

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

AWA Docket No. 09-0148

In re: Corrine Oltz, an individual;
Pangaea Productions, Inc., a Florida corporation;
Wild Animal World, Inc., a Florida corporation;
Jesse Williams Roth, an individual; and
Jesse Williams, Inc., a Florida corporation,

Respondents,

**Default Decision and Order
as to Respondents Corrine Oltz,
Pangaea Productions, Inc. and
Wild Animal World, Inc.**

This proceeding was instituted under the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(the "Act"), by a complaint filed on July 13, 2009, by the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, alleging that the Respondents had violate the Act and the regulations promulgated thereunder.

On July 14, 2009, the Hearing Clerk sent 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 to Respondents Corinne Oltz,¹ Pangaea Productions, Inc.,² and Wild Animal World, Inc.³ Each of the certified mail envelopes was returned to the Office of the Hearing Clerk on August 17, 2009, marked by the U.S. Postal Service as "unclaimed." The following

¹The United States Postal Receipt number is 7007 0710 0001 3862 5337.

²The United States Postal Receipt number is 7007 0710 0001 3862 5344.

³The United States Postal Receipt number is 7007 0710 0001 3862 5351.

day, August 18, 2009, the Hearing Clerk remailed the complaint and the Rules of Practice to each of the said Respondents at the same respective addresses. Pursuant to section 1.139 of the Rules of Practice, service was effected on each of these Respondents on August 18, 2009. One year and five days have passed since Respondents were served. Pursuant to section 1.136(a) of the Rules of Practice (7 C.F.R. § 1.136(a)), Respondents were required to file an answer within 20 days after service of the complaint. The 20th day after service of the complaint on Respondents was September 7, 2009. As the Respondents failed to file an answer by that date, the material facts alleged in the complaint, are deemed admitted and the following Findings of Fact, Conclusions of Law and Order will be entered.

Findings of Fact

1. Respondent Corinne Oltz (“Oltz”), is an individual whose mailing address is in Miami, Florida. At all times mentioned herein, respondent Oltz operated as a dealer and as an exhibitor, as those terms are defined in the Act and the Regulations, Respondent Oltz was also a principal, director, officer and agent of Respondents Pangaea Productions, Inc., and Wild Animal World, Inc., and the acts, omissions, and failures to act by Respondent Oltz alleged herein were within the scope of said Respondent’s office, and are deemed to be the acts, omissions and failures of Respondents Pangaea Productions, Inc., and Wild Animal World, Inc., as well as of Respondent Oltz, for the purpose of construing or enforcing the provisions of the Act. Respondent Oltz has never held an Animal Welfare Act license.

2. Respondent Pangaea Productions, Inc., (“Pangaea”), is a Florida corporation (number S83431, formed September 27, 1991) whose registered agent for service of process is Corinne Alane Oltz, 10495 S.W. 60th Street, Miami, Florida 33173. At all times mentioned herein, said Respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations.

Respondent held Animal Welfare Act license number 58-C-0464 until July 26, 2005, when said license expired for failure to renew. Respondent Oltz is the sole corporate officer and director of Respondent Pangaea.

3. Respondent Wild Animal World, Inc. (“WAWI”), is a Florida corporation (number NO3000008523, formed October 1, 2003) whose registered agent for service of process is Corinne Alane Oltz, 10495 S.W. 60th Street, Miami, Florida 33173. At all times mentioned herein, said Respondent was operating as an exhibitor, as that term is defined in the Act and the Regulations. Respondent has held Animal Welfare Act license number 58-C-0870 since October 26, 2006. Respondent Oltz is the president and a director of respondent WAWI.

4. Respondents Oltz and Pangaea have a history of violating the Regulations:

a. Respondents Oltz and Pangaea have received letters of warning from APHIS.

b. *In re Pangaea Productions, Inc., a Florida corporation; Corinne A. Oltz, an individual; and Rafael Layzequilla, an individual, dba Special Events Productions, a sole proprietorship or unincorporated association, AWA Docket No. 04-0002.*⁴

5. Respondents Oltz and Pangaea have not shown good faith. Both of these Respondents, and by extension, respondent WAWI, were well aware that their methods of exhibiting felids were unsafe (as their exhibitions had previously resulted in injuries), and were in violation of the handling Regulations. Nevertheless, they continued to employ those same methods in animal

⁴On January 5, 2007, Administrative Law Judge Peter M. Davenport entered a Consent Decision and Order finding that Respondents Pangaea Productions, Inc., and Corinne Oltz, on December 8, 2001, committed 6 willful violations of the handling Regulations in connection with their handling of a lemur and a leopard, assessing Respondents a \$5,000 civil penalty (jointly and severally), and ordering said Respondents to cease and desist from violating the Act and the Regulations. Respondents Pangaea Producitons, Inc., and Oltz have failed to pay the

exhibitions, including exhibitions to children.

6. The gravity of the violations alleged in this complaint is great. They include the unsafe exhibition of dangerous animals, which placed both animals and people at risk, and resulted in injury to children and animals.

7. The Order described in paragraph and 6.b. above required Respondents Oltz and Pangaea, as well as “their agents, and employees, successors and assigns, directly through any corporate or other device,” to “cease and desist from violating the Animal Welfare Act and the regulations and standards thereunder.” The cease and desist provisions of the Order became effective January 5, 2007.

8. On June 15, 2007, March 12, 2008, and July 23, 2008, Respondents Oltz and Pangaea, in violating the Regulations, also knowingly failed to obey the cease and desist order made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in *In re Pangaea Productions, Inc., a Florida corporation; Corinne A. Oltz, an individual; and Rafael Layzeguilla, an individual, dba Special Events Productions, a sole proprietorship or unincorporated association*. Therefore, pursuant to section 2149(b) of the Act, said Respondents “shall be subject to a civil penalty of [\$1,650] for each offense, and each day during which such failure continues shall be deemed a separate offense.”⁵

9. On April 2, 2005, in Jupiter, Florida, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent injuries.

10. On October 31, 2006, and November 18, 2006, in Palm Aire and Coral Gables, Florida,

civil penalty.

⁵7 U.S.C. § 2149(b); 7 C.F.R. § 3.91(b)(2)(ii).

respectively, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent injuries.

11. On June 15, 2007, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control and treat disease, and specifically, Respondents' veterinary medications and vaccines were expired.

12. On March 12, 2008, Respondents Oltz, Pangaea and WAWI failed to failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements that include a written program of veterinary care that included all of respondent' animals, including four domestic cats used for breeding purposes.

13. On March 12, 2008, Respondents Oltz, Pangaea and WAWI failed to identify four cats used for breeding, as required.

14. On April 2, 2005, Respondents Oltz, Pangaea and WAWI failed to handle a vervet as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, allowed members of the public to handle the animal.

15. On April 2, 2005, Respondents Oltz, Pangaea and WAWI exposed a young nonhuman primate (a vervet) to excessive public handling, and exhibited the animal for periods of time and in a manner that would be detrimental to its health and well-being, and specifically, allowed the vervet to be handled by members of the public for up to one-half hour each, without any rest period.

16. On October 31, 2006, Respondents Oltz, Pangaea and WAWI failed to handle a serval

(“Footy”) as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, handled the serval in a manner that allowed it to escape during an exhibition, and to remain at large until December 23, 2006.

17. On November 18, 2006, Respondents Oltz, Pangaea and WAWI failed to handle a cougar (“Georgia”) as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, handled the cougar in a manner that permitted direct contact with the public, whereupon the cougar mauled a four-year-old girl.

18. On April 2, 2005, Respondents Oltz, Pangaea and WAWI failed to handle a vervet 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 animals and the public, and specifically, Respondents exhibited a vervet by allowing people to have the animal sit on them, whereupon the vervet bit the finger of one of the individuals handling the animal.

19. On October 31 and November 18, 2006, Respondents Oltz, Pangaea and WAWI failed to handle animals 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 animals and the public, and specifically, Respondents exhibited a serval and a cougar without sufficient distance and/or barriers to prevent the public from approaching and having direct contact with the animals.

20. On July 23, 2008, Respondents Oltz, Pangaea and WAWI failed to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically, said Respondents failed to maintain their perimeter fence structurally sound and in good repair, in accordance with section

3.127(d) of the Standards.

21. On June 15, 2007, Respondents Oltz, Pangaea and WAWI failed to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically, said Respondents stored toxic substances and caustic chemicals on the floor or near the sink used for food preparation for animals, in contravention of section 3.125(c) of the Standards.

Conclusions of Law

1. The Secretary has jurisdiction in this matter.
2. On April 2, 2005, in Jupiter, Florida, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent injuries, in willful violation of the Regulations. 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2).
3. On October 31, 2006, and November 18, 2006, in Palm Aire and Coral Gables, Florida, respectively, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the availability of appropriate equipment and services and the use of appropriate methods to prevent injuries. 9 C.F.R. §§ 2.40(b)(1), 2.40(b)(2).
4. On June 15, 2007, Respondents Oltz, Pangaea and WAWI failed to establish and maintain a program of adequate veterinary care that included the use of appropriate methods to prevent, control and treat disease, and specifically, Respondents' veterinary medications and vaccines were expired, in willful violation of the Regulations. 9 C.F.R. § 2.40(b)(2).
5. On March 12, 2008, Respondents Oltz, Pangaea and WAWI failed to employ an attending veterinarian under formal arrangements, as required, and specifically, failed to employ either a full-time attending veterinarian, or a part-time veterinarian under formal arrangements

that include a written program of veterinary care that included all of Respondent' animals, including four domestic cats used for breeding purposes, in willful violation of the Regulations. 9 C.F.R. § 2.40(a)(1).

6. On March 12, 2008, Respondents Oltz, Pangaea and WAWI failed to identify four cats used for breeding, as required, in willful violation of the Regulations. 9 C.F.R. § 2.50(c).

7. On April 2, 2005, Respondents Oltz, Pangaea and WAWI failed to handle a vervet as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, allowed members of the public to handle the animal, in willful violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

8. On April 2, 2005, Respondents Oltz, Pangaea and WAWI exposed a young nonhuman primate (a vervet) to excessive public handling, and exhibited the animal for periods of time and in a manner that would be detrimental to its health and well-being, and specifically, allowed the vervet to be handled by members of the public for up to one-half hour each, without any rest period, in willful violation of section 2.131(c)(3) and 2.131(d)(1) of the Regulations. 9 C.F.R. §§ 2.131(c)(3), 2.131(d)(1).

9. On October 31, 2006, Respondents Oltz, Pangaea and WAWI failed to handle a serval ("Footy") as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, handled the serval in a manner that allowed it to escape during an exhibition, and to remain at large until December 23, 2006, in willful violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

10. On November 18, 2006, Respondents Oltz, Pangaea and WAWI failed to handle a cougar ("Georgia") as carefully as possible in a manner that does not cause trauma, behavioral stress, physical harm, or unnecessary discomfort, and specifically, handled the cougar in a manner that

permitted direct contact with the public, whereupon the cougar mauled a four-year-old girl, in willful violation of section 2.131(b)(1) of the Regulations (9 C.F.R. § 2.131(b)(1)).

11. On April 2, 2005, Respondents Oltz, Pangaea and WAWI failed to handle a vervet 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 animals and the public, and specifically, Respondents exhibited a vervet by allowing people to have the animal sit on them, whereupon the vervet bit the finger of one of the individuals handling the animal, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

12. On October 31 and November 18, 2006, Respondents Oltz, Pangaea and WAWI failed to handle animals 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 animals and the public, and specifically, Respondents exhibited a serval and a cougar without sufficient distance and/or barriers to prevent the public from approaching and having direct contact with the animals, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

13. On July 23, 2008, Respondents Oltz, Pangaea and WAWI willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically, said Respondents failed to maintain their perimeter fence structurally sound and in good repair, in accordance with section 3.127(d) of the Standards. 9 C.F.R. § 3.127(d).

14. On June 15, 2007, Respondents Oltz, Pangaea and WAWI willfully violated section 2.100(a) of the Regulations by failing to meet the minimum facilities and operating standards for

animals other than dogs, cats, rabbits, hamsters, guinea pigs, nonhuman primates and marine mammals, and specifically, said Respondents stored toxic substances and caustic chemicals on the floor or near the sink used for food preparation for animals, in contravention of section 3.125(c) of the Standards. 9 C.F.R. § 3.125(c).

15. On June 15, 2007, March 12, 2008, and July 23, 2008, Respondents Oltz and Pangaea, in violating the Regulations, also knowingly failed to obey the cease and desist order made by the Secretary under section 2149(b) of the Act (7 U.S.C. § 2149(b)), in *In re Pangaea Productions, Inc., a Florida corporation; Corinne A. Oltz, an individual; and Rafael Layzequilla, an individual, dba Special Events Productions, a sole proprietorship or unincorporated association*. Therefore, pursuant to section 2149(b) of the Act, said Respondents “shall be subject to a civil penalty of [\$1,650] for each offense, and each day during which such failure continues shall be deemed a separate offense.”⁶

Order

1. Animal Welfare Act licenses 58-C-0870 and 58-C-0464 are hereby revoked.
2. Respondents Corinne Oltz, Pangaea Productions, Inc., and Wild Animal World, Inc., are jointly and severally assessed a civil penalty of \$56,500, for their fifteen violations of the Regulations promulgated under the Act.
3. Respondents Corinne Oltz and Pangaea Productions, Inc., are jointly and severally assessed a civil penalty of \$12,950 for their seven instances of knowingly disobeying a cease-and-desist order of the Secretary of Agriculture.
4. Respondents Corinne Oltz, Pangaea Productions, Inc., and Wild Animal World, Inc.,

⁶7 U.S.C. § 2149(b); 7 C.F.R. § 3.91(b)(2)(ii).

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

5. 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 and Order shall be served upon the parties.

November 8, 2010

Peter M. Davenport
Chief Administrative Law Judge