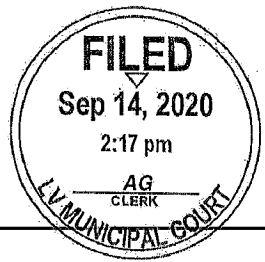


ORIGINAL



1 **OPP**

1 MICHAEL N. AISEN, ESQ.
Nevada Bar No. 11036
2 ADAM L. GILL, ESQ.
Nevada Bar No. 11575
3 AISEN, GILL & ASSOCIATES, LLP
723 S. Third St.
4 Las Vegas, Nevada 89101
Tel: (702) 715-8187
5 Fax: (702) 548-6884
mike@aisengill.com
6 adam@aisengill.com
Attorneys for Defendant

7 **LAS VEGAS MUNICIPAL COURT**

8 **CLARK COUNTY, NEVADA**

9 CITY OF LAS VEGAS,
10 Plaintiff,

11 vs.

12 JEFFREY LEE LOWE,
13 Defendant.
14

Case No: C1184662A
C1184663A
C1184644A
C1185093A

Dept. No: 5

Hearing Date: October 14, 2020
Hearing Time: 9:30am

15
16 **DEFENDANT'S OPPOSITION TO CITY'S MOTION TO REMAND AND REVOKE**

17 COMES NOW, Defendant, JEFFREY LEE LOWE, by and through his attorneys of
18 record, MICHAEL N. AISEN, ESQ. and ADAM L. GILL, ESQ., of the law firm of AISEN, GILL
19 & ASSOCIATES, LLP, and for his Opposition to City's Motion to Remand and Revoke states as
20 follows:

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28

1 MEMORANDUM OF POINTS AND AUTHORITIES

2 I.

3 FACTUAL AND PROCEDURAL HISTORY

4 On April 5, 2018, Defendant Jeffrey Lowe entered the following pleas:

5 C1185093A – No contest to “Doing Business without a License” and was
6 sentenced to one-hundred seventy-nine (179) days jail time, suspended, with two
7 (2) days credit for time served. Defendant was ordered to Stay Out of Trouble
8 (“SOOT Order”) for one (1) year, which included no illegal activity, new charges,
9 arrests, or animal related violations. Restitution of \$2,500.00 to the City of Las
10 Vegas.

11 And,

12 C1184664A, C1184662A, and C1184663A – Submittal as to each case (No
13 license/permit wild and farm animals), one-hundred seventy-nine (179) days jail
14 time, suspended, all to run concurrent with C1185093A. Defendant was ordered to
15 SOOT Order for one (1) year, which included no new charges, arrests, or animal
16 related violations. Restitution of \$2,500.00 as to each case, to the City of Las
17 Vegas, totaling \$7,500.00. Upon completing the requirements, each of these three
18 matters would be dismissed.

19 At the time of sentencing, a status check was scheduled for October 25, 2018, at 9:00am,
20 with Mr. Lowe being instructed by this Court that so long as Mr. Lowe was “on track”, Mr. Lowe
21 would not need to appear, and that counsel could appear on his behalf.

22 Counsel appeared for Mr. Lowe at the October 25, 2018 status check, at which time the
23 Court expressed concern regarding a recent article, posted by a local media outlet pertaining to
24 Mr. Lowe. The Court continued the status check until November 14, 2018, and ordered Mr.
25 Lowe’s appearance. On November 14, 2018, Counsel appeared on behalf of Mr. Lowe, as Mr.
26 Lowe was unable to make arrangements to travel to Las Vegas from out of state, and a bench
27 warrant was issued, as a result of Mr. Lowe’s failure to appear.

28 On December 11, 2018, Mr. Lowe filed a Motion to Quash Bench Warrant and hearing
was set for December 18, 2018. At the December 18, 2018 hearing, Mr. Lowe was not present,
and the Motion was denied without any findings, as to the arguments raised by Mr. Lowe

1 concerning the lack of evidence of the alleged wrongful conduct that precipitated the Court's order
2 for Mr. Lowe to be present. The Court advised counsel to re-file a Motion to Quash when Mr.
3 Lowe could also be physically present for the motion hearing. At the October 25, 2018, November
4 14, 2018, and December 18, 2018 hearings, Mr. Lowe was not found to be in violation of the
5 SOOT Order, nor did the City indicate any conduct on Mr. Lowe's part that would be a violation
6 of the SOOT Order. Further, the City did not indicate that they would seek to remand or revoke
7 Mr. Lowe until July of 2020.

8
9 Despite being in warrant, Mr. Lowe complied with the sentencing order and paid the full
10 restitution amount of \$10,000.00 to the City of Las Vegas. The Restitution Receipt dated April 8,
11 2019 is attached hereto as Exhibit 1.¹ Having successfully completed the requirements imposed at
12 the time of sentencing, Mr. Lowe filed a subsequent Motion to Quash Bench Warrant, as to each
13 case, on March 31, 2020. On March 31, 2020, all warrants in this matter were quashed, pursuant to
14 a temporary policy related to the ongoing COVID-19 pandemic. A Hearing on Mr. Lowe's March
15 31, 2020 Motion was scheduled for June 1, 2020 but was later vacated and continued due to the
16 pandemic. Mr. Lowe's Motion was rescheduled to July 14, 2020. Prior to the July 14, 2020
17 hearing, the City indicated to counsel for Mr. Lowe an intention to seek revocation of Mr. Lowe.
18 Parties agreed to continue the matter until August 18, 2020 to give time for the City to prepare a
19 written motion. On August 18, 2020, the parties agreed to pass this matter for one week to August
20 26, 2020, as the Motion had not yet been provided to counsel for Mr. Lowe; the August 26, 2020
21 hearing date was vacated, and this matter is now set for hearing on all pending matters on October
22 14, 2020.

23
24
25
26 ¹ April 5, 2019, the one-year date from entry of plea fell on a Friday, a date where the Las Vegas
27 Municipal Court is closed. Payment was made on Monday, April 8, 2019, the next day where the
28 Court was open to accept payment. Payment made on April 8, 2019, satisfied the requirement that
the payment of restitution be made within the one-year.

1 City's Motion comes 15 months after the SOOT expired and relies upon allegations that,
2 taken individually, would not lead to a revocation of Mr. Lowe. Without stating so explicitly, the
3 City is apparently seeking to revoke Mr. Lowe based on the cumulative impact of these non-
4 violative and/or unsubstantiated allegations. Mr. Lowe has fully complied with the terms of his
5 Plea Agreement and Sentencing Order, having paid restitution on all cases. Mr. Lowe respectfully
6 requests that City's Motion be denied and that the terms of his sentencing Order be honored and
7 that Case C1185093A be closed with the other open cases being dismissed.
8

9 II.

10 LEGAL ARGUMENT

11 A. Mr. Lowe Must be Able to Rely on the Plain Language of the Court's Sentencing 12 Order and the Plea Agreement with the City

13 i. Law Governing Enforcement of Plea Agreements

14 "When the State enters into a plea agreement, it is held to the most meticulous standards of
15 both promise and performance with respect to both the terms and the spirit of the plea bargain."
16 *Sparks v. State*, 121 Nev. 107, 110, 110 P.3d 486, 487 (2005) (internal quotation marks omitted).

17 In interpreting a plea agreement, the object is to enforce the reasonable expectations of the
18 parties. *See State v. Crockett*, 110 Nev. 838, 842, 877 P.2d 1077, 1079 (1994); *Van Buskirk*, 102
19 Nev. at 244, 720 P.2d at 1217. Contract principles apply but, because plea agreements "implicate
20 the deprivation of human freedom, the rules governing their interpretation, although having their
21 roots in the principles of contract law, also acknowledge that 'concern for due process outweigh[s]
22 concern for freedom of contract.'" *United States v. Mankiewicz*, 122 F.3d 399, 403 n.1 (7th Cir.
23 1997) (quoting *United States v. Sandles*, 80 F.3d 1145, 1148 (7th Cir. 1996)).
24

25 ii. SOOT Order Expired April 5, 2019

26 In entering negotiations, City made the express condition to include a 1-year SOOT Order
27 as part of negotiations. Mr. Lowe accepted the terms of the negotiations, and entered his plea on
28

1 April 5, 2018, relying upon the terms of the Agreement, which included the 1-year SOOT Order.

2 The SOOT Order included no illegal activity, new charges, arrests, or animal related violations.
3 Mr. Lowe effectuated payment on April 8, 2019, the first business day after the 1-year date and
4 did not violate the SOOT Order during the period of the 1-year SOOT Order.

5 At no point prior to filing the pending Motion did the City file any Motion raising any
6 issues that alleged Mr. Lowe violated any of the terms of the Plea Agreement or the SOOT Order.
7 On April 8, 2019, when Mr. Lowe had complied with all of the terms of his Plea Agreement, Mr.
8 Lowe should have been able to rely on the plain language of the Plea Agreement, and the
9 Sentencing Order. Mr. Lowe was entitled to the benefit of the bargain. The result of that specific
10 performance would have closed case C1185093A and dismissed the remaining cases -
11 C1184664A, C1184662A, and C1184663A.
12

13 B. Mr. Lowe Did Not Violate the SOOT Order

14 Should this Court find that the “1-Year SOOT Order” was in fact an “indefinite SOOT
15 Order,” Defendant still did not violate the terms of any SOOT Order, as there remains no
16 substantiated allegations against Mr. Lowe that would rise to the level of a violation.
17

18 i. **Allegations Made by Dianna Mazak are Inadmissible and**
19 **Unsubstantiated, and Do Not Violate the SOOT Order**

20 City alleges that Mr. Lowe violated the SOOT Order based upon unfounded, and
21 unsubstantiated correspondence from a third-party, Dianna Mazak, to the court on November 13,
22 2018, alleging that Mr. Lowe made threats to her via text message. The City attached to their
23 instant motion, an email with copies of text messages, and nothing more. *See* City’s Exhibit 1.

24 In seeking to revoke Mr. Lowe for these text messages, City is relying on inadmissible
25 hearsay evidence that lacks a proper foundation. Even if the rules of evidence were deemed
26 optional, the content of these messages, absent further context should not violate the terms of the
27 SOOT Order. City, upon receiving this information in 2018, did nothing with it, for over two
28

1 years. In that time, no criminal charges were ever filed, nor was Mr. Lowe arrested or cited, in
2 connection with Dianna Mazak in any jurisdiction. City failed to explain why these messages, if
3 admissible, should be considered a violation. It seems dangerous to create a standard where
4 Defendants can be revoked for allegedly sending mean text messages that are neither cited, nor
5 prosecuted.

6 **ii. Mr. Lowe's Failure to Appear Does Not Violate the SOOT Order**

7
8 At the rendition of sentence, a status check was scheduled for October 25, 2018, with Mr.
9 Lowe being instructed by the Court that so long as Mr. Lowe was "on track", Mr. Lowe would not
10 need to appear, and that counsel could appear for Mr. Lowe. Counsel appeared for Mr. Lowe at
11 the October 25, 2018 status check. At the October 25, 2018 hearing, the Court expressed concern
12 regarding an article, written by Dana Gentry pertaining to Mr. Lowe, and set a status check on
13 November 14, 2018, at which time, Mr. Lowe's presence was required. When Mr. Lowe was
14 unable to make the necessary travel arrangements and did not appear for the November 14, 2018
15 status check, a bench warrant was issued.
16

17 Now, approximately two years have passed since this issue arose and there has been zero
18 corroboration of the allegations found in that article. Further, the alleged wrongful conduct
19 occurred within Las Vegas, where City would have the ability to investigate the issue to
20 substantiate the allegations. No such substantiation has been provided despite the vast resources at
21 City's disposal.
22

23 A failure to appear at a hearing by an out-of-state defendant should never be the basis of a
24 revocation for failure to abide by a SOOT Order. Mr. Lowe's failure to appear came after his
25 presence was ordered because of concerns expressed by this Court in reliance on erroneous
26 reporting by a media outlet. At no point during the SOOT Order did Mr. Lowe violate any of the
27 terms imposed by this Court and Mr. Lowe complied with the Sentencing Order, which included
28

1 the instruction that Mr. Lowe could have counsel appear on his behalf if he were “on track.” Mr.
2 Lowe's presence was not and should not have been required per the original terms of the Court's
3 Order.

4 ///

5 **iii. License Suspension does Not Violate SOOT Order**

6 On August 13, 2020, Mr. Lowe was issued an Official Notice of 21 Day Suspension of
7 License 73-C-0230. *See* City's Exhibit 2. City seemingly argues that the administrative
8 suspension of Mr. Lowe's license, by the United States Department of Agriculture (“USDA”),
9 violates the SOOT Order, without providing any guidance as to how. While the SOOT Order
10 included no illegal activity, new charges, arrests, *or animal related violations*, the suspension of
11 Mr. Lowe's license itself is based on allegations. The document states that the USDA “has *reason*
12 *to believe* that you have willfully violated ... the AWA (Animal Welfare Act),” (*emphasis added*)
13 not that Mr. Lowe **has in fact** violated the AWA; City conflates the temporary suspension with a
14 firm conclusion by an adjudicative entity that a violation has actually been verified. *See* City's
15 Exhibit 2.
16
17

18 The temporary suspension of Mr. Lowe's license is based on the belief that Mr. Lowe may
19 have violated the AWA, not that he has. Mr. Lowe has retained counsel to defend against the
20 allegations made by the USDA. Much like an alleged criminal violation of a SOOT Order, the
21 instant allegations of a technical violation should be required to be borne out by evidence before
22 the appropriate venue before punishment is meted out by this Court. Mr. Lowe's temporary
23 license suspension is merely administrative, and the allegations upon which the suspension is
24 based have not been substantiated, nor has Mr. Lowe been charged with any criminal offense nor
25 been cited or arrested. As such, Mr. Lowe, has not violated the SOOT Order.
26

27 **iv. The Complaint filed by United States Department of Agriculture**
28 **Merely Contains Allegations, and Therefore Does Not Violate SOOT**

1 **Order**

2 On August 17, the Administrator of the Animal and Plant Health Inspection Service
3 (APHIS) filed a Complaint, naming Mr. Lowe as a Respondent, with the United States
4 Department of Agriculture. *See* City's Exhibit 3. Again, City presents these allegations as though
5 they were a finding of fact by a neutral fact-finder.

6 As of the filing of City's instant motion, the contents and allegations included in the
7 APHIS Complaint remain unsubstantiated. The City is attempting to turn allegations of regulation
8 violations into confirmed violative activity, which flouts rules of evidence, the presumption of
9 innocence as well as the terms of both the Plea Agreement and the Sentencing Order.
10

11 **III.**
12 **CONCLUSION**

13 Mr. Lowe completed and complied with all terms of the Plea Agreement entered into on
14 April 5, 2018, including the SOOT Order, and as such, Mr. Lowe respectfully requests this Court
15 to close and/or dismiss each case pursuant to the Sentencing Order.
16

17 DATED this 11th day of September, 2020.

18 AISEN, GILL & ASSOCIATES, LLP

19 By: /s/Michael N. Aisen
20 MICHAEL N. AISEN, ESQ.
21 Nevada Bar No. 11036
22 ADAM L. GILL, ESQ.
23 Nevada Bar No. 11575
24 723 S. Third St.
25 Las Vegas, Nevada 89101
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CERTIFICATE OF SERVICE

I hereby certify that I am an employee of AISEN, GILL & ASSOCIATES, LLP and that on the 11th day of September, I caused to be served via electronic mail a true and correct copy of the document described herein.

Document Served: DEFENDANT'S OPPOSITION TO CITY'S MOTION TO REMAND AND REVOKE

Person(s) Served:

DAVID BAILEY
Nevada Bar No. 8955
Deputy City Attorney
LAS VEGAS CITY ATTORNEY'S OFFICE
debailey@lasvegasnevada.gov

/s/ Jasmine Torres
An Employee of AISEN, GILL & ASSOCIATES, LLP

EXHIBIT 1

Bradford B. Jerbic
City Attorney
Benard G. Little
Assistant City Attorney

CITY OF LAS VEGAS
OFFICE OF THE CITY ATTORNEY
CRIMINAL DIVISION

Regional Justice Center
P.O. Box 3930
Las Vegas, Nevada
89127



(702) 229-6201
(702) 464-2530

RESTITUTION RECEIPT

April 8, 2019

Case Information:

City of Las Vegas v. JEFFERY LEE LOWE
Case Number: C1184662A / C1184663A / C1184664A / C1185096A
Municipal Court Department Number: 5
Court Date: November 14, 2018 at 9:00 am

Payable to: City of Las Vegas		Received from: LOWE, JEFFERY LEE
Amount Received: \$ 10,000.00		
Tender:		
Money Order <input type="checkbox"/>	Issued by: PAULS VALLEY NATIONAL BANK	
Certified Check <input checked="" type="checkbox"/>	Instrument No: 819446	

Disposition: \$2,500 FOR EACH CASE NUMBER		
Date:	Released To:	Type of Delivery:
		In Person <input type="checkbox"/>
		Mail <input type="checkbox"/>
		Unclaimed <input type="checkbox"/>
Signature of Recipient: _____		
Recipients identity confirmed by what form of Identification:		
<input type="checkbox"/> Driver's License	<input type="checkbox"/> Other _____	
<input type="checkbox"/> State Identification Card		

NOTICE TO CUSTOMER
AS A CONDITION TO THIS INSTITUTION'S ASSISTANCE
OF A CUSTOMER, THE CUSTOMER AGREES TO PROVIDE
AN INDENTURE AND CHECK TO THE REFINANCE OR
REFINANCE CHECK IN THE EVENT IT IS
LOST, MISPLACED OR STOLEN.

CASHIER'S CHECK

Pay to the order of

CITY OF LAS VEGAS

One thousand and 00/100

\$ 10,000.00

Date 04/05/2018

96-1987031



Pauls Valley National Bank
PAULS VALLEY, OKLAHOMA 73075

Account # 105094955A

105094956A
405094957A
104835444A

Omnia D. Williams

PRESIDENT CASHIER

Starwark

500

Security Features Detailed on Back.

COURTESY COPY



1 BRYAN K. SCOTT
City Attorney
2 By: David Bailey
Deputy City Attorney
3 Nevada Bar No. 8955
4 Regional Justice Center, 2nd Floor
P.O. Box 3930
Las Vegas, Nevada 89127
5 (702) 229-6201
(702) 464-2530 (fax)
6 debailey@lasvegasnevada.gov

7 LAS VEGAS MUNICIPAL COURT
8 CLARK COUNTY, NEVADA

9 CITY OF LAS VEGAS,
10
11 Plaintiff,
12 vs.
13 JEFFERY L LOWE,
14 Defendant.

CASE NO.: C1185093A;
C1184664A;
C1184662A; and
C1184663A
DEPT. NO.: 5

15 CITY'S MOTION TO REMAND AND REVOKE

16 Plaintiff, the City of Las Vegas, by and through its attorneys, Bryan K. Scott, City Attorney,
17 by David Bailey, Deputy City Attorney, hereby moves this Honorable Court to place this matter
18 on calendar at the same time and date as the August 26, 2020 status check, and at said date and
19 time to set a hearing for City's Motion to Remand and Revoke.

20 This Motion is made and based upon all the papers and pleadings on file herein, the
21 attached points and authorities in support hereof, and oral argument at the time of hearing, if
22 deemed necessary by this Honorable Court.

23 DATED this 18th day of August, 2020.

24 BRYAN K. SCOTT, City Attorney

25 By: David Bailey
26 DAVID BAILEY
27 Deputy City Attorney
28 Nevada Bar No. 8955
Las Vegas City Attorney's Office

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned will bring the above and foregoing CITY'S ~~MOTION TO REMAND AND REVOKE~~ on for hearing before the Court in Department 5 (Courtroom 6D) of the Las Vegas Municipal Court, at the Regional Justice Center, 200 Lewis Avenue, Las Vegas, NV, 89101, on the 28th day of August, 2020, at 9 a.m. or as soon thereafter as counsel may be heard.

DATED this 18th day of August, 2020.

BRYAN K. SCOTT
City Attorney

By: David Bailey
DAVID BAILEY
Deputy City Attorney
Nevada Bar No. 8955
Las Vegas City Attorney's Office

POINTS AND AUTHORITIES

A.

On April 5, 2018, Defendant, JEFFERY L LOWE (hereinafter "Defendant"):

- In Case C1185093A, pled no contest to Doing Business Without a License and was sentenced to one hundred seventy nine (179) days custody with time suspended and a one (1) year broad stay out of trouble requirement (which included no new charges or arrests or animal related violations), and other requirements; and
- In Cases C1184664A (no permit for wild or farm animal), C1184662A (no permit for wild or farm animal), and C1184663A (no permit for wild or farm animal), agreed to submit the matters each with one hundred seventy nine (179) days custody concurrent to Case C1185093A with time suspended and a one (1) year broad stay out of trouble requirement (which included no new charges or arrests or animal related violations), and other requirements, with a dismissal of each at the close of the cases should Defendant abide by the submittal terms.

1 Defendant did not stay out of trouble as required. On November 13, 2018, the Court
2 received an email from Dianna Mazak that included details about threats of violence made against
3 her by Defendant with attached text messages (See attached **Exhibit "1"**).

4 Defendant further did not stay out of trouble as required because on November 14, 2018,
5 Defendant did not show up before this Court as ordered, so the Court ordered and issued bench
6 warrants for each of his cases. Defendant remained in bench warrant status until March 31, 2020,
7 when the Court quashed the warrants not because Defendant appeared before the Court but instead
8 because of the Las Vegas Municipal Court's COVID order.

9 Defendant further did not stay out of trouble as required because on August 13, 2020, the
10 United States Department of Agriculture (hereinafter "USDA") issued him its "Official Notice of
11 21 Day Suspension of License 73-C-0230" which suspended Defendant's license under the
12 Animal Welfare Act for willfully violating USDA Regulations and Standards including without
13 limitation:

- 14 • failing to assure that the attending veterinarian had appropriate authority to
15 ensure the provision of adequate veterinary care to oversee the adequacy of other aspects
16 of animal care;
- 17 • failing to provide adequate veterinary care to animals;
- 18 • failing to maintain facilities in good repair to protect the animals from injury
19 and to contain the animals; and
- 20 • failing to provide safe and effective programs for the control of pests.

21 (See attached **Exhibit "2"**).

22 Defendant further did not stay out of trouble as required because on August 17, 2020, the
23 USDA filed its Complaint against Defendant before the U.S. Secretary of Agriculture. (See
24 attached **Exhibit "3"**) (hereinafter "**USDA Complaint**"). The USDA Complaint alleges
25 numerous violations of USDA Regulations and Standards including without limitation repeated
26 failures and/or refusal to provide access to USDA inspectors, make and keep records and forms,
27 handle animals carefully, provide adequate veterinary care to animals, and lack of good faith, and
28 submitting falsified forms, as more fully set forth in details in the USDA Complaint.

1 City therefore respectfully requests that the Court calendar this matter for its August 26,
2 2020 status check calendar and then schedule a hearing to remand and revoke Defendant on these
3 ~~charges to impose his suspended sentence and enter convictions on the submittal cases because of~~
4 his failures to stay out of trouble.

5
6 DATED this 18th day of August, 2020

7 BRYAN K. SCOTT
8 City Attorney

9
10 By: David Bailey
11 DAVID BAILEY
12 Deputy City Attorney
13 Nevada Bar No. 8955
14 Las Vegas City Attorney's Office

15
16 **CERTIFICATE OF SERVICE**

17 I hereby certify that on August 18, 2020, I delivered a true and correct copy of
18 the foregoing **CITY'S MOTION TO REMAND AND REVOKE** to Defendant's counsel, Adam
19 Gill, via facsimile (702-548-6884).

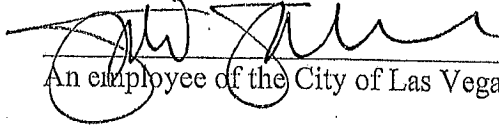
20
21 
22 An employee of the City of Las Vegas
23
24
25
26
27
28

EXHIBIT "1"

Rebecca Wolfson

From: Lisa Rosales
Sent: Tuesday, November 13, 2018 3:54 PM
To: Rebecca Wolfson
Subject: FW: Jeff Lowe

Hey Rebecca,

Please see the below e-mail for you case tomorrow.

From: CLVContactMC
Sent: Tuesday, November 13, 2018 2:21 PM
To: Lisa Rosales
Cc: Debora Bolden ; Lilliana Sandoval Vlnoyal
CLVContactMC <CLVContactMC@LasVegasNevada.GOV>
Subject: FW: Jeff Lowe

Hello Lisa,

I hope your afternoon is going well. The email below was sent to the public email address. Would you please add it to the case file for Jeff Lowe?

If you have any questions, just let me know. Thanks!

Cari Viado

Administrative Secretary
Municipal Court | Administration

200 Lewis Avenue | Las Vegas, NV 89101



lasvegasnevada.gov



From: DIANNA MAZAK
Sent: Tuesday, November 13, 2018 7:49 AM
To: CLVContactMC <CLVContactMC@LasVegasNevada.GOV>
Subject: Jeff Lowe

Good morning Judge Kerns, I wanted to share a few screenshots of a convicted felon that will be entering your courtroom on Wednesday. Jeff Lowe has a stay out of trouble order that came directly from you and I wanted to show you that this man is a danger to society and continues to bully and threaten citizens. These are screenshots between Jeff Lowe and his business partner Joe Maldonado. Jeff Lowe also threatened me verbally telling me I'm trespassing on his property and he would shoot me if I came back to it. The property in reference is a Zoo in Oklahoma where I worked at. He does not own the Zoo. I've been working closely with the local Sheriff's Dept however I saw you give this guy a stay out of

trouble clause and I've seen that clause in Clark county have no bearing whatsoever. I lived there 18 yrs It's time to make these criminals realize that they need to stay out of trouble if they want to not spend their sentencing in jail. Make an example out of this person please. Thank you for your time.
Dianna Mazak

11:05

LTE 

 Requests

Jeff N Lauren Lowe
Messenger

JUN 5, 7:57 PM

Dillon, I want to make something perfectly clear to you. I don't know who the fuck you think you are, but I would advise you to keep your fucking nose out of my business. I will bulldoze the house you live in.



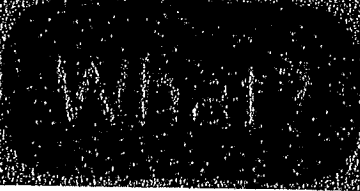
You don

you don't know me from Adam and I would rather beat your ass than look at you, but for the grace of God you have a home to live in. If you wanna deal with me face to face, I beg you to confront me with your smart mouth. I will knock

Jeff Lowe New

Drinking is what has kept that park from getting anywhere

Cancel the electric and get your fucking buildings if that's your threat to me and you watch what happens in the next week



95% 2:25

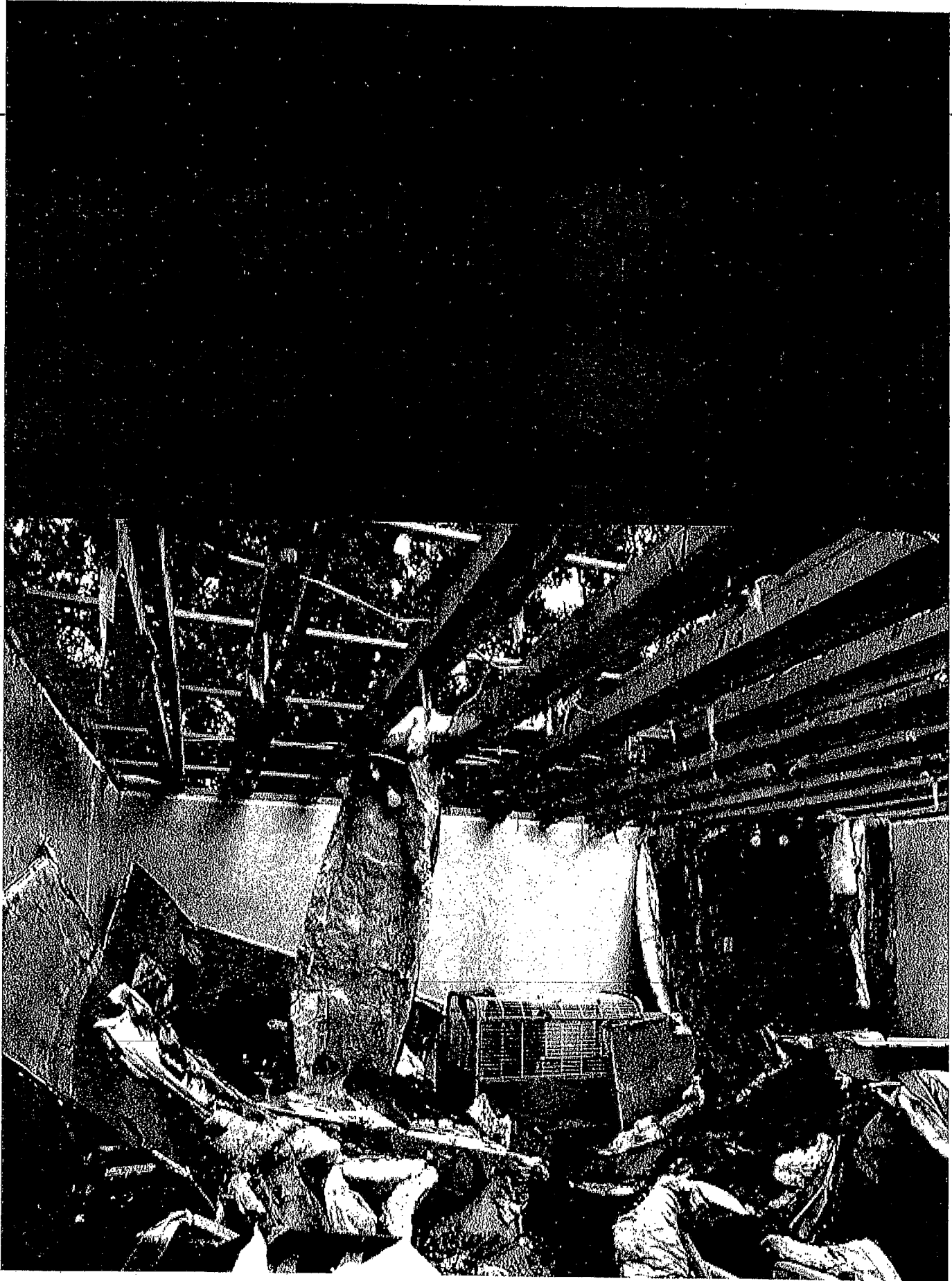
Jeff Lowe New



from [REDACTED]

PM

I'm never mind don't think your threats will intimidate me Joseph you think I can I have the utilities turned back on myself? Fuck with me and I will bulldoze your house





CITY OF LAS VEGAS MARSHAL - WARRANT SEARCH

LAS VEGAS MARSHAL'S OFFICE

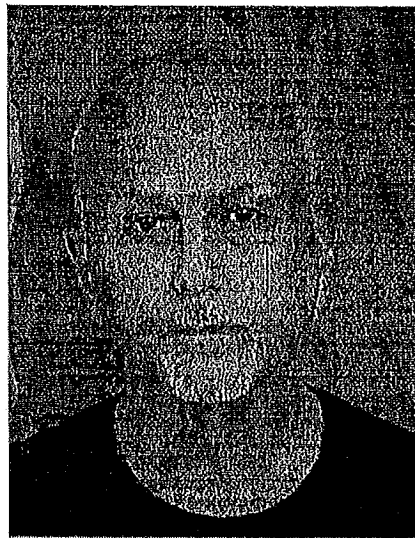
WANTED

JEFFERY L LOWE

*** DO NOT ATTEMPT TO DETAIN THIS INDIVIDUAL,
CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY

Description:

Name:	JEFFERY L LOWE
Address:	2803 NORTH COUNTY ROAD APT 3250
ID#:	7922409
Sex:	Male
Race:	
Age:	58
Height:	
Weight:	
Hair:	
Eyes:	



Wanted for:

Case #C1185093A
DO BUSINESS WITHOUT A LICENSE
Case #C1184664A
NO LICENSE/PERMIT WILD AND FARM ANIMALS
Case #C1184668A
NO LICENSE/PERMIT WILD AND FARM ANIMALS
Case #C1184662A
NO LICENSE/PERMIT WILD AND FARM ANIMALS

**If you know the whereabouts of JEFFERY L
LOWE , you can use our Tip Line to send us
an email or contact Municipal Court at
(702) 229-2067**

*** DO NOT ATTEMPT TO DETAIN THIS INDIVIDUAL,
CONTACT YOUR LOCAL LAW ENFORCEMENT AGENCY

LAS VEGAS MARSHAL'S OFFICE
200 LEWIS AVE.
LAS VEGAS, NV 89127



You poor fool Joe. Check the warra...



Jeff Negan Lowe

17 hrs ·



You poor fool Joe. Check the warrant often. The Judge told my Vegas lawyer he will dismiss it when he verifies that I'm working with the Feds to get you convicted. Congratulations, you had a meth-head willing to lie to a Judge for you.



Like



Comment



Share



13



Todd Buth

You would think him and his boyfriend that is running that page would be more concerned about his murder for hire trial. What an idiot. I don't comment on his page because I enjoy a little drama at arms length. Don't think I have seen Jeff saying much lately though. lol



17 hrs Like Reply More



Jeff Negan Lowe

Thats because he's been emailing love letters to Joe. There will be developments involving him soon enough



12 hrs Like Reply More



Todd Buth



Jeff Negan Lowe

I had the Feds sitting in my office today collecting more evidence on Joe.

My lawyers in Vegas got it handled. I'm not even slightly concerned.



8 hrs Like Reply More



Todd Buth

But it was SUCH a serious charge Jeff! 😏



8 hrs Like Reply More



Jeff Negan Lowe

Todd Buth right? City ordinance violation?

Compared to murdering endangered species, falsifying Government documents, being the biggest wildlife trafficker in the United States, AND murder for hire on a slob that's suspected of murdering her own husband?

Looks like I need to step up my game a bit.

8 hrs Like Reply More



Todd Buth

Jeff Negan Lowe nah! That's a lot of work to stoop to the low life scum level Joe is. There is a special place in hell for POS's like him. Karma sure is a bitch!

EXHIBIT "2"



United States
Department of
Agriculture

August 13, 2020

Marketing and
Regulatory
Programs

Jeffrey Lowe
25803 N C R 3250
Wynnewood, OK 73098

Washington, DC
20250

OFFICIAL NOTICE OF 21 DAY SUSPENSION OF LICENSE 73-C-0230

Dear Mr. Lowe:

I write to notify you that your license (73-C-0230) under the Animal Welfare Act (7 U.S.C. § 2131 et seq.) (AWA or Act) is hereby suspended, pursuant to section 19 of the Act, for a period of 21 days, effective upon your receipt of this letter.

We are taking this action because we have reason to believe that you have willfully violated, *inter alia*, sections 2.40(a)(2), 2.40(b)(2), 2.40(b)(3), 2.75(b)(1), and 2.131(c)(1) of the regulations issued under the AWA (9 C.F.R. Part 2)(Regulations), and failed to meet the minimum standards for animals (9 C.F.R. Part 3)(Standards), specifically 9 C.F.R. §§ 3.125(a), 3.129(a), and 3.131(d). Our evidence reveals that on June 22, 2020 and July 8, 2020, you failed to assure that the attending veterinarian had appropriate authority to ensure the provision of adequate veterinary care and to oversee the adequacy of other aspects of animal care, failed to provide adequate veterinary care to animals, failed to maintain facilities in good repair to protect the animals from injury and to contain the animals, and failed to provide a safe and effective program for the control of pests.

It is a violation of the Regulations to buy, sell, transport, exhibit, or deliver for transportation, any "animal," as that term is defined in the Act and the Regulations, during the period of suspension. 9 C.F.R. § 2.10(c). This prohibition applies to you and to any employee, agent or other person acting on your behalf. Failure to comply with this prohibition may subject you to sanctions authorized by the Act. 7 U.S.C. § 2149.

If you have any questions concerning this suspension, please communicate with:

Ciarra Toomey
Office of the General Counsel
1400 Independence Avenue, SW, Mail Stop 1417
Washington, D.C. 20250-1417
(202) 720-3779
ciarra.toomey@usda.gov

Jeffrey Lowe
21 Day Suspension
Page 2

Done at Washington, D.C.
this ____ day of August 2020
Digitally signed
by ANTHONY
SHEA
Date: 2020.08.13
16:47:31 -04'00'

Kevin Shea
Administrator
Animal and Plant Health Inspection Service

EXHIBIT "3"

UNITED STATES DEPARTMENT OF AGRICULTURE

BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket Nos. 20-
)
JEFFREY LOWE, an individual; and) 20-J-0152
LAUREN LOWE, an individual) 20-J-0153
doing business as GREATER)
WYNNEWOOD EXOTIC ANIMAL)
PARK, LLC,)
)
Respondents) COMPLAINT

There is reason to believe that the respondents named herein have willfully violated the Animal Welfare Act, as amended (7 U.S.C. § 2131 et seq.)(AWA or Act), and the regulations issued thereunder (9 C.F.R. Part 2)(Regulations). Therefore, the Administrator of the Animal and Plant Health Inspection Service (APHIS) issues this complaint alleging the following:

JURISDICTIONAL ALLEGATIONS

1. Respondent Jeffrey Lowe is an individual who does business as Greater Wynnewood Exotic Animal Park (GWEAP), and whose mailing address is 25803 North Country Road 3250, Wynnewood, Oklahoma 73098. At all times mentioned herein, respondent Jeffrey Lowe was an exhibitor as that term is defined in the Act and the Regulations and held AWA license 73-C-0230 as an "individual."

2. Respondent Lauren Lowe is an individual who does business as Greater Wynnewood Exotic Animal Park (GWEAP), and whose mailing address is 25803 North Country Road 3250, Wynnewood, Oklahoma 73098. At all times mentioned herein, respondent Lauren Lowe was an exhibitor as that term is defined in the Act and the Regulations and did not hold an AWA license.

ALLEGATIONS REGARDING SIZE OF BUSINESS, GRAVITY OF VIOLATIONS, GOOD FAITH, AND HISTORY OF PREVIOUS VIOLATIONS

3. Respondents own and operate a zoo (as that term is defined in the Regulations) exhibiting wild and exotic animals in Wynnewood, Oklahoma and also exhibit at off-site locations throughout the United States. It is a large business. In 2017, respondents represented to APHIS that they held 29 animals (1 non-human primate and 28 wild or exotic mammals); in 2018, respondents represented to APHIS that they held 162 animals (7 non-human primates and 155 wild or exotic mammals); in 2019, respondents represented to APHIS that they held 202 animals (10 non-human primates and 192 wild or exotic mammals); in 2020, they represented to APHIS that they held 212 animals (7 non-human primates and 205 wild or exotic mammals).

4. The allegations herein include the failure and/or refusal to provide access to APHIS inspectors for the purpose of conducting inspections to determine compliance with the Act, the Regulations, and the standards issued under the Act (9 C.F.R. Part 3)(Standards), repeated failures to make, keep, and maintain records or forms that fully and correctly disclose the acquisition and disposition of animals, repeated failures to handle animals carefully, and repeated failures to provide adequate veterinary care to animals.

5. Respondents have not shown good faith. As early as 2015, APHIS advised respondent Jeffrey Lowe not to exhibit or handle animals without sufficient distance and/or barriers between the animals and the public. Nevertheless, as alleged herein, respondents have failed on multiple occasions to comply with the handling Regulations. Moreover, two veterinarians who have performed work for respondents aver that respondents falsified written programs of veterinary care (PVC) and veterinary records. In one case, the veterinarian avers that

he never filled out a PVC for respondents; in another case, the veterinarian avers she resigned as respondents' attending veterinarian in June 2018 and did not issue any documents pertaining to veterinary care after that date, despite respondents submitting veterinary records to APHIS documenting veterinary care by that veterinarian in 2019 and 2020. Further, in 2017, respondents repeatedly harassed a Las Vegas Animal Control Supervisor, whose department was investigating respondents' numerous exotic animal operations in Las Vegas, Nevada, by publicizing her photograph and home address, issuing threats against her, and making derogatory comments about her on social media.

6. Respondent Jeffrey Lowe was charged with one count of doing business without a license in Las Vegas, Nevada, on November 16, 2017. Specifically, respondent possessed a multi-person commercial vehicle advertised as "The Jungle Bus" that listed baby lions, tigers, bears, lemurs, kangaroos, and monkeys available for private parties, casino events, conventions and shows, photo shoots, movies and commercials, and extended private encounters. Respondent Jeffrey Lowe pleaded *nolo contendere*, and the Las Vegas Municipal Court found him guilty on April 5, 2018, issued a suspended jail sentence, a *Stay Out of Trouble* order, and ordered him to pay \$2,500 in restitution. Further, respondent Jeffrey Lowe surrendered ownership of a tiger, liger, and lemur that were confiscated from his facility by Las Vegas authorities in November 2017. *See*, Las Vegas Municipal Court, Case No. C1185093A – Jeffery (*sic*) Lee Lowe (Nov. 16, 2017).

7. By letter dated August 14, 2020, pursuant to 7 U.S.C. 2149, the APHIS's Administrator suspended respondent Jeffrey Lowe's license (73-C-0230) for 21 days, effective immediately after service of the suspension letter. The suspension letter advised respondent

~~Jeffrey Lowe that it is a violation of the Regulations to buy, sell, transport, exhibit, or deliver for~~
transportation, any "animal," as that term is defined in the Act and the Regulations, during the
period of suspension and that in addition to respondent Jeffrey Lowe, this prohibition applies to
any employee, agent or other person acting on his behalf.

ALLEGED VIOLATIONS

8. On or about the following dates, respondents willfully violated the veterinary care
Regulations as specified below:

a. On or about November 16, 2017, respondents willfully violated the
Regulations by failing to have an attending veterinarian provide adequate veterinary care to their
animals and failing to establish and maintain programs of adequate veterinary care that included
the use of appropriate methods to prevent injury and disease. Specifically, respondents failed to
obtain any veterinary medical care for a tiger cub (Vegas) and a liger cub (Paisley) who were
underweight with sunken bellies and protruding hip bones, while also exhibiting bloody, mucous
diarrhea, and intestinal parasites (Giardia). 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

b. On or about November 16, 2017, respondents willfully violated the
Regulations by failing to have an attending veterinarian provide adequate veterinary care to their
animals and failing to establish and maintain programs of adequate veterinary care that included
the use of appropriate methods to prevent injury and disease. Specifically, respondents failed to
obtain any veterinary medical care for a lemur (Clutch) who had visible areas of hair loss on the
base of her tail. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

c. Between June 29, 2018, and July 8, 2020, respondents willfully violated the
Regulations by failing to employ an attending veterinarian to provide adequate veterinary care to

their animals, and failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injury and disease, daily observation of all animals to assess their health and well-being, and a mechanism of communication with the attending veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), (b)(3).

d. On June 22, 2020, respondents failed to obtain adequate veterinary care for a hybrid (Young Yi) who died on or around June 13, 2020, and specifically, respondents did not communicate with a veterinarian regarding Young Yi or obtain any veterinary care for Young Yi, nor did they have a necropsy performed to determine the cause of the Young Yi's death. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3).

e. On June 22, 2020, respondents willfully violated the Regulations by failing to have an attending veterinarian provide adequate veterinary care to their animals and failing to establish and maintain programs of adequate veterinary care that included the use of appropriate methods to prevent injury and disease. Specifically, respondents failed to obtain veterinary medical care for a lion cub (Nala) that was observed to be lethargic, depressed, immobile, and presenting with a string of purulent nasal discharge hanging from her right nostril, an accumulation of green discharge in her eyes, and shallow and rapid respiration. A veterinarian had not seen Nala for these conditions. APHIS immediately halted the inspection and instructed respondents to obtain immediate veterinary care for Nala. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3).

f. On June 22, 2020, respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat

diseases and injuries, and adequate guidance to personnel involved in the care and use of animals, and specifically, failed to provide adequate veterinary care to a geriatric wolf with pressure sores on both rear hocks. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

g. On June 22, 2020, respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals, and specifically, failed to provide adequate veterinary care to a geriatric wolf reluctant to ambulate due to arthritic pain. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3), 2.40(b)(4).

h. On June 22, 2020, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals, and failed to establish and maintain programs of adequate veterinary care that included daily observation, and communication with respondents' attending veterinarian, and specifically, respondents failed to communicate to the attending veterinarian that a Fisher Cat, was lame on its left rear leg and had extreme hair thinning on its tail, and respondents failed to have the animal seen by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

i. On June 22, 2020, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals, and failed to establish and maintain programs of adequate veterinary care that included daily observation, and communication with respondents' attending veterinarian, and specifically, respondents failed to obtain adequate veterinary care for a grizzly bear and a black bear that were observed to be emaciated and exhibiting a heightened and aggressive activity level. They also failed to establish and maintain a program of adequate

~~veterinary care that included the availability of appropriate services and adequate guidance to~~
personnel involved in the care and use of animals regarding an adequate nutritional and parasite control program. 9 C.F.R. §§ 2.40(a), 2.40(b)(2), 2.40(b)(3).

j. On June 22, 2020, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals, and failed to establish and maintain programs of adequate veterinary care that included daily observation, and communication with respondents' attending veterinarian, and specifically, Respondents failed to communicate to the attending veterinarian that a female tiger (Dot) has had five total litters, with the previous three being stillbirths, and failed to treat the animal or have it seen by a veterinarian after those stillbirths. Dot died on June 21, 2020, due to an upper respiratory infection after undergoing an emergency ovariectomy on June 19, 2020. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).

k. On July 8, 2020, respondents failed to establish and maintain programs of adequate veterinary care that include the availability of appropriate facilities, personnel, equipment, and services, the use of appropriate methods to prevent, control, diagnose, and treat diseases and injuries, and adequate guidance to personnel involved in the care and use of animals, and specifically failed to follow the recommendations of a veterinarian who examined two geriatric wolves on June 17, 2020. 9 C.F.R. §§ 2.40(a), 2.40(b)(2).

l. On July 8, 2020, respondents failed to have an attending veterinarian provide adequate veterinary care to their animals, and failed to establish and maintain programs of adequate veterinary care that included daily observation, and communication with respondents' attending veterinarian, and specifically, respondents failed to communicate to the attending veterinarian that a Fisher Cat, was lame on its left rear leg and had extreme hair thinning on its

~~tail, and respondents failed to have the animal seen by a veterinarian. 9 C.F.R. §§ 2.40(a), 2.40(b)(1), 2.40(b)(2), 2.40(b)(3).~~

9. Between March 2017 and November 2017, respondents willfully violated the Regulations by failing to notify APHIS of a change of address in their business operation, and of any additional sites at which respondents housed animals, in willful violation of 9 C.F.R. 2.8 and 9 C.F.R. 2.27.

10. Between March 2017, and November 2017, respondents failed to notify APHIS of their change in site locations, thereby causing APHIS to be unable to conduct a complete inspection of their animal facilities, in willful violation of section 16 of the Act (7 U.S.C. § 2146) and section 2.126 of the regulations (9 C.F.R. § 2.126).

11. Between July 2017, and November 16, 2017, respondents willfully violated the Regulations by exhibiting animals at a location other than respondents' facility, and housing those animals overnight at that location, without having timely submitted a complete and accurate itinerary to APHIS. 9 C.F.R. § 2.126(c).

12. On or about October 23, 2017, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the disposition of one tiger.

13. On or about March 7, 2018, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the disposition of one tiger and one lemur.

14. On or about August 30, 2018, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)), by failing to make, keep, and maintain records or forms that fully and correctly

disclose the acquisition of four animals that were observed by the APHIS inspector at respondents' facility during the August 30, 2018, inspection, as follows:

- a. There were no acquisition records for two tigers (Forrest and Enzo);
- b. There were no acquisition records for one cougar; and
- c. There were no acquisition records for one Canadian lynx.

15. On or about February 20, 2019, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)(1)), by failing to make, keep, and maintain records or forms that fully and correctly disclosed the disposition of a liger, lemur, and tiger.

16. On or about June 22, 2020, respondents willfully violated the Regulations by failing to have a copy of required records available for inspection, specifically respondents' program of veterinary care was unavailable. (9 C.F.R. § 2.75(b)(3), 2.126(a)).

17. On or about June 23, 2020, respondents willfully violated the Regulations by providing a falsified PVC to APHIS inspectors when asked for the PVC prepared by the attending veterinarian for the facility. The PVC presented to APHIS inspectors on June 23, 2020, was not completed by an attending veterinarian as required by 9 C.F.R. § 2.40(a)(1) and respondents failed to allow APHIS officials to examine legitimate records required to be kept by the AWA in willful violation of 9 C.F.R. § 2.126(a)(2).

18. On or about June 26, 2020, respondents willfully violated the Regulations by providing three false veterinarian records on Young Yi, dated July 14, 2019, September 14, 2019, and May 18, 2020 to APHIS. Respondents failed to allow APHIS officials to examine legitimate records required to be kept by the AWA in willful violation of 9 C.F.R. § 2.126(a)(2).

19. ~~On or about July 8, 2020, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the acquisition of nine animals that were observed by the APHIS inspector at respondents' facility during the July 8, 2020, inspection, as follows:~~

- a. There were no acquisition records for two armadillos;
- b. There were no acquisition records for two caracals;
- c. There were no acquisition records for one ocelot;
- d. There were no acquisition records for one tiger (Medusa);
- e. There were no acquisition records for one liger (Mani); an
- f. There were no acquisition records for two tigers (Filet and Mudcat).

20. On or about July 8, 2020, respondents willfully violated the Regulations (9 C.F.R. § 2.75(b)), by failing to make, keep, and maintain records or forms that fully and correctly disclose the disposition of twenty five animals, as follows:

- a. There were no disposition records for one capybara;
- b. There were no disposition records for two baboons;
- c. There were no disposition records for one prehensile tailed porcupine;
- d. There were no disposition records for one red ruffed lemur;
- e. There were no disposition records for one male kinkajou;
- f. There were no disposition records for eight prairie dogs;
- g. There were no disposition records for three bats;
- h. There were no disposition records for one Fisher Cat;
- i. There were no disposition records for one sloth;

j. There were no disposition records for one wolf (Sky);

k. There were no disposition records for four tigers (Rheque, Amarouk, Tess, and Jughead); and

l. There were no disposition records for one liger (Lizzy).

21. On or about the following dates, respondents willfully violated the handling Regulations (9 C.F.R. § 2.131):

a. On or about April 6, 2017, respondents failed to handle a tiger and bear cub during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and bear cubs and the general viewing public so as to assure the safety of animals and the public, and specifically, respondents had no barrier around the animals' enclosure, which permitted the public to make direct contact with the animals, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

b. On or about May 4, 2017, respondents failed to handle two tiger cubs, during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tigers and the general viewing public so as to assure the safety of animals and the public, and specifically, respondents had no barrier around the tiger cubs' enclosure, which permitted the public to make direct contact with the animals, in willful violation of the Regulations. 9 C.F.R. § 2.131(c)(1).

c. Between April 5, 2017, and May 5, 2017, respondents failed to handle a tiger and bear cub during public exhibition so there was minimal risk of harm to the animal and to the public, with sufficient distance and/or barriers between the tiger and bear cubs and the general viewing public so as to assure the safety of animals and the public, and specifically, respondents

~~had no barrier around the animals' enclosure, which permitted the public to make direct contact with the animals, in willful violation of the Regulations, 9 C.F.R. § 2.131(c)(1).~~

d. On or about June 23, 2020, respondents failed to handle three juvenile lions 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 large felids and the general viewing public so as to assure the safety of animals and the public, and specifically, one of the female lions climbed on top of a portable shelter in the lock-out area, which effectively reduced the height of the barrier between the tigers and the public to four feet, and offered a potential means for a lion or lions to exit the enclosure. 9 C.F.R. §§ 2.131(b)(1), 2.131(c)(1).

22. On or about June 22, 2020, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards, as follows:

a. Respondents housed two wolves in an enclosure that was in disrepair, with a metal grate sub-floor that was exposed along two of the sides. 9 C.F.R. § 3.125(a).

b. Respondents housed an African porcupine in an enclosure that was in disrepair, with a metal grate sub-floor that was exposed in the corner and side of the water receptacle. 9 C.F.R. § 3.125(a).

c. Respondents housed a Fisher Cat in an enclosure that was in disrepair, with a metal grate sub-floor that was exposed in the corner and side of the water receptacle. 9 C.F.R. § 3.125(a).

d. Respondents housed a kangaroo in an enclosure that was in disrepair with a piece of metal fencing that had an exposed vertical edge and a gap between the metal fencing and wooden fence. 9 C.F.R. § 3.125(a).

e. Respondents housed a tiger in an enclosure that was in disrepair, with a metal reinforcement not closely adhered to the fence and a gap between it and the fence. 9 C.F.R. § 3.125(a).

f. Respondents failed to maintain a safe and effective program for the control of insects, ectoparasites, and avian and mammalian pests, by allowing an accumulation of wood debris containing the partially burned hybrid (Young Yi) and a black tarp covering a deceased tiger (Dot); such condition led to the odor of decomposing flesh and many flies being present on the boards and surrounding areas, and was further evidenced by the fly strikes on many species in the park, which have resulted in large patches of painful ulceration on the ears and legs of numerous tigers, lions, and wolves. 9 C.F.R. § 3.131(d).

23. On or about July 8, 2020, respondents willfully violated the Regulations, 9 C.F.R. § 2.100(a), by failing to meet the Standards, as follows:

a. Respondents housed a tiger in an enclosure that had a metal reinforcement no longer closely adhered to the fence, thereby creating a gap between it and the fence that could entrap a foot or limb and collect debris or organic matter. 9 C.F.R. § 3.125(a).

b. Respondents failed to provide food that was wholesome, palatable, and free from contamination and of sufficient quantity and nutritive value to maintain all animals in good health. 9 C.F.R. § 3.129(a).

WHEREFORE, it is hereby ordered that for the purpose of determining whether the respondents have in fact willfully violated the Act and the Regulations issued under the Act, this complaint shall be served upon the respondents. The respondents shall file an answer with the Hearing Clerk, United States Department of Agriculture, Washington, D.C. 20250-9200, in

~~accordance with the Rules of Practice governing proceedings under the Act (7 C.F.R. § 1.130 et~~
seq.). Failure to file a timely answer shall constitute an admission of all the material allegations of this complaint and a waiver of hearing. In order to determine whether the suspension shall continue, Complainant requests that this matter be set for an expedited hearing. Complainant further requests that such order or orders be issued as are authorized by the Act and warranted under the circumstances, including revocation of respondent Jeffrey Lowe's AWA license, permanent disqualification of Lauren Lowe from obtaining any AWA license, and civil penalties as warranted under the circumstances.

Done at Washington, D.C.
this ____ day of August 2020

ANTHONY
SHEA

Digitally signed by
ANTHONY SHEA
Date: 2020.08.17
10:12:49 -04'00'

Kevin Shea
Administrator
Animal and Plant Health Inspection Service

CIARRA A. TOOMEY
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Office of the General Counsel
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