

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

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In re:) AWA Docket No. 08-0131
)
CHRISTINE DOBRATZ, an individual)
doing business as WOLF HOWL-O)
EXOTIC PETS, also known as WOLF)
HOWL-O EXOTIC PETTING ZOO,)
)
Respondent.) CONSENT DECISION
AND ORDER

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 respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.). This decision is entered pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent admits all of the allegations in the complaint as set forth herein as findings of fact and conclusions of law, specifically admits that the Secretary has jurisdiction in this matter, waives further procedure, and consents and agrees, for the purpose of settling this proceeding, to the entry of this decision. The complainant agrees to the entry of this decision.

Findings of Fact

1. Christine Dobratz is an individual doing business as Wolf Howl-O Exotic Pets (also known as Wolf Howl-O Exotic Petting Zoo), whose business mailing address is 307 Maranatha Road, Kelso, Washington 98626. At all times mentioned herein, said respondent operated as both a dealer and exhibitor, as those terms are used in the Act and the Regulations. Between March 22, 2005, and June 26, 2006, said respondent held license number 91-A-0106, and between June 26,

2006, and August 7, 2007, said respondent held license number 91-B-0090.

2. On three dates (June 14, 2005, at approximately 1:15, p.m., December 12, 2006, at approximately 1:00 p.m., and January 24, 2007, at both 12:18 and 12:55, p.m.) respondent failed to allow access to its facility so that APIHS inspectors could conduct an inspection.

3. On June 20, 2005, respondent failed to make, keep, and maintain full and correct records of the acquisition of ten animals (five hedgehogs, two ferrets and three rabbits).

4. On September 22, 2005, respondent failed to make, keep, and maintain full and correct records of the acquisition of thirteen animals (one Patagonian cavy, five Degus, one raccoon, three guinea pigs, and three coatimundis).

5. On February 15, 2006, respondent failed to make, keep, and maintain full and correct records of the acquisition and disposition of ten animals (one fallow deer, four hedgehogs, and five Patagonian cavy).

6. Between approximately June 14, 2005, and October 13, 2005, respondent failed to ensure that respondent's attending veterinarian had adequate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, and specifically, respondent's attending veterinarian's practice was in Rainier, Oregon, respondent refused to adhere to the veterinary medical recommendation of local veterinarians at Valley Veterinary Clinic who examined a juvenile lynx in July 2005 and in early September 2005 (when the lynx was twice diagnosed as having "alimentary hyperparathyroidism"), failed to adhere to the veterinary medical recommendation of another local veterinarian (Dr. Randall Haveman) who examined the lynx in September 2005, diagnosed it as suffering from metabolic bone disease and recommended an improved diet, and failed to provide an adequate diet to the lynx. The lynx died

on October 13, 2005, from complications of metabolic bone disease.

7. Between approximately June 14, 2005, and October 13, 2005, respondent failed to establish and maintain adequate programs of veterinary care that include the availability of appropriate personnel to comply with the Regulations, and specifically, respondent lacked the requisite knowledge of metabolic bone disease, the need to provide an adequate diet to juvenile felids, and the health risks to animals of receiving an inadequate diet, and respondent consequently failed to adhere to established veterinary medical and generally-accepted animal feeding practices in connection with a juvenile lynx suffering from metabolic bone disease.

8. Between approximately June 14, 2005, and October 13, 2005, respondent failed to handle a juvenile lynx as carefully and expeditiously as possible in a manner that does not cause trauma, physical harm, or unnecessary discomfort.

9. On June 20, 2005, respondent failed:

- a. to construct housing facilities so as to protect animals from injury in that:
 - i. respondent's hedgehog enclosure lacked a solid floor, and instead was constructed of mesh, which allowed the animals' feet to fall through the floor's openings.
 - ii. respondent's trailer enclosure housing small mammals was missing a ceiling panel, allowing loose insulation and other debris to come out of the ceiling over the animal enclosures.
- b. to adequately ventilate indoor housing facilities, in that respondent housed newly-acquired small animals in a trailer with inadequate ventilation that failed to prevent the animals housed therein from discomfort.

c. to keep the water receptacle for a cougar clean and sanitary.

d. to keep premises clean, and to place accumulations of trash in designated areas, and specifically:

i. the trailer housing small mammals contained old carpeting, “upholstered furniture, framed pictures, stuffed animals, wall hangings, candy machines, ostrich eggs, and other miscellaneous items,” that could potentially injure the animals contained therein.

ii. respondent housed two baby Patagonian cavy in her house beneath a pet carrier housing a raccoon, next to a cage containing a cockatoo and a table containing “vials of medication, misc. papers, magazines, and other miscellaneous items,” and with “debris and clutter on the floor around the enclosure,” all of which could potentially injure the cavy contained therein, and the cockatoo and raccoon could potentially spread disease to the cavy.

iii. the enclosure housing hedgehogs has an open-mesh floor, allowing food, excreta and bedding to fall onto the carpeting floor below, where respondent placed paper to collect the detritus.

e. to establish and maintain an effective program to control insects and pests, and specifically, respondent’s trailer housing facility was not kept clean and sanitary, and was attracting flies.

10. On September 22, 2005, respondent failed to provide guinea pigs with a diet appropriate to the species, and of sufficient nutritive value.

11. On March 8, 2006, respondent failed:

- a. to construct housing facilities so as to protect animals from injury, and specifically:
- i. the fencing in respondent's llama enclosure is in disrepair.
 - ii. an old dog house in respondent's llama enclosure has exposed rusty nails.
- b. to provide adequate shelter from inclement weather for two pot-bellied pigs housed outdoors without supplemental heat.
- c. to provide a suitable method for draining excess water rapidly from the enclosure housing Patagonian cavies, rabbits, Muntjac, and fallow deer, whose enclosure contained mud and standing water.
- d. to enclose the facilities for dangerous animals by an eight-foot perimeter fence.
- e. to provide llamas with food in a location that minimizes contamination and deterioration, and instead placed food for llamas on the wet and muddy ground.
- f. to provide accessible potable water to Patagonian cavics, rabbits, Muntjac, and fallow deer, all of which were housed in an enclosure that precluded them from access to water without having to traverse mud and standing water.
- g. to keep premises clean, and to place accumulations of trash in designated areas, and specifically, the enclosure housing four llamas contained "several cars, a school bus, heavy equipment, a dump truck, bathtubs, metal siding, rolls of fencing, tires, pipes, metal beams, assorted wire, barbed wire, old animal shelter, carpeting, wooden pallets, and other miscellaneous junk" that could potentially injure the animals contained therein.

12. Between June 14, 2005, and October 13, 2005, respondent failed to provide a juvenile lynx with a diet appropriate to the species, and of sufficient nutritive value.

13. Between June 14, 2005, and March 8, 2006, respondent failed to employ a sufficient number of adequately-trained employees to maintain a professionally-acceptable level of husbandry practices, specifically with respect to housing and feeding of animals.

Conclusions of Law

1. The respondent having admitted the facts set forth above, and the parties having agreed to the entry of this decision, such decision will be entered.

2. On three dates (June 14, 2005, at approximately 1:15, p.m., December 12, 2006, at approximately 1:00 p.m., and January 24, 2007, at both 12:18 and 12:55, p.m.) respondent failed to allow access to its facility so that APHIS inspectors could conduct an inspection, in willful violation of sections 2146(a) of the Act (7 U.S.C. § 2146(a)), and 2.126(a) of the Regulations (9 C.F.R. § 2.126(a)).

3. On June 20, 2005, respondent failed to make, keep, and maintain full and correct records of the acquisition of ten animals (five hedgehogs, two ferrets and three rabbits) in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

4. On September 22, 2005, respondent failed to make, keep, and maintain full and correct records of the acquisition of thirteen animals (one Patagonian cavy, five Degus, one raccoon, three guinea pigs, and three coatimundis) in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

5. On February 15, 2006, respondent failed to make, keep, and maintain full and correct records of the acquisition and disposition of ten animals (one fallow deer, four hedgehogs, and five

Patagonian caviar) in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

6. Between approximately June 14, 2005, and October 13, 2005, in willful violation of section 2.40(a)(2) of the Regulations (9 C.F.R. § 2.40(a)(2)), respondent failed to ensure that respondent's attending veterinarian had adequate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care and use, and specifically, respondent's attending veterinarian's practice was in Rainier, Oregon, respondent refused to adhere to the veterinary medical recommendation of local veterinarians at Valley Veterinary Clinic who examined a juvenile lynx in July 2005 and in early September 2005 (when the lynx was twice diagnosed as having "alimentary hyperparathyroidism"), failed to adhere to the veterinary medical recommendation of another local veterinarian (Dr. Randall Haveman) who examined the lynx in September 2005, diagnosed it as suffering from metabolic bone disease and recommended an improved diet, and failed to provide an adequate diet to the lynx. The lynx died on October 13, 2005, from complications of metabolic bone disease.

7. Between approximately June 14, 2005, and October 13, 2005, respondent failed to establish and maintain adequate programs of veterinary care that include the availability of appropriate personnel to comply with the Regulations, and specifically, respondent lacked the requisite knowledge of metabolic bone disease, the need to provide an adequate diet to juvenile felids, and the health risks to animals of receiving an inadequate diet, and respondent consequently failed to adhere to established veterinary medical and generally-accepted animal feeding practices in connection with a juvenile lynx suffering from metabolic bone disease, in willful violation of section 2.40(b)(1) of the Regulations (9 C.F.R. § 2.40(b)(1)).

8. Between approximately June 14, 2005, and October 13, 2005, respondent failed to

handle a juvenile lynx as carefully and expeditiously as possible in a manner that does not cause trauma, physical harm, or unnecessary discomfort, in willful violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

9. On June 20, 2005, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a):

a. By failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a)), by failing to construct housing facilities so as to protect animals from injury, and specifically:

i. respondent's hedgehog enclosure lacked a solid floor, and instead was constructed of mesh, which allowed the animals' feet to fall through the floor's openings.

ii. respondent's trailer enclosure housing small mammals was missing a ceiling panel, allowing loose insulation and other debris to come out of the ceiling over the animal enclosures.

b. By failing to meet section 3.126(b) of the Standards (9 C.F.R. § 3.126(b)), by failing to adequately ventilate indoor housing facilities, and specifically, respondent housed newly-acquired small animals in a trailer with inadequate ventilation that failed to prevent the animals housed therein from discomfort.

c. By failing to meet section 3.130 of the Standards (9 C.F.R. § 3.130), by failing to keep the water receptacle for a cougar clean and sanitary.

d. By failing to meet section 3.131(c) of the Standards (9 C.F.R. § 3.131(c)), by failing to keep premises clean, and to place accumulations of trash in designated areas, and specifically:

i. the trailer housing small mammals contained old carpeting, “upholstered furniture, framed pictures, stuffed animals, wall hangings, candy machines, ostrich eggs, and other miscellaneous items,” that could potentially injure the animals contained therein.

ii. respondent housed two baby Patagonian caviés in her house beneath a pet carrier housing a raccoon, next to a cage containing a cockatoo and a table containing “vials of medication, misc. papers, magazines, and other miscellaneous items,” and with “debris and clutter on the floor around the enclosure,” all of which could potentially injure the caviés contained therein, and the cockatoo and raccoon could potentially spread disease to the caviés.

iii. the enclosure housing hedgehogs has an open-mesh floor, allowing food, excreta and bedding to fall onto the carpeting floor below, where respondent placed paper to collect the detritus.

e. By failing to meet section 3.131(d) of the Standards (9 C.F.R. § 3.131(d)), by failing to establish and maintain an effective program to control insects and pests, and specifically, respondent’s trailer housing facility was not kept clean and sanitary, and was attracting flies.

10. On September 22, 2005, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.129(a) of the Standards (9 C.F.R. § 3.129(a)), by failing to provide guinea pigs with a diet appropriate to the species, and of sufficient nutritive value.

11. On March 8, 2006, respondent willfully violated section 2.100(a) of the Regulations

(9 C.F.R. § 2.100(a):

- a. By failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a)), by failing to construct housing facilities so as to protect animals from injury, and specifically:
 - i. the fencing in respondent's llama enclosure is in disrepair.
 - ii. an old dog house in respondent's llama enclosure has exposed rusty nails.
- b. By failing to meet section 3.127(b) of the Standards (9 C.F.R. § 3.127(b)), by failing to provide adequate shelter from inclement weather for two pot-bellied pigs housed outdoors without supplemental heat.
- c. By failing to meet section 3.127(c) of the Standards (9 C.F.R. § 3.127(c)), by failing to provide a suitable method for draining excess water rapidly from the enclosure housing Patagonian cavies, rabbits, Muntjac, and fallow deer, whose enclosure contained mud and standing water.
- d. By failing to meet section 3.127(d) of the Standards (9 C.F.R. § 3.127(d)), by failing to enclose their facilities for dangerous animals by an eight-foot perimeter fence.
- e. By failing to meet section 3.129(b) of the Standards (9 C.F.R. § 3.129(b)), by failing to provide llamas with food in a location that minimizes contamination and deterioration, and instead placed food for llamas on the wet and muddy ground.
- f. By failing to meet section 3.130 of the Standards (9 C.F.R. § 3.130), by failing to provide accessible potable water to Patagonian cavies, rabbits, Muntjac, and fallow deer, all of which were housed in an enclosure that precluded them from access to water without having to traverse mud and standing water.

g. By failing to meet section 3.131(c) of the Standards (9 C.F.R. § 3.131(c)), by failing to keep premises clean, and to place accumulations of trash in designated areas, and specifically, the enclosure housing four llamas contained “several cars, a school bus, heavy equipment, a dump truck, bathtubs, metal siding, rolls of fencing, tires, pipes, metal beams, assorted wire, barbed wire, old animal shelter, carpeting, wooden pallets, and other miscellaneous junk” that could potentially injure the animals contained therein.

12. Between June 14, 2005, and October 13, 2005, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.129(a) of the Standards (9 C.F.R. § 3.129(a)), by failing to provide a juvenile lynx with a diet appropriate to the species, and of sufficient nutritive value.

13. Between June 14, 2005, and March 8, 2006, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a), by failing to meet section 3.132 of the Standards (9 C.F.R. § 3.132), by failing to employ a sufficient number of adequately-trained employees to maintain a professionally-acceptable level of husbandry practices, specifically with respect to housing and feeding of animals.

Order

1. Respondent, her 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 issued thereunder.

2. Animal Welfare Act licenses numbers 91-A-0106 and 91-B-0090 are hereby revoked.

The provisions of this order shall become effective immediately. Copies of this decision shall be served upon the parties.

~~_____~~
Christine Dobratz, dba Wolf Howl-O
Exotic Pets, aka Wolf Howl-O Exotic Petting Zoo
Respondent

~~_____~~
~~_____~~
Colleen A. Carroll
Attorney for Complainant

Done at Washington, D.C.
this ~~12~~ day of ~~April~~, 2009
24th

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

~~_____~~
Colleen A. Carroll

1 **CERTIFICATE OF SERVICE**

2 I certify that on the 15th day of April, 2009, I served the original

3 **CONSENT DECISION AND ORDER** on:

4 Colleen A. Carroll
5 Office of the General Counsel
6 Room 107W, Whitten Building
7 1400 Independence Ave, SW.
8 Washington, D.C. 20250-1400

9 by mailing said document in a sealed envelope with postage prepaid to the address shown above,
10 and deposited in the U.S. Mail at Portland, Oregon, on the 15th day of April, 2009.

11 DATED this 15th day of April, 2009,

12 **THE ANIMAL LAW PRACTICE**

13 By:

14 
15 Geordie Duckler, OSB#87378
16 Attorneys for Respondent CHRISTINE
17 DOBRATZ, individually and dba WOLF
18 HOWL-O EXOTIC PETS, aka WOLF
19 HOWL-O EXOTIC PETTING ZOO
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