

UNITED STATES DEPARTMENT OF AGRICULTURE  
BEFORE THE SECRETARY OF AGRICULTURE

In re:	)	AWA Docket No. 04-0029
	)	
BODIE S. KNAPP,	)	
an individual doing business as	)	
WAYNE'S WORLD SAFARI,	)	DECISION AND ORDER BY
	)	REASON OF ADMISSION OF
Respondent.	)	FACTS

**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 respondent Bodie S. Knapp, an individual doing business as Wayne's World Safari, willfully violated the Act and the Regulations and Standards promulgated thereunder (9 C.F.R. § 1.1 *et seq.*)(the "Regulations" and "Standards").**

**On August 31, 2004, the Hearing Clerk sent to respondent Bodie S. Knapp, by certified mail, return receipt requested, copies of the complaint and the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151). The package was mailed to the respondent's current mailing address, which respondent had provided to complainant. Respondent Knapp 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 Knapp actually received the complaint on September 4, 2004. Said respondent has failed to file an answer to the complaint.**

**Pursuant to sections 1.136 and 1.139 of the Rules of Practice, the material facts alleged in the complaint, are all admitted by said respondent's failure to file an answer or to deny.**

**They are adopted and set forth herein as Findings of Fact and Conclusions of Law, and this decision and order is issued pursuant to section 1.139 of the Rules of Practice.**

FINDINGS OF FACT

1. Respondent Bodie Knapp is an individual doing business as “Wayne’s World Safari” and whose address is 11212 Highway 359, Mathis, Texas 78368. At all times mentioned herein, said respondent was operating as a dealer and as an exhibitor, as those terms are defined in the Regulations, and held Animal Welfare Act license number 74-C-0533.

2. Respondent exhibits approximately 200 wild and exotic animals to the public. Respondent’s exhibition business is significant. Respondent has many customers each year, and also solicits and accepts donations from the public. The gravity of the violations alleged in this complaint is great, and involve willful, deliberate violations of the handling and veterinary care regulations, and repeated failures to comply with the facilities standards. The violations themselves demonstrate a lack of good faith on the part of the respondent. Respondent Bodie Knapp has also exhibited bad faith by lying to APHIS officials about the circumstances surrounding the death of two adult tigers in December 2003, and specifically, by telling APHIS officials that the animals died in a fight, when in fact both animals had died at the hand of respondent Bodie Knapp. Respondent Bodie Knapp is a respondent in another enforcement proceeding under the Animal Welfare Act: *In re Corpus Christi Zoological Association; Robert Brock; Michelle Brock; Bodie Knapp; and Charles Knapp*, AWA Docket No. 04-0015.

3. On or about the following dates, respondent willfully violated the veterinary care Regulations (9 C.F.R. § 2.40), as follows:

a. March 13, 2002. Respondent failed to have an attending veterinarian provide adequate veterinary care to animals as required, and specifically, failed to have an attending

veterinarian provide care to a porcupine (Scarface) that needed veterinary medical attention for her left eye. 9 C.F.R. § 2.40(a).

b. September 5, 2003. Respondent failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate facilities and equipment to comply with the provisions of the Regulations, and specifically, lacked facilities to prevent the escape of the brown bears. 9 C.F.R. § 2.40(b)(1).

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

a. March 13, 2002. Respondent failed to handle a rhinoceros during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the rhinoceros and the general viewing public so as to assure the safety of the animals and the public, and specifically, there was no barrier between the rhinoceros and the public. 9 C.F.R. § 2.131(b)(1).

b. March 13, 2002. Respondent failed to have a responsible, knowledgeable, and readily-identifiable employee or attendant present during periods of public contact with animals, and specifically, respondent had no employee or attendant present at respondent's petting zoo, when customers were allowed to be in contact with animals. 9 C.F.R. § 2.131(c)(2).

c. January 9, 2003. Respondent failed to handle a rhinoceros during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the rhinoceros and the general viewing public so as to assure the safety of the animals and the public, and specifically, the barrier at the gate at the

front of respondent's rhinoceros exhibit was only 18 inches high, and was constructed of cattle paneling. 9 C.F.R. § 2.131(b)(1).

d. April 11, 2003. Respondent failed to handle a giraffe during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the giraffe and the general viewing public so as to assure the safety of the animals and the public, and specifically, the public barrier was bowed, broken, sagging, and generally structurally compromised. 9 C.F.R. § 2.131(b)(1).

e. April 11, 2003. Respondent failed to have a responsible, knowledgeable, and readily-identifiable employee or attendant present during periods of public contact with animals, and specifically, respondent had no employee or attendant present at respondent's petting zoo, when customers were allowed to be in contact with animals. 9 C.F.R. § 2.131(c)(2).

f. September 5, 2003. Respondent failed to handle a giraffe during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the giraffe and the general viewing public so as to assure the safety of the animals and the public, and specifically, the public barrier was bowed, broken, sagging, and generally structurally compromised. 9 C.F.R. § 2.131(b)(1).

g. September 5, 2003. Respondent failed to have a responsible, knowledgeable, and readily-identifiable employee or attendant present during periods of public contact with animals, and specifically, respondent had no employee or attendant present at respondent's petting zoo, when customers were allowed to be in contact with animals. 9 C.F.R. § 2.131(c)(2).

h. March 11, 2004. Respondent failed to have a responsible, knowledgeable, and readily-identifiable employee or attendant present during periods of public contact with animals, and specifically, respondent had no employee or attendant present at respondent's petting zoo, when customers were allowed to be in contact with animals. 9 C.F.R. § 2.131(c)(2).

i. March 11, 2004. Respondent failed to handle a giraffe during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the giraffe and the general viewing public so as to assure the safety of the animals and the public, and specifically, the public barrier was bowed, broken, sagging, and generally structurally compromised. 9 C.F.R. § 2.131(b)(1).

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 Standards for nonhuman primates (9 C.F.R. §§ 3.75-92), as follows:

a. March 13, 2002. Respondent failed to provide sufficient water to nonhuman primates continually or as often as necessary for the health and comfort of the animals, and specifically, respondent provided no drinking water to the spider monkeys. 9 C.F.R. § 3.83.

b. September 5, 2002. Respondent failed to remove excreta from primary enclosures daily, and specifically, there was a build-up of excreta in the muntjac and spotted monkey enclosure. 9 C.F.R. § 3.84(a).

c. January 9, 2003. Respondent failed to remove excreta from primary enclosures daily, and specifically, there was a build-up of excreta in the muntjac and spotted monkey enclosure. 9 C.F.R. § 3.84(a).

d. April 11, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, respondent's primate barn contained numerous rusty surfaces that prevented cleaning and sanitization. 9 C.F.R. § 3.75(c)(1)(i).

e. April 11, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, the supports and framework of the doors and lock-out area of respondent's baboon enclosure were excessively rusted and structurally compromised. 9 C.F.R. § 3.75(c)(1)(i).

f. September 5, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, respondent's primate barn contained numerous rusty surfaces that prevented cleaning and sanitization. 9 C.F.R. § 3.75(c)(1)(i).

g. September 5, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, the supports and framework of the doors and lock-out area of respondent's baboon enclosure were excessively rusted and structurally compromised. 9 C.F.R. § 3.75(c)(1)(i).

h. December 18, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, respondent's primate barn contained numerous rusty surfaces that prevented cleaning and sanitization. 9 C.F.R. § 3.75(c)(1)(i).

i. December 18, 2003. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, the supports and framework of the doors and lock-out area of respondent's baboon enclosure were excessively rusted and structurally compromised. 9 C.F.R. § 3.75(c)(1)(i).

j. March 11, 2004. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, respondent's primate barn contained numerous rusty surfaces that prevented cleaning and sanitization. 9 C.F.R. § 3.75(c)(1)(i).

k. March 11, 2004. Respondent failed to ensure that surfaces of housing facilities that come into contact with nonhuman primates are free of excessive rust that prevents the required cleaning and sanitization, or affects the structural strength of the surface, and specifically, respondent's primate barn contained numerous rusty surfaces that prevented cleaning and sanitization. 9 C.F.R. § 3.75(c)(1)(i).

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 requirements for facilities in section 3.125 of the Standards (9 C.F.R. § 3.125), as follows:

a. March 13, 2002. Respondent failed to store supplies of food in facilities that adequately protect them against deterioration, molding or contamination by vermin, and specifically, stored meat in a freezer without any wrapping, leaving it susceptible to freezer burn. 9 C.F.R. § 3.125(c).

b. September 5, 2002. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury, and specifically, respondent's coatimundi enclosure had wires protruding from the concrete base, which wires posed a danger to the animals housed inside. 9 C.F.R. § 3.125(a).

c. January 9, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors of respondent's bear enclosure were rusted and structurally compromised. 9 C.F.R. § 3.125(a).

d. January 9, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors



of respondent's shelter  
box for lions were  
rusted and structurally  
compromised. 9  
C.F.R. § 3.125(a).

- e. January 9, 2003. Respondent failed to ensure that his housing facilities for  
animals were  
structurally sound and  
maintained in good  
repair to protect the  
animals from injury  
and contain them, and  
specifically, the doors  
of respondent's shelter  
box for tigers were  
rusted and structurally  
compromised. 9  
C.F.R. § 3.125(a).

- f. January 9, 2003. Respondent failed to ensure that his housing facilities for  
animals were structurally  
sound and maintained in good  
repair to protect the animals

from injury and contain them, and specifically, the doors of respondent's shelter box for lions was rusted and structurally compromised. 9 C.F.R. § 3.125(a).

g. January 9, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, one side of the giraffe barn had been kicked is loose, and its metal portions structurally compromised. 9 C.F.R. § 3.125(a).

h. April 11, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, one side of the caracal enclosure was badly rusted, had holes, and was structurally compromised. 9 C.F.R. § 3.125(a).

i. April 11, 2003. Respondent failed to store supplies of food in facilities that adequately protect them against deterioration, molding or contamination by vermin, and specifically, stored animal food with chemicals, gasoline, oil, and pesticides. 9 C.F.R. § 3.125(c).

j. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the front fence of the brown bear enclosure is not secure, and has been structurally compromised to the extent that the male bear can lift the

fence up, and could easily escape. 9 C.F.R. § 3.125(a).

k. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the lion enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

l. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the tiger enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

m. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the white tiger enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

n. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the other tiger enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

o. September 5, 2003. Respondent failed to ensure that his housing facilities for

animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the leopard enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

p. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the jaguar enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

q. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the wood of the back wall of the bobcat enclosure was badly rotted and has fallen off of the wall. 9 C.F.R. § 3.125(a).

r. September 5, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, there is a hole in the fence that divides the leopard enclosure from the jaguar enclosure, which could allow the animals to be injured or to escape. 9 C.F.R. § 3.125(a).

s. September 5, 2003. Respondent failed to store supplies of food in facilities that adequately protect them against deterioration, molding or contamination by vermin, and specifically, stored food in a filthy freezer that had blood and food residue on the freezer's walls and floor. 9 C.F.R. § 3.125(c).

t. September 5, 2003. Respondent failed to store supplies of food in facilities that adequately protect them against deterioration, molding or contamination by vermin, and specifically, stored food in a chest freezer with a door that was broken, and allowed warm air to enter. 9 C.F.R. § 3.125(c).

u. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the lion enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

v. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the tiger enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

w. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the white tiger enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

x. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the other tiger

enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

y. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the leopard enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

z. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the jaguar enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

aa. December 18, 2003. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the back wall of the serval enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

bb. March 11, 2004. Respondent failed to store supplies of food in facilities that adequately protect them against deterioration, molding or contamination by vermin, and specifically, stored animal food with chemicals, gasoline, oil, and pesticides. 9 C.F.R. § 3.125(c).

cc. March 11, 2004. Respondent failed to ensure that his housing facilities for

animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the back wall of the caracal enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

dd. March 11, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the front fence of the brown bear enclosure is not secure, and has been structurally compromised to the extent that the male bear can lift the fence up, and could easily escape. 9 C.F.R. § 3.125(a).

ee. March 11, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the lion enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

ff. March 11, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the wood of the back wall of the bobcat enclosure was badly rotted and has fallen off of the wall. 9 C.F.R. § 3.125(a).

gg. March 11, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, there is a hole in the fence that divides the leopard enclosure from the jaguar enclosure, which could allow the animals to be injured or to

escape. 9 C.F.R. § 3.125(a).

hh. March 13, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the lion enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

ii. March 13, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the back wall of the serval enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

jj. March 13, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the leopard enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

kk. March 13, 2004. Respondent failed to ensure that his housing facilities for animals were structurally sound and maintained in good repair to protect the animals from injury and contain them, and specifically, the doors and door frame of the jaguar enclosure was badly rusted and its structural strength compromised to the extent that the animals could be injured or escape. 9 C.F.R. § 3.125(a).

7. 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. March 13, 2002. Respondent failed to provide animals housed outdoors with sufficient shade by natural or artificial means to allow the animals protection from direct sunlight, and specifically, housed Patagonian cavies in an enclosure that did not allow the animals to protect themselves from direct sunlight. 9 C.F.R. § 3.127(a).

b. March 13, 2002. Respondent failed to provide animals housed outdoors with sufficient shade by natural or artificial means to allow the animals protection from direct sunlight, and specifically, housed reindeer in an enclosure that did not allow the animals to protect themselves from direct sunlight. 9 C.F.R. § 3.127(a).

c. September 5, 2002. Respondent failed to provide animals housed outdoors with sufficient shade by natural or artificial means to allow the animals protection from direct sunlight, and specifically, housed bears in an enclosure that did not allow the animals to protect themselves from direct sunlight. 9 C.F.R. § 3.127(a).

d. April 11, 2003. Respondent failed to provide animals housed outdoors with natural or artificial shelter to afford them protection and to prevent discomfort, and specifically, housed an adult male caracal in an enclosure with a single shelter that could not accommodate him, and had no floor. 9 C.F.R. § 3.127(b).

e. September 5, 2003. Respondent failed to provide animals housed outdoors with natural or artificial shelter to afford them protection and to prevent discomfort, and specifically, housed five African crested porcupines in an enclosure with two dog-house shelters that could not accommodate all of the animals. 9 C.F.R. § 3.127(b).

f. September 5, 2003. Respondent failed to provide animals housed outdoors with sufficient shade by natural or artificial means to allow the animals protection from direct sunlight, and specifically, housed five African crested porcupines in an enclosure that did not allow the animals to protect themselves from direct sunlight. 9 C.F.R. § 3.127(a).

g. September 5, 2003. Respondent failed to provide animals housed outdoors with natural or artificial shelter to afford them protection and to prevent discomfort, and specifically, housed a sable, an eland, a fallow deer, and a bongo in an enclosure with a single shelter that did not protect all of these animals from mud. 9 C.F.R. § 3.127(b).

h. September 5, 2003. Respondent failed to provide a suitable method to rapidly eliminate excess water for animals housed outdoors, and specifically, a sable, an eland, a fallow deer, and a bongo were housed in an enclosure where the animals were required to stand in mud up to their knees. 9 C.F.R. § 3.127(c).

i. March 11, 2005. Respondent failed to provide animals housed outdoors with natural or artificial shelter to afford them protection and to prevent discomfort, and specifically, housed five African crested porcupines in an enclosure with two dog-house shelters that could not accommodate all of the animals. 9 C.F.R. § 3.127(b).

j. March 11, 2004. Respondent failed to provide animals housed outdoors with sufficient shade by natural or artificial means to allow the animals protection from direct sunlight, and specifically, housed five African crested porcupines in an enclosure that did not allow the animals to protect themselves from direct sunlight. 9 C.F.R. § 3.127(a).

k. March 11, 2005. Respondent failed to provide animals housed outdoors with natural or artificial shelter to afford them protection and to prevent discomfort, and

specifically, housed a caracal in an enclosure that could not accommodate him, and had no floor. 9 C.F.R. § 3.127(b).

8. 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 feeding in section 3.129 of the Standards (9 C.F.R. § 3.129), as follows:

a. March 13, 2002. Respondent failed to provide food to animals that was wholesome, palatable and free from contamination, and specifically, offered animals meat that had been stored in a freezer without any wrapping, leaving it susceptible to freezer burn. 9 C.F.R. § 3.129(a).

b. April 11, 2003. Respondent failed to provide food to animals that was wholesome, palatable and free from contamination, and specifically, offered animals food that had been stored with, and susceptible to contamination by, chemicals, gasoline, oil, and pesticides. 9 C.F.R. § 3.129(a).

c. September 5, 2003. Respondent failed to provide food to animals that was wholesome, palatable and free from contamination, and specifically, fruit intended to be offered to animals had been thawed and re-frozen into a large block. 9 C.F.R. § 3.129(a).

d. March 11, 2004. Respondent failed to provide food to animals that was wholesome, palatable and free from contamination, and specifically, offered animals food that had been stored with, and susceptible to contamination by, chemicals, gasoline, oil, and pesticides. 9 C.F.R. § 3.129(a).

9. 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 sanitation in

section 3.131 of the Standards (9 C.F.R. § 3.131), as follows:

a. September 5, 2002. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the Patagonian cavy enclosure. 9 C.F.R. § 3.131(a).

b. September 5, 2002. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the civit enclosure. 9 C.F.R. § 3.131(a).

c. September 5, 2002. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the rhinoceros enclosure. 9 C.F.R. § 3.131(a).

d. January 9, 2003. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the capybara enclosure. 9 C.F.R. § 3.131(a).

e. January 9, 2003. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the Patagonian cavy enclosure. 9 C.F.R. § 3.131(a).

f. April 11, 2003. Respondent failed to remove excreta from primary enclosures

as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the rhinoceros enclosure. 9 C.F.R. § 3.131(a).

g. September 5, 2003. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the rhinoceros enclosure. 9 C.F.R. § 3.131(a).

h. September 5, 2003. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the civit enclosure. 9 C.F.R. § 3.131(a).

i. December 18, 2003. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the civit enclosure. 9 C.F.R. § 3.131(a).

j. March 11, 2004. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the rhinoceros enclosure. 9 C.F.R. § 3.131(a).

k. March 11, 2004. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the

civit enclosure. 9 C.F.R. § 3.131(a).

1. March 13, 2004. Respondent failed to remove excreta from primary enclosures as often as necessary to prevent contamination of the animals therein, to minimize disease hazards and to reduce odors, and specifically, there was a build-up of excreta in the civit enclosure. 9 C.F.R. § 3.131(a).

#### CONCLUSIONS OF LAW

**1. By reason of the Findings of Fact set forth above, respondent has willfully violated the Act and the Regulations as set forth in paragraphs 2 through 14 of these Conclusions of Law.**

**2. On March 13, 2002, respondent willfully violated section 2.40(a) of the Regulations. 9 C.F.R. § 2.40(a).**

3. On September 5, 2003, respondent **willfully violated section 2.40(b)** of the Regulations. 9 C.F.R. § 2.40(b)(1).

4. On March 13, 2002, January 9, 2003, April 11, 2003, September 5, 2003, and March 11, 2004, respondent willfully violated section 2.131(b)(1) of the Regulations. 9 C.F.R. § 2.131(b)(1) [now 2.131(c)(1)].

5. On March 13, 2002, April 11, 2003, September 5, 2003, and March 11, 2004, respondent **willfully violated section 2.131(c)(2)** of the Regulations. 9 C.F.R. § 2.131(c)(2) [now 2.131(d)(2)].

6. On March 13, 2002, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards for nonhuman primates (9 C.F.R. § 3.83).

7. On September 5, 2002, and January 9, 2003, respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards for nonhuman primates (9 C.F.R. § 3.84(a)).

8. On April 11, 2003 (two instances), September 5, 2003 (two instances), December 18, 2003 (two instances), March 11, 2004 (two instances), respondent willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet the minimum Standards for nonhuman primates (9 C.F.R. § 3.75(c)(1)(i)).

9. On September 5, 2002, January 9, 2003 (five instances), April 11, 2003, September 5, 2003 (nine instances), December 18, 2003, (eight instances), and March 11, 2004 (nine instances), 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)(a).

10. On March 13, 2002, April 11, 2003, and September 5, 2003 (two instances), 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)(c).

11. On March 13, 2002 (two instances), September 5, 2002, September 5, 2003, and March 11, 2004, 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(a)).

12. On April 11, 2003, September 5, 2003 (two instances), and March 11, 2004 (two instances), 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(b)).

12. On September 5, 2003, 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(c)).

13. On March 13, 2002, April 11, 2003, September 5, 2003, and March 11, 2004, 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 feeding in section 3.129 of the Standards (9 C.F.R. § 3.129(a)).

14. On September 5, 2002 (three instances), January 9, 2003 (two instances), April 11, 2003, September 5, 2003 (two instances), December 18, 2003, March 11, 2004 (two instances), and March 13, 2004, 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 sanitation in section 3.131 of the Standards (9 C.F.R. § 3.131(a)).

#### ORDER

1. Respondent Bodie S. Knapp, his 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. Animal Welfare Act license No. 74-C-0533 is hereby revoked.

**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 \_\_\_\_ day of \_\_\_\_\_, 2004



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Administrative Law Judge