

Thank you for forwarding your concerns about the petting zoo in Cummings GA. Your research will help us follow up on these concerns. I will have one of our veterinarians look into this as soon as possible.

Sincerely,

Elizabeth Goldentyer, DVM
Eastern Regional Director
USDA, APHIS, Animal Care



Date: August 31, 2005
Case No: AL05018

United States
Department of
Agriculture

Marketing and
Regulatory
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Animal and Plant
Health Inspection
Services

Animal Care

920 Main Campus Drive
Suite 200
Raleigh, NC 27606

Tel No. 919-855-7100
Fax No. 919-855-7123

SUBJECT: **Additional Information** for an Investigation of Alleged
Violations Regarding the AWA, Regulations and/or Standards

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

RE: (2583) 33-C-0002
(b)(6), (b)(7)c
Frisco Brothers Petting Zoo
4821 Alta Lane
Peoria, IL 61615

Supportive documents enclosed:

- Animal Care Incident Report dated 29 Aug 05
- Companion Animal No. L-46479 dated 10 Oct 04
- The Crimson White Online dated 18 Oct 04
- University of Alabama IACUC meeting minutes dated 27 Jan 05

Comments:

The field inspector to contact is Dr. Kenneth Kirstein (703) 812-6592
The SACS to contact is Dr. Cathy Hovancsak (703) 812-6575

cc: K. Kirstein, VMO
C. Hovancsak, SACS
K. Carter-Corker, ARD
IL (2583) 33-C-0002



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AUG 29 2005

ANIMAL CARE INCIDENT REPORT

License/Registration # 33-C-0002	Licensee Name Joe Frisco
Business Name Joe Frisco	Site TRV
Animal Name Dumbo, Gina and Joyce	Alias Name
Description of Animal(s) Involved in Incident Asian Elephants, 22yrs. old	
Animal ID Number and Type	USDA Tattoo Number (if any)
Source of Incident report University of Alabama	Telephone/E-mail of Source (205) 348-7217
Did USDA Inquire About the Incident? Who? Yes, Michelle Williams	Date of Inquiry 19 July 2005
Has IES Investigation been Initiated? / Investigation # No	Date of Initiation
Incident Details	
Incident Date 16-October-2004	Incident Location University of Alabama
Type of regulated activity Exhibition	Were there human injuries/Deaths? Human
<p>Description of Incident</p> <p>There were three elephants being exhibited at the fraternity house on the Univ. of AL campus. There were not supposed to be rides given just photos. A gentleman from the audience was getting his picture taken with one of the elephants and he patted the elephant on her back. The elephant swung her head around and knocked the man down with her trunk. One account said that it happened when the band started playing. Supposedly he broke his wrist. I am not able to get specific details other than discussion documented between the committee members that brought the elephants to the campus and a campus newspaper article.</p>	
Name and Title of Preparer Michelle B. Williams, DVM	Signature

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 ANIMAL HEALTH SERVICES

COMPANION ANIMAL

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 City-State: [Redacted]
 Country of Origin: [Redacted]

IDENTIFIER, NAME, QUANTITY	SEX	BREED	AGE	EXAMINATION			REMARKS
				DATE	TIME	PLACE	
1. <u>Dumbo / Gray Elephant</u>	<u>F</u>	<u>[Redacted]</u>	<u>2yrs</u>	<u>10/15/04</u>	<u>10:00 AM</u>	<u>[Redacted]</u>	<u>Exam done: 11/17/01</u>
2. <u>Gina / Gray Elephant</u>	<u>F</u>	<u>[Redacted]</u>	<u>2yrs</u>	<u>10/15/04</u>	<u>10:00 AM</u>	<u>[Redacted]</u>	<u>Exam done: 11/17/01</u>
3. <u>Goyce / Gray Elephant</u>	<u>F</u>	<u>[Redacted]</u>	<u>2yrs</u>	<u>10/15/04</u>	<u>10:00 AM</u>	<u>[Redacted]</u>	<u>Exam done: 11/17/01</u>
4.							
5.							

Remarks (Specify Number 1, 2, 3, 4, or 5): In zoo with Care of elephant & condition
1 2 3 4 5

OWNER/OWNER SIGNMENT
[Redacted]
 Signature: [Redacted]
 Date: 10/15/04
 Address: [Redacted]
 City-State: [Redacted]
 Country: [Redacted]
 Permit Number: [Redacted]

ISSUING VETERINARIAN
 Name: [Redacted]
 Address: [Redacted]
 City-State: [Redacted]
 Country: [Redacted]
 License Number: [Redacted]
 Signature: [Redacted]
 Date: [Redacted]

5

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The Crimson White onl

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Wednesday Jul. 27, 2005

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Ton o' Crimson Tide fun

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Some say elephants never forget, but many Tide fans might never forget the elephants that showed up for the UA Homecoming festivities this weekend

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by Heather Henderson
Managing Editor
October 18, 2004

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When the Crimson Tide scores a touchdown during a home game, the sound of an elephant trumpeting reverberates in Bryant-Denny stadium.

Hours before the Tide's Saturday game against Southern Miss, that same sound awoke Clay Koenig from his bed in the Delta Kappa Epsilon fraternity house.

Three African elephants, ready to emerge into the sunlight after spending an evening in the trailer of an 18-wheeler to escape the chilly night air, celebrated their much-anticipated freedom under a tent pitched in the DKE front lawn, rolling, running around and trumpeting repeatedly.

"That was my wakeup call in the morning," Koenig said.

Last weekend, thousands of Tide fans and students stopped by the lawn on University Boulevard to take a look at the three pachyderms, which could become a part of the UA Homecoming tradition if approved by the University.

The elephants, riding in a trailer marked "Frisco's Elephants," arrived at the DKE house Friday afternoon. Curious onlookers, including UA President Robert Witt, tried to sneak a peak as the three females - Dumbo, Gina and Joyce - waited to emerge. Later, DKE members, family and alumni watched in coats, ties and dresses as the enormous animals calmly made their way under a tent on the front lawn, quickly taking the opportunity to devour the hay placed under them.

Koenig, a junior health care management major, said securing the elephants' appearance turned out to be more of a hassle than they had planned. "But once I saw the elephants walk off the trailer, I knew it was all worth it," he said.

Since last year, DKE members discussed, at first half-jokingly, the possibility of bringing an elephant to campus for Homecoming festivities this year, said Joseph Dennis, a senior majoring in journalism and a DKE member.

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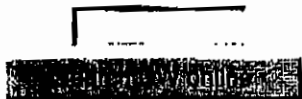
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At first, the University worked with the fraternity to find out whether having the elephants walk in the Homecoming parade, and then parking them at the DKE house, would be feasible, Koenig said. But even after they found that the city lacked the permit to allow such a venture, DKE members continued to work to bring the elephants to Tuscaloosa, funding the rental themselves and eventually securing last-minute approval from the University, Koenig said.

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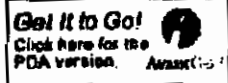
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"No one really knew the protocol for getting elephants on campus," he said.

Koenig said the rental turned out to be convenient both for the elephants' owners, the Friscos, and for the fraternity: The animals were passing through Alabama on their way to their 5-acre ranch in Florida, where they spend the colder months of the year, he said.

Koenig was one of only a couple people who were allowed to sit on an elephant - his was Dumbo - and take a picture. "It was my first time riding an elephant, so it was pretty interesting," he said.

The elephants, each about 22 years old, didn't seem fazed by the crowds of fascinated Tide fans, Dennis said, even staying calm during a Friday night party, where they hogged more of the attention than The Woodpeckers, the night's featured band.

The Friscos told Dennis that the experience was a sort of first for the animals.

"They told us they had never done anything like this, especially at a frat house," Dennis said. But added, "It didn't seem to bother [the elephants]."

The UA Institutional Animal Care and Use Committee had to discuss and review protocol before the animals could be allowed on campus, said UA biology professor Stephen Secor, a member of the committee who spoke to fraternity members Friday night about caring for the elephants.

"I pressed upon them that they were responsible for the well-being of the elephants while they were on campus," Secor said. "The safety of the animals was something that a lot of people were concerned about."

On Sunday, Secor said he had not heard whether everything went according to protocol during the animals' visit.

"I pressed upon them that I hope this goes well, and if it does, maybe it leaves open the possibility for it to happen at a later date," Secor said.

One onlooker was injured, Dennis said, when he tapped the back of one of the elephants, which swung around and inadvertently knocked the man over with his trunk.

"I think he broke his hand," Dennis said. He said the man, who was not a student, told concerned DKE members not to worry too much about the incident. "I might just have y'all make me an honorary member," Dennis said the man joked later.

All three elephants, however, left safe and sound during Saturday's game, leaving behind a dumpster full of droppings waiting to be picked up by garbage collectors, Dennis said.

He said that cleaning up the muck had been the responsibility of the elephants' owners, and not that of any unfortunate DKE pledges.

"The Friscos take care of it," he said, adding, "It smells like a zoo."

Dennis said the fraternity hoped the University would agree to let the

elephants become a permanent part of UA Homecoming happenings.

"Since everything went smoothly, I think we're going to try to make it a tradition," he said.

Ton o' Crimson Tide fun

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10/20/2004	Thanks to the Deke guys for showing...	Eric Slinner
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UNIVERSITY OF ALABAMA IACUC MEETING MINUTES

January 27, 2005

(b)(6), (b)(7)c

Members Absent: (b)(6), (b)(7)c

Staff Attending: (b)(6), (b)(7)c

Meeting was called to order at 11:04am

Old Business

Minutes from the 12/17/04 IACUC meeting were presented for approval. After review of the minutes (b)(6), (b)(7)c pointed out that the statement he made concerning the correction of the 11/22/04 minutes was intended to reflect the view of the entire committee. The statement should be corrected to read (b)(6), (b)(7)c pointed out that a statement made by the committee was left out of the 11/22/04 minutes. (b)(6), (b)(7)c requested that the minutes include the statement concerning the pressure the committee felt from two vice presidents relating to the elephant protocol.”

Discussion of

Title:

(b)(6), (b)(7)c

(b)(6), (b)(7)c reported that the concerns of the IACUC committee were several fold (b)(6), (b)(7)c stated that historically the IACUC has worked hard to accommodate animal use on campus and has tried to make the use of animals as easy as possible while still ensuring that the animals are protected and regulations are followed. The IACUC committee is in charge of the oversight of all animal use activities on campus and everyone involved is aware of the somewhat hurried up nature of the protocol approval (b)(6), (b)(7)c reported that it was the understanding of the committee, by what was presented, that the elephants would be on campus for one day, there would be no riding of the elephants, and that supervision would be provided. After the event, the Crimson White reported that the animals were on campus the night before the event and taken out of the truck, one person was photographed riding an elephant and at some point someone was injured by the elephant. The major part of what the committee had requested was violated. If this were an on-going protocol this would require us to discontinue the protocol and notify regulatory agencies of major deficiencies and problems with the protocol, thankfully this was a short term protocol and the committee could not discontinue it. The protocol could have an impact on our overall animal

program and accreditation, which could make us ineligible for grants and in a worse case scenario could stop federal funding for research.

(b)(6), (b)(7)(c) stated that the committee requested (b)(6), (b)(7)(c) to come to the meeting to ensure that he understands the problems that the committee faces with these issues. The committee also needs assurance that this will not happen again and a description of what is being done to prevent this from occurring again.

(b)(6), (b)(7)(c) stated that she would answer the questions of the committee. (b)(6), (b)(7)(c) stated that there were several initial problems with the event. (b)(6), (b)(7)(c) reported that the necessity of visiting the IACUC committee was unknown until the last minute and at the last minute those involved hurried about this very hastily, things were communicated verbally, and we were dealing with people in Mobile who were dealing with people in Tampa. (b)(6), (b)(7)(c) stated that one thing those involved have learned from the experience is that everything must be put in writing so that it is clear not only what the protocol is and what the expectations are but also so that those expectations can be communicated to all of the various people that might be concerned. Having the protocol and expectations in writing will also prevent it from being changed each time it is communicated with someone else. (b)(6), (b)(7)(c) assured that committee that this will not be a re-occurring event and reported that her staff has learned several things from this event; #1 make sure that things get put in writing in the beginning and #2 to be vigilant in watching the event and make sure that everyone understands what is expected of them. What happened in this case is that students received mixed messages about what was acceptable and some of the things that the committee noted today were not my understanding because of miscommunication.

(b)(6), (b)(7)(c) stated that everything from the IACUC committee was in writing.

(b)(6), (b)(7)(c) stated that the committee's version may have been in writing but it was not in writing on her end. (b)(6), (b)(7)(c) stated that communicating to everyone in writing is something that must be done in the future.

(b)(6), (b)(7)(c) stated that the IACUC bent over backwards to make this happen and worked with unprecedented speed to approve the protocol.

(b)(6), (b)(7)(c) said that she was aware of the committee's hard work on this event and appreciated it.

(b)(6), (b)(7)(c) reported that two weeks prior to the event the IACUC approved a procedure for when the committee would act on protocols and this protocol was in violation of the new procedure that the committee had just passed.

(b)(6), (b)(7)(c) stated that there were certain things that the fraternity was told that they could not do, one was getting on the elephants.

(b)(6), (b)(7)(c) stated that the trainer allowed the person to sit on the elephant because he wanted one picture for his scrapbook.

(b)(6), (b)(7)(c) reported that he directly told the trainer that no one was to get on the elephant; this was also told to the trainer's wife (b)(6), (b)(7)(c) stated that there should have been someone present to watch over things and prevent certain activities from happening.

(b)(6), (b)(7)(c) stated that if anything like this is ever done again a member of (b)(6), (b)(7)(c) staff and a representative from student affairs will be on site. If the animal is brought on campus by a student group there will be a representative from student affairs present (b)(6), (b)(7)(c) reported that one of the major problems was that the trainer told students information completely different from what the committee had instructed.

(b)(6), (b)(7)(c) reported that the committee also failed because the person who broke their hand reached over a 4 foot fence. FDA regulations indicate that you must have an 8 foot fence for elephants.

(b)(6), (b)(7)(c) stated that it was her understanding that the person was not injured by reaching over the fence (b)(6), (b)(7)(c) reported that the person was having their picture taken with the elephant; the animal moved its head when the band started playing and knocked the person to the ground.

(b)(6), (b)(7)(b) stated that she now knows to work with the IACUC closely and to have the student group to come to the IACUC in due time (b)(6), (b)(7)(c) stated that she was very appreciative of the committee accommodating the student group because the group had previously been informed that they had done everything in a timely manner.

(b)(6), (b)(7)(c) if student affairs planned to develop a policy or procedure to handle an event like this in the future. He also asked what was the general policy concerning animals and fraternity or sorority houses.

(b)(6), (b)(7)(c) stated that if the committee wanted her office to develop a policy this could be done. She stated that she has learned that she needs to be in tune with the needs of the committee and also be more cognizant of the risks involved in having an event like this.

(b)(6), (b)(7)(c) stated that somewhere in the guidelines or operating procedures for student events there should be a statement that animal use must be approved by the IACUC committee.

(b)(6), (b)(7)(c) stated that student affairs would be glad to incorporate the requested language into a policy.

(b)(6), (b)(7)c stated that EHS has received calls wanting to make this a yearly tradition. (b)(6), (b)(7)c stated that this is not something the committee is asking without merit, EHS has already received a couple of inquiries into animal issues and the groups want to know what the next step is.

(b)(6), (b)(7)c stated that if the event is being planned by a student group it must come through the dean of student's office; the group can not make arrangements on its own.

(b)(6), (b)(7)c reported that she anticipates an escalation in the request for animal exhibitions on campus due to the popularity of the elephant exhibit.

(b)(6), (b)(7)c stated that if an event like this is going to be held again the committee needs a bit more lead time. If necessary, the committee can make input on risk management issues and can help locate a more appropriate site if necessary.

(b)(6), (b)(7)c stated that there are holes in the procedure under which this was approved. This event came through the legal office and the student affairs office without being flagged.

(b)(6), (b)(7)c stated that the matter of legal issues vs. compliance issues has been discussed. The legal office must understand that they should also be looking at compliance issues, red flagging them and pushing them off to the appropriate people. (b)(6), (b)(7)c made the point that IACUC regulations apply to all animals all the time no matter what it is. All animals on campus must have a protocol and there must be some kind of statement indicating that all animal use must go through the IACUC committee.

(b)(6), (b)(7)c stated that as long as the animals come through the office of the dean of students they can make sure that the group understands the correct procedures for the IACUC. (b)(6), (b)(7)c stated that a concern of his office is when groups make arrangements for animals without coming through the dean of student's office. (b)(6), (b)(7)c indicated that if the groups come to his office they will be made aware of the correct procedure and will be routed through the proper channels.

(b)(6), (b)(7)c stated that he would like to remind everyone that the committee is not just a University of Alabama committee, it is a committee mandated by the federal government when research with animals is taking place. A portion of the membership of the committee has to be external community members. The committee is organized by the University of Alabama but it is also a community committee that exists external to the (b)(6), (b)(7)c. Therefore, the IACUC committee can do things that (b)(6), (b)(7)c can not stop; by the way the committee is constituted under federal regulations. It is important for everyone to understand that the IACUC is a community committee according

to federal regulations (b)(6), (b)(7)(c) thanked the committee's community member (b)(6), (b)(7)(c) for devoting her time to attend the monthly meetings.

(b)(6), (b)(7)(c) stated that her office wants to work with the committee and she hopes that no one sees this as a power struggle.

(b)(6), (b)(7)(c) stated that he hates to see things like this happen but in many ways it has been a very useful experience because everyone in central administration is now aware of procedures for animal use. (b)(6), (b)(7)(c) stated that it would be nice to put something in writing that would protect us from having this happen again. There should be a line in student affairs, (b)(6), (b)(7)(c) office, or the provost's office that states that any time you have an animal on campus you must pay attention to IACUC regulations.

(b)(6), (b)(7)(c) stated that it would be good to have something in writing outlining the regulations for submitting materials to the IACUC.

(b)(6), (b)(7)(c) left the room.

(b)(6), (b)(7)(c) introduced (b)(6), (b)(7)(c) to the committee (b)(6), (b)(7)(c) and looks forward to working with her. (b)(6), (b)(7)(c) said that this is the first time the University has had a position devoted solely to research compliance a Ms. (b)(6), (b)(7)(c) will be a asset to the research office and to (b)(6), (b)(7)(c)

Old Protocols

- 1. (b)(4) (b)(6), (b)(7)(c)
Title: Title: (b)(4)

(b)(6), (b)(7)(c) reported that (b)(6), (b)(7)(c) has withdrawn her IACUC (b)(4), she will not be using mice in her electron microscopy class.

- 2. (b)(4) (revised) (b)(6), (b)(7)(c)
Title: (b)(4)
(b)(4)

(b)(6), (b)(7)(c) opened the floor for discussion of the protocol.

(b)(6), (b)(7)(c) reported that he worked with (b)(6), (b)(7)(c) on this. After looking over the minutes from the last meeting (b)(6), (b)(7)(c) stated that he may not have extended the committee's concerns to the degree that is listed in the minutes but hopes that the protocol is in a much better format.



United States
Department of
Agriculture

Date: August 18, 2005

Marketing and
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Programs

SUBJECT: Request for Investigation of Alleged Violations
Regarding the AWA, Regulations and/or Standards

Animal and Plant
Health Inspection
Service

TO: John Kinsella, Regional Director
Investigative and Enforcement Services
Eastern Region

Eastern Regional
Office

FROM: Elizabeth Goldentyer, DVM
Regional Director
Eastern Region-Animal Care

Animal Care

920 Main Campus
Dr.
Suite 200, Unit 3040
Raleigh, NC 27606

RE: Customer # 2583
License/Registration No: 33-C-0002
Name: (b)(6), (b)(7)c
Doing business As: Frisco Brothers Petting Zoo
Address: 4821 Alta Lane
Peoria, IL 61615

(919) 855-7100

Previous enforcement actions

- Unknown

Supportive documents enclosed:

- Application for License Renewal dated 16 Apr 05
- Inspection Report dated 21 Mar 05
- Itinerary dated 15 Apr 05
- Animal Care Incident Report dated 19 Jul 05

Comments:

The field inspector to contact is Michelle Williams (703) 812-6678
The SACS to contact is Dr. Cathy Hovansak (703) 812-6575

Please notify Dr. Kay Carter-Corker of the case number as soon as it is assigned.

cc: S. Kingston, DVM
C. Hovancsak, SACS
M. Williams, VMO
G. Gaj, SACS
D. Sofranko, VMO Field Specialist - Elephants
K. Carter-Corker, ARD
IL (2583) 33-C-0002



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