

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE



In re:) AWA Docket No. 11-0025
)
JAMES LEE RIGGS, an individual,)
)
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 (“APHIS”), alleging that the respondent willfully violated the regulations and standards issued pursuant to the Act (9 C.F.R. § 1.1 et seq.) (the “Regulations”). This decision is entered into pursuant to the consent decision provisions of the Rules of Practice applicable to this proceeding (7 C.F.R. § 1.138).

Respondent James Lee Riggs admits the jurisdictional allegations in the complaint, specifically admits that the Secretary has jurisdiction in this matter, admits certain of the remaining allegations as set forth herein as findings of fact and conclusions of law, waives oral hearing and 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 and Conclusions of Law

1. Respondent James Lee Riggs is an individual who did business as Great Cat Adventures, Great Cats of the World, and other similar fictitious names, and whose mailing address is 5888 Echo Bluff Drive, Haltom City, Texas 76137. At all times mentioned herein, said respondent was (1) operating as an exhibitor, as that term is defined in the Act and the Regulations; or (2) acting for or employed by an exhibitor, and his acts, omissions or failures

within the scope of his employment or office are, pursuant to section 2139 of the Act (7 U.S.C. § 2139), deemed to be his own acts, omissions, or failures.

2. On or about January 19, 2010 and April 28, 2010, respondent Riggs failed to provide APHIS inspectors access to facilities, records and animals, in willful violation of section 2146(a) of the Act (7 U.S.C. § 2146(a)) and section 2.126(a) of the Regulations (9 C.F.R. § 2.126(a)).

3. On or about July 24, 2009, respondent Riggs failed to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and specifically, respondent had no record of having obtained vaccinations for a tiger identified as both Lily and Athena, in willful violation of section 2.40(b)(2) of the Regulations (9 C.F.R. § 2.40(b)(2)).

4. On or about March 4, 2010, respondent Riggs failed to have had a veterinarian provide adequate veterinary care to animals in respondent's custody, including a tiger and a lynx with untreated hair loss over their entire bodies, in willful violation of sections 2.40(a), 2.40(a)(2), and 2.40(a)(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2)).

5. On or about March 9, 2010, respondent Riggs failed to have a veterinarian provide adequate veterinary care to animals in respondent's custody, and specifically, respondent Riggs had a young tiger that was suffering from ringworm euthanized instead of treated for its fungal condition, in willful violation of sections 2.40(a), 2.40(a)(2), and 2.40(b)(2) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2)).

6. On or about August 7, 2008, at the Washington Town and Country Fair, Washington, Missouri, respondent Riggs exposed young or immature animals to rough or excessive public handling or exhibited them for periods of time that would be detrimental to their

health and well-being, in willful violation of section 2.131(c)(3) of the Regulations (9 C.F.R. § 2.131(c)(3)).

7. On March 16, March 17, and March 18, 2010, respondent Riggs failed to have a veterinarian provide adequate veterinary care to animals in respondent's custody, specifically a lynx with hair loss over its entire body, roughened and thickened skin around its face, and who was thin and shaking its feet as though they were sore, in willful violation of sections 2.40(a), 2.40(a)(2), 2.40(b)(2) and 2.40(b)(3) of the Regulations (9 C.F.R. §§ 2.40(a), 2.40(a)(2), 2.40(b)(2), 2.40(b)(3)).

8. Between February 2010 and March 2010, respondent Riggs failed to keep, make and maintain records or forms that fully and correctly disclosed the required information regarding animals owned, held, leased, or otherwise in his possession or control, or transported, soled, euthanized, or otherwise disposed of, in willful violation of section 2.75(b) of the Regulations (9 C.F.R. § 2.75(b)).

9. On or about the following dates, respondent Riggs failed to handle tigers as carefully as possible in a manner that does not cause behavioral stress, 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):

- a. September 29, 2008 (Tulsa Fair Grounds, Tulsa, Oklahoma)
- b. February 27, 2009 (Brownwood Intermediate School, Brownwood, Texas)
- c. April 11, 2009 (Great Cat Adventures, Atoka, Oklahoma)
- d. August 7, 2008 (Washington Town and Country Fair, Washington, Missouri)

10. On or about the following dates, respondent Riggs 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 general public so as to assure the safety of animals and the public, in willful violation of section 2.131(c)(1) of the Regulations (9 C.F.R. § 2.131(c)(1):

- a. September 29, 2008 (Tulsa Fair Grounds, Tulsa, Oklahoma)
- b. February 27, 2009 (Brownwood Intermediate School, Brownwood, Texas)
- c. April 11, 2009 (Great Cat Adventures, Atoka, Oklahoma)
- d. August 7, 2008 (Washington Town and Country Fair, Washington, Missouri)

11. On or about September 29, 2008, respondent Riggs failed to provide animals with wholesome, nutritious and palatable food in sufficient quantities, and specifically, respondent fed large felids a diet with insufficient calcium and taurine, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

12. On or about December 22, 2009, respondent Riggs failed to provide animals with wholesome, nutritious and palatable food in sufficient quantities, and specifically, a necropsy report performed on a dead serval in respondent's custody showed that the serval was very thin with little or no fat on its body, and no evidence of any disease or cause of death other than starvation, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

13. On or about September 29, 2008, respondent Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a), by failing to construct and maintain enclosures for two leopards and one cougar in a manner that protects the animals from injury and contains them, and specifically, the animals' enclosure had no top, other than a canvas shade.

14. On or about July 24, 2009, respondent Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.125(a) of the Standards (9 C.F.R. § 3.125(a)), by failing to construct and maintain enclosures for a lynx in a manner that protects the animal from injury and contains it, and specifically, the animal's enclosure had no top.

15. On or about September 30, 2009, respondent Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.127(b) of the Standards (9 C.F.R. § 3.127(b)), by failing to provide adequate shelter for two leopards kept outside in a wire enclosure without any additional shelter box to protect them from the elements.

16. On or about September 30, 2009, respondent Riggs willfully violated section 2.100(a) of the Regulations (9 C.F.R. § 2.100(a)), by failing to meet section 3.127(d) of the Standards (9 C.F.R. § 3.127(d)), by housing two leopards in a primary enclosure without a perimeter fence.

17. On March 4, March 16, March 17, and March 18, 2010, respondent Riggs 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 utilize a sufficient number of adequately-trained employees.

18. On or about March 16 and March 17, 2010, respondent Riggs failed to provide animals with wholesome, nutritious and palatable food in sufficient quantities, and specifically, respondent fed large felids a mostly chicken diet with insufficient supplements, in willful violation of section 2.100(a) of the Regulations and section 3.129 of the Standards (9 C.F.R. §§ 2.100(a), 3.129).

19. Respondent James Lee Riggs has admitted the facts set forth above and the parties have agreed to the entry of this decision. Therefore, such decision will be entered.

Order

1. Respondent James Lee Riggs, 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. Any and all Animal Welfare Act licenses ever held by respondent James Lee Riggs, including without limitation AWA license number 74-C-0229, are hereby revoked, effective July 11, 2013.

3. Respondent James Lee Riggs is permanently disqualified from licensure under the Act, and agrees to be permanently disqualified from employment in any capacity by an exhibitor, dealer, or research facility, as those terms are defined in the Act.

4. For purposes of this consent decision, the period of time from July 11, 2013, through July 10, 2023, shall be referred to as the "probation period." Respondent Riggs agrees that during the probation period he will not engage in activities for which an Animal Welfare Act license is required. Respondent Riggs further agrees that if during the probation period APHIS notifies said respondent that APHIS has documented a failure to comply with section 2.1 of the Regulations (9 C.F.R. § 2.1), upon receipt of such notice and supporting documentation, respondent Riggs shall be assessed a civil penalty of \$25,000 for such failure to comply, without further procedure. Respondent Riggs further agrees to a prospective waiver of his right to notice and an opportunity for an oral hearing pursuant to section 19 of the Act (7 U.S.C. § 2149) as to any such failure to comply with said Regulation described in this paragraph, and the parties further agree that respondent Riggs may seek review or injunctive, declaratory or other

appropriate in the United States District Court for the District of Columbia, or for the district where respondent Riggs resides or has his place of business.

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



James Lee Riggs
Respondent



Colleen A. Carroll
Attorney for Complainant

Done at Fort Worth, Texas
this 12 day of July, 2013



Jill S. Clifton
Administrative Law Judge