general viewing public so as to assure the safety of the animals and the public, as follows:

39. On or about August 19, 2004, respondent, during public exhibition at the Holmes County Fairgrounds in Millersburg, Ohio, allowed customers to enter the primary enclosure containing an adult black bear without distance or adequate barriers between the animals and the public. 9 C.F.R. § 2.131(c)(1).

40. On or about March 18, 2005, respondent, during public exhibition at the IX Center in Cleveland, Ohio, allowed customers to enter the primary enclosures containing an adult black bear and two adult tigers without distance or adequate barriers between the animals and the public. 9 C.F.R. § 2.131(c)(1).

41. On or about August 16, 2005, respondent, during public exhibition at the Holmes County Fairgrounds in Millersburg, Ohio, allowed customers to enter the primary enclosures containing an adult bear and an adult tiger without distance or adequate barriers between the animals and the public. 9 C.F.R. § 2.131(c)(1).

42. On or about March 18, 2006, respondent, during public exhibition at the IX Center in Cleveland, Ohio, allowed the public to enter the primary enclosures containing an adult bear, adult tiger, and juvenile lion without distance or adequate barriers between the animals and the public. 9 C.F.R. § 2.131(c)(1).

43. On or about May 12, 2006, respondent, during public exhibition at Posh Nite Club in Akron, Ohio, allowed customers to enter the primary enclosure containing an adult bear with no distance or barriers between the animals and the public, and specifically, allowed no fewer than 7 customers to wrestle the bear (“Ceasar”) and attempt to pin the animal for a prize of \$1,000. 9 C.F.R. § 2.131(c)(1).

44. On or about May 19, 2006, respondent, during public exhibition at Posh Nite Club in Akron, Ohio, allowed customers to enter the primary enclosure containing an adult bear with no distance or barriers between the animal and the public, and specifically, allowed no fewer than 9 customers to wrestle the bear (“Ceasar”) and attempt to pin the animal for a prize of \$1,000. 9 C.F.R. § 2.131(c)(1).

45. In addition, on or about May 19, 2006, respondent allowed members of the public to have their photograph taken with the bear with no distance or barriers between the animal and the public. 9 C.F.R. § 2.131(c)(1).

46. On or about May 26, 2006, respondent, during public exhibition at Posh Nite Club in Akron, Ohio, allowed customers to enter the primary enclosure containing an adult bear with no distance or barriers between the animal and the public, and specifically, allowed no fewer than 8 customers to wrestle the bear (“Ceasar”) and attempt to pin the animal for a prize of \$1,000. 9 C.F.R. § 2.131(c)(1).

47. On August 19, 2004, complainant notified respondent, in writing, of structural deficiencies in the primary enclosures he used to house animals and provided respondent with the opportunity to demonstrate or achieve compliance.

48. Nevertheless, respondent has willfully violated section 2.100(a) of the Regulations and Standards by failing to meet the minimum facilities and operating standards for animals (9 C.F.R. §§ 3.125-3.142), by failing to construct housing facilities so that they are structurally sound, protect the animals from injury, and contain the animals, as follows:

49. On or about March 18, 2005, respondent housed two adult tigers in open-top enclosures at IX Center in Cleveland, Ohio, that lacked adequate structural integrity and height to contain the animals. 9 C.F.R. §§ 2.100(a), 3.125(a).

50. On or about August 16, 2005, respondent housed an adult black bear and two adult tigers in open-top enclosures at the Holmes County Fair in Millersburg, Ohio, that lacked adequate structural integrity and height to contain the animals. 9 C.F.R. §§ 2.100(a), 3.125(a).

51. On or about March 18, 2006, respondent housed an adult black bear and adult tiger in open-top enclosures at the IX Center in Cleveland, Ohio, that lacked adequate structural integrity and height to contain the animals. 9 C.F.R. §§ 2.100(a), 3.125(a).

52. Each animal affected by respondent's failure to comply with the Act, and the Regulations and Standards and each day during which such violation continues, as alleged herein, constitutes a separate violation of the Act, Regulations and Standards. 7 U.S.C. § 2149(b); ¶¶ 17-18, 20, 22, 26, 40-46, & 49-51.

WHEREFORE, it is hereby requested that for the purpose of determining whether the respondent has in fact willfully violated the Act and the regulations issued under the Act, this Second Amended Complaint shall be served upon the respondent. Respondent 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 Second Amended Complaint.

The Animal and Plant Health Inspection Service requests that unless the respondent fails to file an answer within the time allowed therefor, or files an answer admitting all the material allegations of this Second Amended Complaint, that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including an order: (1) requiring the respondent to cease and desist from violating the Act and the regulations and standards issued thereunder; (2) assessing civil penalties against the respondent in accordance with section 19 of the Act (7 U.S.C. § 2149); and (3) suspending or revoking license number 31-C-0065, and/or disqualifying respondent from obtaining an Animal Welfare Act license.

DATED: January 4, 2008

Respectfully Submitted,

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Bernadette Juarez  
Attorney for Complainant