

# UNITED STATES DEPARTMENT OF AGRICULTURE

## BEFORE THE SECRETARY OF AGRICULTURE

AWA Docket No. 05-0016

In re: OCTAGON SEQUENCE OF EIGHT,  
INC., a Florida corporation d/b/a  
OCTAGON WILDLIFE SANCTUARY and  
OCTAGON ANIMAL SHOWCASE;  
LANCELOT KOLLMAN RAMOS, an individual, a/k/a  
LANCELOT RAMOS KOLLMAN; and  
MANUEL RAMOS, an individual,

Respondents

### **DEFAULT DECISION AND ORDER AS TO LANCELOT KOLLMAN RAMOS, a/k/a LANCELOT RAMOS KOLLMAN**

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 Lancelot Kollman Ramos<sup>1</sup> and the other named respondents willfully violated the Act and the Regulations and Standards promulgated thereunder (9 C.F.R. § 1.1 et seq.)(the "Regulations" and "Standards").

The Hearing Clerk served the Respondent "Lancelot Kollman Ramos" on July 5, 2005 with copies of the Complaint and the Rules of Practice governing proceedings under the Act (7 C.F.R. §§ 1.130-1.151), by certified mail, return receipt requested.

---

1. The Complaint and the copy of the Rules of Practice were addressed to Lancelot Kollman Ramos; however, in his letter to the Hearing Clerk received on July 22, 2005, the Respondent identified himself as Lancelot Ramos Kollman. In view of his self identification, the caption will be amended to add Kollman as the Respondent's last name with an also known as (a/k/a) designation. It is noted that the prior action brought against the Respondent was styled *In re: Lanceot Kollman, a/k/a Lancelot Ramos*, 60 Agric. Dec. 190 (2001).

On July 22, 2005, Respondent Lancelot Ramos Kollman filed a letter with the Hearing Clerk's Office which has been treated as his Answer. The letter reads, in pertinent part:

I Lancelot Ramos Kollman am responding to a complaint....

I Lancelot Ramos Kollman as an individual am to requesting an oral hearing of this complaint. Please send any or all responses to this address P.O Box 221 Balm , FL 33503.....

The letter from the Hearing Clerk that accompanied the Complaint served on the Respondent contained the following language:

...It is necessary that your answer set forth any defense that you wish to assert, and to specifically admit, deny or explain each allegation of the complaint. Your answer may include a request for an oral hearing. Failure to file an answer **or filing an answer which does not deny the material allegations of the complaint, shall constitute an admission of those allegations and a waiver of your right to an oral hearing...**<sup>2</sup> (Emphasis added).

It is well settled that entry of a default decision is appropriate where, as in this case, the Respondent has failed to deny the material allegations of the Complaint. *In re: Barnesville Livestock Sales Co., et al.* 60 Agric. Dec. 804, 805 (2002); *In re Van Buren Fruit Exchange, Inc.* 51 Agric. Dec. 744 (1992). As the Respondent's letter [Answer] failed to clearly deny the material allegations of the Complaint, it fails to meet with the specific requirements for an Answer under the Rules of Practice ( *See* 7 C.F.R. § 1.136(b)). The material facts alleged in the complaint are accordingly admitted and the following Findings of Fact, Conclusions of Law and Order will be entered pursuant to section 1.139 of the Rules of Practice, 7 C.F.R. § 1.139.

### **FINDINGS OF FACT**

1. Lancelot Ramos Kollman is an individual whose address is 12661 Andrew Road, Post Office Box 221, Balm, Florida 33503. At all times mentioned herein, said Respondent was

operating as a dealer, as that term is defined in the Act and the Regulations. Said Respondent currently holds Animal Welfare Act license No. 58-C-0816.

2. Respondent Lancelot Ramos Kollman has a small business. The gravity of his violations is great. He knowingly operated as a dealer without having a valid license. He caused injuries to two lions that resulted in the death of one of the lions, and lied to investigators about his actions. He has been a respondent in one previous AWA enforcement cases.<sup>3</sup>

3. On or about September 13, 2000, Respondent Lancelot Ramos Kollman operated as a dealer by delivering for transportation, or transporting, two lions for exhibition, without having a valid license to do so, in violation of §2.1, 2.10(c) and 2.100(a) of the Regulations. 9 C.F.R. §2.1, 2.10(c) and 2.100(a).

4. On or about September 13, 2000, Respondent Lancelot Ramos Kollman violated the Regulations governing the provision of veterinary care to animals.

a. Respondent failed to have an attending veterinarian provide adequate veterinary care to two juvenile lions in compliance with the Regulations.

b. Respondent failed to establish and maintain adequate programs of veterinary care that include the availability of appropriate facilities, personnel, equipment, and services.

c. Respondent failed to establish and maintain adequate programs of veterinary care that include the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries.

d. Respondent failed to establish and maintain adequate programs of veterinary

---

<sup>2</sup> This language is lifted from Rule 1.139, 7 C.F.R. § 1.139. *See also* 7 C.F.R. § 1.136(b).

<sup>3</sup>*In re Lancelot Kollman, aka Lancelot Ramos*, 60 Agric. Dec. 190, AWA Docket No. 01-0012 (consent decision and order, May 10, 2001)(disqualifying respondent from becoming licensed under the Act until May 9, 2006).

care that include daily observation of all animals to assess their health and well-being, and a mechanism of direct and frequent communication so that timely and accurate information on problems of animal health and well-being is conveyed to the attending veterinarian.

e. Respondent failed to establish and maintain adequate programs of veterinary care that include adequate guidance to personnel involved in the care and use of animals.

f. The above failures constitute violations of § 2.40(a) and (b)(1-4) of the Regulations. (9 C.F.R. § 2.40(a), (b)(1-4)).

5. On or about December 13, 2000, respondent Lancelot Ramos Kollman failed to handle two juvenile lions as carefully and expeditiously as possible in a manner that does not cause trauma, in violation of § 2.131(a)(1) of the Regulations. (9 C.F.R. § 2.131(a)(1)).

6. On or about December 13, 2000, respondent Lancelot Ramos Kollman failed to handle two juvenile lions as carefully and expeditiously as possible in a manner that does not cause behavioral stress, in violation of § 2.131(a)(1) of the Regulations. (9 C.F.R. § 2.131(a)(1)).

7. On or about December 13, 2000, Respondent Lancelot Ramos Kollman failed to handle two juvenile lions as carefully and expeditiously as possible in a manner that does not cause physical harm, in violation of § 2.131(a)(1) of the Regulations. (9 C.F.R. § 2.131(a)(1)).

8. On or about December 13, 2000, Respondent Lancelot Ramos Kollman failed to handle two juvenile lions as carefully and expeditiously as possible in a manner that does not cause unnecessary discomfort, in violation of § 2.131(a)(1) of the Regulations. (9 C.F.R. § 2.131(a)(1)).

9. On or about December 13, 2000, Respondent Lancelot Ramos Kollman, and/or his agents, used physical abuse to train, work, or otherwise handle two juvenile lions, in violation of § 2.131(a)(2)(i) of the Regulations. (9 C.F.R. § 2.131(a)(2)(i)).

10. In view of the Respondent's prior consent decision involving the Act, the above violations will be found to be willful.

### **CONCLUSIONS OF LAW**

1. The Secretary has jurisdiction in this matter.
2. For the reasons set forth in the above Findings of Fact, the Respondent Lancelot Ramos Kollman violated the Act and the Regulations and Standards.

### **Order**

1. Respondent Lancelot Ramos Kollman, 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. Respondent Lancelot Ramos Kollman is assessed a civil penalty of \$43,500 for his violations of the Regulations set forth herein. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

Colleen A. Carroll  
United States Department of Agriculture  
Office of the General Counsel  
Marketing Division  
1400 Independence Avenue, SW  
Room 2343-South Building  
Washington, DC 20250-1417

Payment of the civil penalty shall be sent to, and received by, Colleen A. Carroll within 60 days after service of this Order on Respondent Lancelot Ramos Kollman. Respondent Lancelot Ramos Kollman shall state on the certified check or money order that payment is in reference to AWA Docket No. 05-0016.

3. Animal Welfare Act License Number 58-C-0816 is revoked.

4. 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.  
May 9, 2007

---

**PETER M. DAVENPORT**  
Administrative Law Judge