



VIA: USPS Certified Mail  
Shipping Event: 1st

August 14, 2012

Lynnwood Park Zoo, Inc.  
1071 Wells Road  
Jacksonville, NC 28540

Registered Agent: Gary A. Evans  
1071 Wells Road  
Jacksonville, NC 28540

## **SETTLEMENT AGREEMENT**

### **CITATION AND NOTIFICATION OF PENALTY**

We believe that you violated the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA), as described below.

**Date of Violation: July 29, 2010**

**9 C.F.R. § 2.126** Access and Inspection of Records and Property.

Respondent failed to have a responsible adult available at 12:00 noon to accompany APHIS officials during an inspection.

**Date of Violation: September 3, 2010**

**9 C.F.R. § 2.40(b)(2)** Attending Veterinarian and Adequate Veterinary Care.

Respondent failed to use the approved method of euthanasia for a pigtail macaque that attacked the licensee.

**Date of Violation: September 27, 2010**

**9 C.F.R. § 2.40(a)(1)** Attending Veterinarian and Adequate Veterinary Care.

Respondent failed to have a written program of veterinary care that addressed the non-human primates and the vaccination program.

**Date of Violation: September 27, 2010**

**9 C.F.R. § 2.40(b)(2)** Attending Veterinarian and Adequate Veterinary Care.

Respondent failed to use a heartworm prevention program for the ten fox housed at the facility.

**Date of Violation: September 27, 2010**

**9 C.F.R. § 2.131(c)(1)** Handling of Animals.

Respondent failed to have sufficient barriers to assure the safety of animals and the public. The barriers for the two coati enclosures and the serval enclosures were incomplete.



**Date of Violation: September 27, 2010**

**9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to provide shelters in good repair for the animals at the facility. APHIS observed the damaged roof for the coati's shelter and the leaning fencing in the goat's enclosure.

**Date of Violation: September 27, 2010**

**9 C.F.R. § 3.129(b) Feeding.**

Respondent failed to place food for the zebra and Scottish Highlanders as to minimize contamination. Respondent threw hay on piles of manure.

**Date of Violation: September 27, 2010**

**9 C.F.R. § 3.131(a) Sanitation.**

Respondent failed to remove excessive accumulations of feces from enclosures housing zebra, Dall sheep, goats, and the Scottish Highlander cattle.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 2.40(a)(1) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to have a program of veterinary care and have scheduled visits from the attending veterinarian to the facility.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 2.40(b)(2) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to use a program of heartworm prevention for the ten fox located at the facility.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 2.131(c)(1) Handling of Animals.**

Respondent failed to have sufficient barriers to assure the safety of animals and the public. The barriers for the two coati enclosures and the serval enclosures were incomplete.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to maintain the goat shelter in good repair by repairing/replacing the broken boards, the deteriorated wooden platform, and the protruding nails.



**Date of Violation: November 1, 2010**

**9 C.F.R. § 3.127(c) Facilities, Outdoor.**

Respondent failed to provide a suitable method of drainage to eliminate the standing water in the zebra and Scottish Highlander cattle's enclosures.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 3.127(d) Facilities, General.**

Respondent failed to provide the required 6 feet high perimeter fencing around the African porcupine and baboon enclosures. APHIS observed support beams that could not properly support the fencing to keep it taught and holes at the bottom of the fence that could allow animals to go under it.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 3.129(b) Feeding.**

Respondent failed to place food for the zebra so as to minimize contamination.  
Respondent threw hay on piles of manure.

**Date of Violation: November 1, 2010**

**9 C.F.R. § 3.131(a) Sanitation.**

Respondent failed to remove excessive accumulations of excreta from the zebra, goat, pot-bellied pig, and Scottish Highlander cattle enclosures.

**Date of Violation: January 6, 2011**

**9 C.F.R. § 2.40(b)(2) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to have the attending veterinarian complete the vaccinations of the hoof stock at the facility as prescribed in the program of veterinary care.

**Date of Violation: January 6, 2011**

**9 C.F.R. § 3.127(c) Facilities, Outdoor.**

Respondent failed to provide a suitable method of drainage to eliminate the standing water and muddy areas in the zebra enclosure.

**Date of Violation: January 6, 2011**

**9 C.F.R. § 3.131(a) Sanitation.**

Respondent failed to remove excessive accumulations of feces from the zebra enclosure as often as necessary to minimize disease risks and reduce odor.



**Date of Violation: April 27, 2011**

**9 C.F.R. § 2.40(b)(2) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to maintain programs of adequate veterinary care that included the use of appropriate methods to prevent, control, diagnose, and treat disease and injuries. Specifically, APHIS observed a black/brown goat with overgrown hooves.

**Date of Violation: April 27, 2011**

**9 C.F.R. § 2.131(c) Handling of Animals.**

Respondent failed to have sufficient barriers to assure the safety of animals and the public. The public barriers for the three grivets were incomplete.

**Date of Violation: April 27, 2011**

**9 C.F.R. § 3.125(a) Facilities, General**

Respondent failed to maintain the shelter in the Jacob's sheep enclosure in good repair, as evidenced by broken roof beams. The pen housing the Dall sheep had fencing with broken wires, and bailing twine and thin wire used to connect the fencing to the fence posts.

**Date of Violation: April 27, 2011**

**9 C.F.R. § 3.127(d) Facilities, Outdoor.**

Respondent failed to provide the required 6 feet high perimeter fencing around the African porcupine enclosure. APHIS observed a hole in the bottom of the fencing that could allow animals to go under it.

**Date of Violation: August 22, 2011**

**9 C.F.R. § 3.125(a) Facilities, General.**

Respondent failed to maintain the Barbados sheep shelter in good repair by repairing/replacing the broken fencing around trees, and to maintain the pen housing three silver fox in good repair by repairing/replacing the deteriorated wooden roof and sides.

**Date of Violation: December 5, 2011**

**9 C.F.R. § 2.40(b)(3) Attending Veterinarian and Adequate Veterinary Care.**

Respondent failed to observe animals daily to assess their well-being. APHIS observed one black goat with overgrown hooves on its rear feet.



**Date of Violation: December 5, 2011**

**9 C.F.R. § 3.127(d) Facilities, Outdoor.**

Respondent failed to maintain a perimeter fence constructed to restrict animals and unauthorized persons from going through or under it. APHIS observed that the fencing near the porcupine enclosure had gaps of approximately 4 to 6 inches at the bottom.

**Date of Violation: March 5, 2012**

**9 C.F.R. § 3.127(b) Facilities, Outdoor.**

Respondent failed to provide adequate shelter from the elements for at least four mouflon. The shelter did not have adequate functional sides and needed repairs in order to protect the mouflon from wind and rain and to prevent their discomfort.

**Date of Violation: March 5, 2012**

**9 C.F.R. § 3.127(d) Facilities, General.**

Respondent failed to maintain a perimeter fence constructed to restrict animals and unauthorized persons from going through it or under it. The bottom of the fencing behind the porcupine pen had gaps at the bottom of the fencing that could allow animals through it.

The penalty amount for the alleged violations described above is \$7,143.