

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 04-0031
	)	
WAYNE P. OXFORD, an individual doing	)	
business as HUG A TIGER and	)	
ENDANGERED CATS OF THE WORLD;	)	
HEIDI RIGGS, an individual;	)	
CHRIS MCDONALD, an individual doing	)	
business as MCDONALD=S FARM and	)	
MCDONALD=S FARM EXOTIC CATS; and	)	
BRIDGEPORT NATURE CENTER,	)	DECISION AND ORDER
a Texas corporation,	)	AS TO RESPONDENT
	)	CHRIS MCDONALD
Respondents.	)	

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. ' 2131 et seq.)(the "Act"), by a complaint filed by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the respondents willfully violated the Act.

On September 29, 2004, the Hearing Clerk served on the respondent Chris McDonald copies of the complaint and the Rules of Practice governing proceedings under the Act (7 C.F.R. ' ' 1.130-1.151), pursuant to section 1.147(c) of the Rules of Practice (7 C.F.R. ' 1.147(c)). The respondent was informed in the accompanying letter of service that an answer should be filed pursuant to the Rules of Practice and that failure to answer any allegation in the complaint would constitute an admission of that allegation. Respondent has failed to file an answer within the time prescribed in the Rules of Practice, or at all, and the material facts alleged in the complaint, which are all admitted by the respondent's failure to file an answer, are adopted and set forth herein as Findings of Fact. This decision and order is issued pursuant to section 1.139 of the Rules of Practice.

### FINDINGS OF FACT

1. Respondent Chris McDonald is an individual whose address is 1822 South Palisade, Wichita, Kansas 67213. Said respondent does business as McDonald=s Farm, and McDonald=s Farm Exotic Cats. At all times mentioned herein, said respondent was operating as a dealer and exhibitor, as those terms are defined in the Regulations, and, until November 26, 2004, held Animal Welfare Act license number 48-C-0126.

2. Respondent exhibit exotic felines (lions, tigers and leopards) to the public. Respondents exhibition business is significant. Respondents have thousands of customers each year, and also solicit and accept donations from the public. The gravity of the violations alleged in this complaint is great, and involve willful, deliberate violations of the licensing and handling regulations. The violations demonstrate a lack of good faith on the part of respondent.

3. Respondent Chris McDonald is an respondent in AWA Docket No. 02-0025. Respondent Chris McDonald is also an respondent in AWA Docket No. 03-0012. Respondent received a Warning Notice from the complainant for alleged violations of the facilities requirements (KS 01-012-AC, August 9, 2001).

4. On or about the following dates, respondent failed to comply with the veterinary care regulations, as follows:

a. July 14-18, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and specifically, employed untrained individuals to care for and handle tigers and leopards without supervision.

- b. July 14-18, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling.
- c. September 19, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and specifically, employed untrained individuals to care for and handle tigers and leopards without supervision.
- d. September 19, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling.
- e. March 5, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling, in Fargo, North Dakota.
- f. January 30, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment to comply with the Regulations and Standards, in Hoyt, Kansas.
- g. April 15, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling. 9 C.F.R. ' 2.40(b)(4).
5. On July 18, 2003, in Montgomery City, Missouri, respondent Chris McDonald failed to make, keep, and maintain records of animals held or otherwise in his possession or under

his control.

6. On or about the following dates, respondent failed to comply with the handling regulations, as follows:

a. July 15-16, 2003. Respondent Chris McDonald failed to handle a juvenile tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondents placed the tiger in a position that allowed the tiger to contact people directly, by walking it on a leash at a crowded fairground in Montgomery City, Missouri.

b. July 15-16, 2003. Respondent Chris McDonald failed to handle a juvenile tiger 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 the animals and the public, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, on a leash among members of the public, with zero distance or barriers between the animal and the public, in Montgomery City, Missouri.

c. July 15-18, 2003. Respondent Chris McDonald exhibited dangerous animals (tigers) to the public outside the direct control and supervision of a knowledgeable and experienced animal handler, and specifically, respondents had untrained, inexperienced volunteers acting as animal handlers during public exhibitions.

d. July 17, 2003. Respondent Chris McDonald failed to handle a fourteen-month-old tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed the tiger

in a position that allowed the tiger to contact people directly, in Montgomery City, Missouri.

e. July 17, 2003. Respondent Chris McDonald used physical abuse to handle a tiger, and specifically, said respondents= agents, John Snipes and Natalie Menke, repeatedly struck a tiger in the face, in Montgomery City, Missouri.

f. July 18, 2003. Respondent Chris McDonald failed to handle infant tigers as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondents allowed their untrained personnel to handle the infant tigers, in Montgomery City, Missouri.

g. July 18, 2003. Respondent Chris McDonald failed to handle a seven-month tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, by handling the tiger on a leash among customers, in Montgomery City, Missouri.

h. July 17, 2003. Respondent Chris McDonald failed to handle a fourteen-month-old tiger 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 the animals and the public, and specifically, respondent placed the tiger in a position that allowed the tiger to contact a three-year-old boy, and pull him to the bars of the tiger=s enclosure, in Montgomery City, Missouri.

i. July 18, 2003. Respondent Chris McDonald failed to handle a seven-month tiger 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 the animals and the public, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, on a leash among members of the public, with zero distance or barriers between the animal and the public, in Montgomery City, Missouri.

j. July 18, 2003. Respondent Chris McDonald exhibited young and immature animals for periods of time that would be detrimental to their health and well-being, and specifically, respondent's untrained personnel handled infant tigers (four to ten weeks of age) during public exhibition, for periods of time that were detrimental to the infant animals= health and well-being, in Montgomery City, Missouri.

k. September 19, 2003. Respondent Chris McDonald failed to handle tigers as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent allowed customers to handle tigers.

l. September 19, 2003. Respondent Chris McDonald, during public exhibition, failed to handle four tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed the tigers to contact respondents= customers directly, with zero distance or barriers between the animal and the public.

m. September 19, 2003. Respondent Chris McDonald, during public exhibition, failed to handle adult tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed customers to come into direct contact with them.

n. March 6, 2004. Respondent Chris McDonald, during public exhibition, failed to handle juvenile tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed customers to come into direct contact with them.

o. April 15, 2004. Respondent Chris McDonald failed to handle tigers as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed tigers in a position that allowed the tiger to contact people directly, by allowing members of the public to handle the tigers directly, with no distance of barriers between the animals and the people.

p. April 15, 2004. Respondent Chris McDonald, during public exhibition, failed to handle tigers 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 the animals and the public, and specifically, respondent allowed members of the public to handle the tigers directly, with no distance or barriers between the animals and the people.

q. April 15, 2004. Respondent Chris McDonald, during public exhibition, failed to handle tigers 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 the animals and the public, and specifically, respondent placed the

tigers in a position that allowed customers to come into direct contact with them, by requiring customers to walk directly in front of the tigers= enclosures.

7. On or about the following dates, respondent failed to meet the minimum requirements for facilities in the Standards, as follows:

a. July 18, 2003. Respondent Chris McDonald=s housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, there were ceiling panels missing from the main tiger enclosure, in Montgomery City, Missouri.

b. July 18, 2003. Respondent Chris McDonald=s housing facilities for tigers were not maintained in good repair to protect the animals from injury, and specifically, there was an electrical cord hanging from the ceiling of the main tiger enclosure, and a tiger was chewing on it, in Montgomery City, Missouri.

c. July 18, 2003. Respondent Chris McDonald=s housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, the rear doors of the tiger trailer were rusted and coming apart, in Montgomery City, Missouri.

d. July 18, 2003. Respondent Chris McDonald=s housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, the floor of the tiger trailer was rusted and coming apart, in Montgomery City, Missouri.

e. July 18, 2003. Respondent Chris McDonald=s housing facilities for tigers were not structurally sound and maintained in good repair to contain the animals securely,



and specifically, the door to the outdoor exercise area cannot be completely closed, in Montgomery City, Missouri.

f. January 30, 2004. Respondent Chris McDonald failed to make provision for the removal and disposal of food waste, and specifically, had numerous empty meat boxes in piles on the grounds, where they can serve to invite vermin infestation, and create odors and disease hazards, in Hoyt, Kansas.

g. January 30, 2004. Respondent Chris McDonald failed to construct and maintain their housing facilities in good repair to contain the animals, and specifically, there was no top on the exercise area cage for four adult tigers, which allowed for escape, in Hoyt, Kansas.

h. January 30, 2004. Respondent Chris McDonald failed to construct and maintain their housing facilities in good repair to contain the animals, and specifically, there was no top on the exercise area cage for six juvenile tigers, which allowed for escape, in Hoyt, Kansas.

8. On or about the following dates, respondent failed to meet the minimum requirements for outdoor facilities in the Standards, as follows:

a. January 30, 2004. Respondent Chris McDonald failed to enclose their outdoor housing facilities in Hoyt, Kansas, by a perimeter fence.

b. January 30, 2003. Respondent Chris McDonald failed to provide appropriate shelter to four adult tigers and six adolescent tigers to afford them protection and prevent discomfort, in Hoyt, Kansas.

9. On or about the following dates, respondent failed to meet the minimum

transportation standards, as follows:

a. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there were ceiling panels missing from the main tiger enclosure, in Montgomery City, Missouri.

b. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there was an electrical cord hanging from the ceiling of the main tiger enclosure, and a tiger was chewing on it, in Montgomery City, Missouri.

c. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, the rear doors of the tiger trailer were rusted and coming apart, in Montgomery City, Missouri.

d. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, the floor of the tiger trailer was rusted and coming apart, in Montgomery City, Missouri.

e. July 18, 2003. The interior of respondent Chris McDonald=s animal cargo space was not kept clean, and specifically, said respondents housed infant tigers and a seven-month-old tiger in a five-foot long storage area in respondents= transport trailer where

respondents kept cleaning materials, and miscellaneous materials and debris, in Montgomery City, Missouri.

f. January 30, 2004. Respondent Chris McDonald's animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there were exposed broken, jagged boards on the top of the enclosure, in Hoyt, Kansas.

#### CONCLUSIONS OF LAW

1. On or about the following dates, respondent willfully violated section 2.40(b)(4) of the Regulations (9 C.F.R. ' 2.40(b)(4)), as follows:

a. July 14-18, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and specifically, employed untrained individuals to care for and handle tigers and leopards without supervision. 9 C.F.R. ' 2.40(b)(1).

b. July 14-18, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling. 9 C.F.R. ' 2.40(b)(4).

c. September 19, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate personnel to comply with the Regulations and Standards, and specifically, employed untrained individuals to care for and handle tigers and leopards without supervision. 9 C.F.R. ' 2.40(b)(1).

d. September 19, 2003. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling. 9 C.F.R. ' 2.40(b)(4).

e. March 5, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling, in Fargo, North Dakota. 9 C.F.R. ' 2.40(b)(4).

f. January 30, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment to comply with the Regulations and Standards, in Hoyt, Kansas. 9 C.F.R. ' 2.40(b)(4).

g. April 15, 2004. Respondent Chris McDonald failed to establish and maintain a program of adequate veterinary care that included adequate guidance to personnel involved in the care and use of animals regarding handling. 9 C.F.R. ' 2.40(b)(4).

2. On July 18, 2003, in Montgomery City, Missouri, respondent Chris McDonald failed to make, keep, and maintain records of animals held or otherwise in his possession or under his control, in willful violation of section 2.75(b)(1) of the Regulations. 9 C.F.R. ' 2.75(b)(1).

3. On or about the following dates, respondent willfully violated section 2.131 of the Regulations (9 C.F.R. ' 2.131), as follows:

a. July 15-16, 2003. Respondent Chris McDonald failed to handle a juvenile tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondents placed the tiger in a

position that allowed the tiger to contact people directly, by walking it on a leash at a crowded fairground in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(1).

b. July 15-16, 2003. Respondent Chris McDonald failed to handle a juvenile tiger 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 the animals and the public, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, on a leash among members of the public, with zero distance or barriers between the animal and the public, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(1).

c. July 15-18, 2003. Respondent Chris McDonald exhibited dangerous animals (tigers) to the public outside the direct control and supervision of a knowledgeable and experienced animal handler, and specifically, respondents had untrained, inexperienced Avolunteers@ acting as animal handlers during public exhibitions. 9 C.F.R. ' 2.131(c)(3)

d. July 17, 2003. Respondent Chris McDonald failed to handle a fourteen-month-old tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(1).

e. July 17, 2003. Respondent Chris McDonald used physical abuse to handle a tiger, and specifically, said respondents= agents, John Snipes and Natalie Menke, repeatedly struck a tiger in the face, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(2).

f. July 18, 2003. Respondent Chris McDonald failed to handle infant tigers as

carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent allowed their untrained personnel to handle the infant tigers, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(1).

g. July 18, 2003. Respondent Chris McDonald failed to handle a seven-month tiger as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, by handling the tiger on a leash among customers, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(a)(1).

h. July 17, 2003. Respondent Chris McDonald failed to handle a fourteen-month-old tiger 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 the animals and the public, and specifically, respondents placed the tiger in a position that allowed the tiger to contact a three-year-old boy, and pull him to the bars of the tiger=s enclosure, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(b)(1).

i. July 18, 2003. Respondent Chris McDonald failed to handle a seven-month tiger 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 the animals and the public, and specifically, respondent placed the tiger in a position that allowed the tiger to contact people directly, on a leash among members of the public, with zero distance or barriers between the animal and the public, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(b)(1).

j. July 18, 2003. Respondent Chris McDonald exhibited young and immature animals for periods of time that would be detrimental to their health and well-being, and specifically, respondent's untrained personnel handled infant tigers (four to ten weeks of age) during public exhibition, for periods of time that were detrimental to the infant animals= health and well-being, in Montgomery City, Missouri. 9 C.F.R. ' 2.131(b)(3).

k. September 19, 2003. Respondent Chris McDonald failed to handle tigers as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent allowed customers to handle tigers. 9 C.F.R. ' 2.131(a)(1).

l. September 19, 2003. Respondent Chris McDonald, during public exhibition, failed to handle four tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed the tigers to contact respondents= customers directly, with zero distance or barriers between the animal and the public. 9 C.F.R. ' 2.131(b)(1).

m. September 19, 2003. Respondent Chris McDonald, during public exhibition, failed to handle adult tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed customers to come into direct contact with them. 9 C.F.R. ' 2.131(b)(1).

n. March 6, 2004. Respondent Chris McDonald, during public exhibition, failed to handle juvenile tigers 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 the animals and the public, and specifically, respondent placed the tigers in a position that allowed customers to come into direct contact with them. 9 C.F.R. ' 2.131(b)(1).

o. April 15, 2004. Respondent Chris McDonald failed to handle tigers as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm or unnecessary discomfort, and specifically, respondent placed tigers in a position that allowed the tiger to contact people directly, by allowing members of the public to handle the tigers directly, with no distance of barriers between the animals and the people. 9 C.F.R. ' 2.131(a)(1).

p. April 15, 2004. Respondent Chris McDonald, during public exhibition, failed to handle tigers 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 the animals and the public, and specifically, respondent allowed members of the public to handle the tigers directly, with no distance or barriers between the animals and the people. 9 C.F.R. ' 2.131(b)(1).

q. April 15, 2004. Respondent Chris McDonald, during public exhibition, failed to handle tigers 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 the animals and the public, and specifically, respondent placed the



tigers in a position that allowed customers to come into direct contact with them, by requiring customers to walk directly in front of the tigers' enclosures. 9 C.F.R. ' 2.131(b)(1).

4. On or about the following dates, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. ' 2.100(a)), by failing to meet the minimum requirements for facilities in section 3.125 of the Standards (9 C.F.R. ' 3.125), as follows:

a. July 18, 2003. Respondent Chris McDonald's housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, there were ceiling panels missing from the main tiger enclosure, in Montgomery City, Missouri. 9 C.F.R. ' 3.125(a).

b. July 18, 2003. Respondent Chris McDonald's housing facilities for tigers were not maintained in good repair to protect the animals from injury, and specifically, there was an electrical cord hanging from the ceiling of the main tiger enclosure, and a tiger was chewing on it, in Montgomery City, Missouri. 9 C.F.R. ' 3.125(a).

c. July 18, 2003. Respondent Chris McDonald's housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, the rear doors of the tiger trailer were rusted and coming apart, in Montgomery City, Missouri. 9 C.F.R. ' 3.125(a).

d. July 18, 2003. Respondent Chris McDonald's housing facilities for tigers were not structurally sound and maintained in good repair to protect the animals from injury and to contain the animals securely, and specifically, the floor of the tiger trailer was rusted and coming apart, in Montgomery City, Missouri. 9 C.F.R. ' 3.125(a).

e. July 18, 2003. Respondent Chris McDonald's housing facilities for tigers were not structurally sound and maintained in good repair to contain the animals securely, and specifically, the door to the outdoor exercise area cannot be completely closed, in Montgomery City, Missouri. 9 C.F.R. ' 3.125(a).

f. January 30, 2004. Respondent Chris McDonald failed to make provision for the removal and disposal of food waste, and specifically, had numerous empty meat boxes in piles on the grounds, where they can serve to invite vermin infestation, and create odors and disease hazards, in Hoyt, Kansas. 9 C.F.R. ' 3.125(d).

g. January 30, 2004. Respondent Chris McDonald failed to construct and maintain their housing facilities in good repair to contain the animals, and specifically, there was no top on the exercise area cage for four adult tigers, which allowed for escape, in Hoyt, Kansas. 9 C.F.R. ' 3.125(a).

h. January 30, 2004. Respondent Chris McDonald failed to construct and maintain their housing facilities in good repair to contain the animals, and specifically, there was no top on the exercise area cage for six juvenile tigers, which allowed for escape, in Hoyt, Kansas. 9 C.F.R. ' 3.125(a).

5. On or about the following dates, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. ' 2.100(a)), by failing to meet the minimum requirements for outdoor facilities in section 3.127 of the Standards (9 C.F.R. ' 3.127), as follows:

a. January 30, 2004. Respondent Chris McDonald failed to enclose their outdoor housing facilities in Hoyt, Kansas, by a perimeter fence. 9 C.F.R. ' 3.127(d).

b. January 30, 2003. Respondent Chris McDonald failed to provide appropriate

shelter to four adult tigers and six adolescent tigers to afford them protection and prevent discomfort, in Hoyt, Kansas. 9 C.F.R. ' 3.127(b).

6. On or about the following dates, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. ' 2.100(a)), by failing to meet the minimum transportation standards (9 C.F.R. ' ' 3.136-3.142), as follows:

a. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there were ceiling panels missing from the main tiger enclosure, in Montgomery City, Missouri. 9 C.F.R. ' 3.138(a).

b. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there was an electrical cord hanging from the ceiling of the main tiger enclosure, and a tiger was chewing on it, in Montgomery City, Missouri. 9 C.F.R. ' 3.138(a).

c. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, the rear doors of the tiger trailer were rusted and coming apart, in Montgomery City, Missouri. 9 C.F.R. ' 3.138(a).

d. July 18, 2003. Respondent Chris McDonald=s animal cargo space of the

trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, the floor of the tiger trailer was rusted and coming apart, in Montgomery City, Missouri. 9 C.F.R. ' 3.138(a).

e. July 18, 2003. The interior of respondent Chris McDonald=s animal cargo space was not kept clean, and specifically, said respondents housed infant tigers and a seven-month-old tiger in a five-foot long storage area in respondent=s transport trailer where respondents kept cleaning materials, and miscellaneous materials and debris, in Montgomery City, Missouri. 9 C.F.R. ' 3.138(a).

f. January 30, 2004. Respondent Chris McDonald=s animal cargo space of the trailer used for transporting tigers was not designed and constructed to protect the health, and ensure the safety of the live animals contained therein at all times, and specifically, there were exposed broken, jagged boards on the top of the enclosure, in Hoyt, Kansas. 9 C.F.R. ' 3.138(a).

#### ORDER

1. Respondent, their agents and employees, successors and assigns, directly or through any corporate or other device, shall cease and desist from violating the Act and the Regulations and Standards.

2. Respondent Chris McDonald is assessed a civil penalty of \$22,550, which shall be due and payable 30 days after service of this decision and order on said respondent, by certified check or money order made payable to the Treasurer of the United States.

The provisions of this order shall become effective on the first day after this decision becomes final. This decision becomes final without further proceedings 35 days after service as provided in sections 1.142 and 1.145 of the Rules of Practice. Copies of this decision shall be served upon the parties.

Done at Washington, D.C.  
this 10<sup>th</sup> day of August, 2005

Marc R. Hillson  
Marc R. Hillson  
Chief Administrative Law Judge