



# USDA-APHIS-Animal Care



ANIMAL WELFARE COMPLAINT			
Complaint No. AC19-170	Date Entered: 15-Mar-19	Processed By: SSE	
Referred To: Tomlinson/Yager		Reply Due: 16-Apr-19	
<b>Facility or Person Complaint Filed Against</b>			
Name: Louisiana State University		Customer No.: 1484	License No.: 72-R-0003
Address: 156 Thomas Boyd Hall		Email Address:	
City: BATON ROUGE	State: LA	Phone No.: (225) 578-6118	
<b>Complainant Information</b>			
Name: (b) (6), (b) (7)(C), (b) (7)(D)		Organization:	
Address:		Email Address: (b) (6), (b) (7)(C), (b) (7)(D)	
City:	State:	Phone No.:	
How was the Complaint received? Email			
Details of Complaint: <u>SEE ATTACHED</u>			
<b>Results:</b> The complainant alleged that Louisiana State University was purchasing dogs for research from an unlicensed shelter (Companion Animal Alliance) in the community. The inspector investigated this complaint and got in contact with the anatomist at the LSU facility. Based on the findings of the CS team, it has been determined that the shelter is not conducting regulated activity and does not require a USDA license. LSU is not required to hold the dogs acquired from the shelter for a 5 day holding period. The shelter will be contacted to review their holding protocols for their animals.			
Application Kit Provided: Yes: <input type="checkbox"/> No: <input type="checkbox"/>			
Inspector: Simone Tomlinson, VMO		Date: 6-May-19	
Reviewed By: Cody Yager, SACS		Date: 6-May-19	



Animal and Plant  
Health Inspection  
Service

Animal Care  
Western Region

March 6, 2019

(b) (6), (b) (7)(C), (b) (7)(D)

Dear Complainant:

Thank you for your correspondence dated 6-Mar-19 concerning Louisiana State University. Your complaint has been issued number AC19-170. **Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.** After that time, the status of our findings may be requested through the Freedom of Information Act (FOIA) office.

**FOIA Requests can be submitted three ways:**

1. Web Request Form: <https://efoia-pal.usda.gov/App/Home.aspx>
2. Fax: 301-734-5941
3. US Mail:  
USDA- APHIS- FOIA  
4700 River Road, Unit 50  
Riverdale, MD 20737

Should you have any questions regarding the APHIS FOIA process or need assistance using the Web Request Form **please contact the APHIS FOIA office at 301-851-4102.**

Animal Care is the division of the U.S. Department of Agriculture (USDA) that is responsible for the enforcement of the Animal Welfare Act. The Act provides minimum standards for the humane care and use of animals at USDA licensed or registered facilities.

Animal Care inspectors conduct routine unannounced inspections at all USDA licensed and registered facilities to ensure that they are meeting or exceeding these minimum standards. Our inspectors also conduct searches when necessary in response to valid concerns and complaints received from the public to ensure the well-being of the animals and compliance with the law. If violations are found enforcement action appropriate for the circumstances will be initiated.

Please be assured that we will look into your concern(s) and the appropriate action(s) will be taken.

Thank you for your interest into the welfare of these animals.

Sincerely,

Bernadette Juarez  
Deputy Administrator  
USDA APHIS Animal Care

**From:** (b) (6), (b) (7)(C), (b) (7)(D)  
**To:** [Gibbens, Robert - APHIS; AC West](#)  
**Cc:** (b) (6), (b) (7)(C), (b) (7)(D)  
**Subject:** Concerns from (b) (6), (b) (7)(C), (b) (7)(D) regarding Louisiana State University:  
**Date:** Wednesday, March 6, 2019 7:13:14 AM  
**Attachments:** [2019-03-06 \(b\) \(6\), \(b\) \(7\)\(C\), \(b\) \(7\)\(D\) -Complaint to USDA re CAA.pdf](#)

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Dear Dr. Gibbens,

I hope this correspondence finds you well. Please find attached an update to (b) (6), (b) (7)(C), (b) (7)(D) February 6, 2019, complaint pertaining to Louisiana State University. I am submitting this correspondence on behalf of my colleague (b) (6), (b) (7)(C), (b) (7)(D), who is copied here.

Thank you, as always, for your time and consideration.

With kindest regards,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

The more we learn of the true nature of non-human animals, especially those with complex brains and corresponding complex social behavior, the more ethical concerns are raised regarding their use in the service of man -- whether this be in entertainment, as "pets," for food, in research laboratories, or any of the other uses to which we subject them. – Dr. Jane Goodall



March 6, 2019

Robert Gibbens, DVM, Director  
Animal Welfare Operations  
USDA-APHIS-AC  
2150 Centre Ave.  
Building B, Mailstop 3W11  
Fort Collins, CO 80526-8117

**Sent via U.S. Mail and E-Mail: [acwest@aphis.usda.gov](mailto:acwest@aphis.usda.gov);  
[robert.m.gibbens@aphis.usda.gov](mailto:robert.m.gibbens@aphis.usda.gov)**

Dear Dr. Gibbens:

I write on behalf of People for the Ethical Treatment of Animals (PETA) and its 6.5 million members and supporters with an urgent update to our February 6, 2019 complaint regarding the purchase of shelter animals by Louisiana State University (LSU) (Cert. No. 72-R-0003) for use in teaching and/or experimentation (assigned complaint # AC19-137).<sup>1</sup> As PETA outlined in our prior complaint, LSU purchased at least 70 dogs from Companion Animal Alliance (CAA) in 2018. CAA is a private, 501(c)3 community animal shelter in Baton Rouge. LSU purchased animals from CAA despite the fact that CAA did not possess a valid license from the USDA, in apparent violation of 7 U.S.C. § 2137. LSU also appears to have failed to keep required records for these animals.

Recently, new records were provided to PETA that appear to show that on December 6, 2018, CAA applied for a class “B” dealer license from the USDA, pursuant to 7 U.S.C. § 2133. This license would allow CAA to begin lawfully selling live animals to LSU for use in deadly anatomy training laboratories and other uses. On December 21, 2018, your office responded to CAA’s application, providing CAA with the Customer ID Number 505239, and explaining the next steps of the licensing process. It appears that USDA-APHIS VMO Simone Tomlinson may have been assigned the task of arranging the pre-licensing inspection, the next step in issuing CAA a class “B” dealer license.<sup>2</sup>

**PETA writes you today to urge your office to deny CAA’s application for a class “B” dealer license.** On February 17, 2019, USDA-APHIS Inspection Licensing Assistant Sean Rehurek confirmed to PETA that our prior complaint is being investigated and that the investigation would take “30 to 60 days.”<sup>3</sup> It would be improper for your office to issue a license to a party that is a material subject of an ongoing AWA investigation. Additionally, given LSU & CAA’s apparent past indiscretions, licensing CAA would send a troubling message to the general public that a business or entity need not apply for licensure prior to engaging in AWA-regulated activity. This has the potential to undermine the foundation of the USDA’s AWA enforcement regime and the legitimacy of your lawful authority.

<sup>1</sup> This complaint is available at <https://www.peta.org/wp-content/uploads/2019/02/2019-02-06-PETA-Complaint-to-USDA-re-LSU.pdf>.

<sup>2</sup> These records are attached to this complaint as Exhibit A.

<sup>3</sup> Exhibit B.

PEOPLE FOR  
THE ETHICAL  
TREATMENT  
OF ANIMALS

Washington, D.C.  
1536 16th St. N.W.  
Washington, DC 20036  
202-483-PETA

Los Angeles  
2154 W. Sunset Blvd.  
Los Angeles, CA 90026  
323-644-PETA

Norfolk  
501 Front St.  
Norfolk, VA 23510  
757-622-PETA

Oakland  
554 Grand Ave.  
Oakland, CA 94610  
510-763-PETA

Info@peta.org  
PETA.org

**Affiliates:**

- PETA Foundation (U.K.)
- PETA Asia-Pacific
- PETA India
- PETA Germany
- PETA Netherlands

Additionally, PETA urges your office to reject CAA's application because it cannot possibly satisfy the regulatory requirements that would be imposed on it. 9 C.F.R. §2.132(c) states the following:

"Any dealer...who also operates a private or contract animal pound or shelter shall comply with the following: (1) **The animal pound or shelter shall be located on premises that are physically separated from the licensed or registered facility.** The animal housing facility of the pound or shelter shall not be adjacent to the licensed or registered facility." [Emphasis added.]

CAA currently has one physical facility, located on Gourrier Avenue adjacent to LSU. For CAA to be compliant with this AWA regulation, they will have to establish a new, dedicated facility for those animals that they intend to sell or furnish to research facilities like LSU. It is doubtful that CAA intends to establish such a facility. Enforcement of this regulation is vital. It protects well-intentioned people who surrender animals to CAA under the reasonable belief that it will operate like a traditional shelter, rather than a clearinghouse of live animals for sale to laboratories or classrooms. This clear distinction is especially crucial in light of recent deceptive public statements that the CAA board passed a resolution ending this practice in October, *two months prior* to their application to USDA for a dealer license.<sup>4</sup> The general public needs to have a clear understanding of the possible fates of the animals surrendered to CAA and needs to have confidence that the shelter will not perform a bait-and-switch.

Given these new developments and apparent continued deceptions by CAA, PETA reiterates our urgent request that your office investigate our earlier complaint as quickly as possible, and if the allegations are substantiated, to enforce significant monetary penalties against LSU.

Thank you for your prompt attention to this matter. I look forward to hearing from you, and I am able to assist your investigation in any way possible. Once this investigation is complete, I would appreciate being notified of the outcome. I can be reached at (b) (6), (b) (7)(C), (b) (7)(D) or (b) (6), (b) (7)(C), (b) (7)(D).

Sincerely,

(b) (6), (b) (7)(C), (b) (7)(D)

(b) (6), (b) (7)(C), (b) (7)(D)

<sup>4</sup> See, for instance: <https://www.nola.com/news/2019/02/animal-shelter-accused-of-selling-live-dogs-to-lsu-vet-school-no-longer-doing-it-board-member-says.html>.

# **Exhibit A**



According to the Paperwork Reduction Act of 1995, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0579-0036. The time required to complete this information collection is estimated to average .25 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

OMB  
APPROVED  
0579-0036

License may be issued unless a completed application has been received (7 U.S.C. 2132-2143), and the applicant is in compliance with the standards and regulations Section 2133.

DO NOT USE THIS SPACE - OFFICIAL USE ONLY

UNITED STATES DEPARTMENT OF AGRICULTURE  
ANIMAL AND PLANT HEALTH INSPECTION SERVICE

SEND THE COMPLETED FORM TO:

USDA-APHIS-Animal Care

APPLICATION FOR LICENSE  
(TYPE OR PRINT)

NEW LICENSE

LICENSE/CUSTOMER NUMBER	EXPIRATION DATE	AMOUNT	DATE RECEIVED
		(b) ( )	17 Dec 2018

1. NAME OF APPLICANT AND MAILING ADDRESS: (See Instructions)

Companion Animal Alliance  
2550 Gourrier Ave.  
Baton Rouge, LA 70820

2. ALL BUSINESS NAMES AND LOCATION ADDRESSES HOUSING ANIMALS:  
INCLUDE DIRECTIONS TO EACH LOCATION (P.O. Box not acceptable)

☐ Use additional sheet, if necessary

Companion Animal Alliance  
2550 Gourrier Ave.  
Baton Rouge, LA 70820

COUNTY: East Baton Rouge TELEPHONE NUMBER:

COUNTY: East Baton Rouge TELEPHONE NUMBER:

3. IF THE APPLICANT IS A CORPORATION, PARTNERSHIP OR OTHER BUSINESS ENTITY, LIST THE ENTITY'S PARTNERS OR OFFICERS AND AGENT FOR SERVICE OF PROCESS.

4. (A) PREVIOUS USDA LICENSE NUMBER: (If any)

(B) ACTIVE USDA LICENSE NUMBER IN WHICH YOU HAVE AN INTEREST:

NAME	TITLE
(b) (6), (b) (7) (C)	(b) (6) (b) (7)(C)

5. TYPE OF LICENSE:

☐ Class A - Breeder ☒ Class B - Dealer ☐ Class C - Exhibitor

6. LIST YOUR 12 MONTH BUSINESS YEAR: (Calendar or Fiscal)

FROM			TO		
MO	DAY	YEAR	MO	DAY	YEAR
01	01	18	01	01	19

7. TYPE OF ORGANIZATION:

☐ Individual ☐ Corporation ☐ Partnership

☒ Other 501(c)(3)

8. DEALERS ONLY - CLASS A OR CLASS B LICENSES MUST COMPLETE THIS BLOCK. (Class C Licenses go to Block 9)

9. EXHIBITORS ONLY - LIST THE LARGEST NUMBER OF ANIMALS THAT YOU HAVE HELD, OWNED, LEASED, OR EXHIBITED AT ANY ONE TIME DURING THE PREVIOUS BUSINESS YEAR. (9 CFR Sections 2.6 and 2.7)

CLASS A (BREEDER) - LINE "D" = 1/2 OF LINE "C"  
CLASS B (DEALER) - LINE "D" = LINE C LESS THE PURCHASE COST OF THE ANIMALS SOLD. (9 CFR Sections 2.6 and 2.7)

A. ESTIMATE TOTAL NUMBER OF ANIMALS TO BE PURCHASED IN THE NEXT BUSINESS YEAR	(b) (4)	DOGS	NONHUMAN PRIMATES	RODENTS (Do not include lab rats or mice)
		CATS	MARINE MAMMALS	WILD/EXOTIC HOOFSTOCK
		GUINEA PIGS	FARM ANIMALS	BEARS
		HAMSTERS	WILD/EXOTIC CANINES	WILD/EXOTIC MAMMALS (Not listed elsewhere)
		RABBITS	WILD/EXOTIC FELINES	TOTAL (All animals listed in Block 9)

CERTIFICATION

I hereby make application for a license under the Animal Welfare Act 7 U.S.C. 2131 et seq. I certify that the information provided herein is true and correct to the best of my knowledge. I hereby acknowledge receipt of and agree to comply with all the regulations and standards in 9 CFR, Subpart A, Parts 1, 2, and 3. I certify that the applicant is 18 years of age or older.

10. SIGNATURE:

11. PRINT NAME AND TITLE:

12. DATE:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

12-6-18

17 DEC 2018





United States Department Of Agriculture

RE: AWA LICENSE APPLICATION

Animal and Plant  
Health Inspection  
Service

December 21, 2018  
Customer ID Number: 505239

Animal Care

(b) (6) (b) (7) (C)

Fort Collins Office  
2150 Centre Avenue  
Building B 3W11  
Fort. Collins, CO  
80526  
Phone: 970-494-7478

Companion Animal Alliance  
2550 Gourrier Avenue  
Baton Rouge, LA 70820

Dear Applicant:

Raleigh Office  
920 Main Campus Dr.  
Suite 200  
Raleigh, NC 27606  
Phone: 919-855-7100

We received your application for a USDA license under the Animal Welfare Act (AWA) and (b) (6) (b) (7) (C) application fee. Here are the next steps in the licensing process.

*What will happen next?*

To obtain a license, you must demonstrate compliance with the regulations and standards during a pre-licensing inspection by a USDA inspector. The inspector will call you within 10 business days from the date of this letter to schedule a pre-licensing inspection. During this inspection, the USDA inspector will inspect your animals, facilities, equipment, and records for compliance. Please have the following documents available for inspection, if applicable: A written program of veterinary care if you use a part-time attending veterinarian or have consultant arrangements; an exercise plan for dogs; and/or an environmental enhancement plan for nonhuman primates.

If the inspection reveals any deficiencies, you will have two additional chances to demonstrate compliance with the regulations and standards.

*What happens after I pass the pre-licensing inspection?*

The final step in the licensing process is paying the appropriate licensing fee. Copies of your application and fee schedule are enclosed for your convenience. Based on your current application, your fee will be (b) (6) (b) (7) (C). After passing the pre-licensing inspection, the inspector will review this licensing fee to ensure it is the correct amount for you to pay.

Should you have any questions, need to make changes to your application, or need to obtain a new fee amount based on changes to your application, please contact Jeremy Flockhart at (970) 494-7411.

Sincerely,

Robert M. Gibbens, D. V. M.  
Director, Animal Welfare Operations  
USDA, APHIS, Animal Care


Cody Yager, SACS, Simone Tomlinson, VMO

Simone Tomlinson -  
Home inspection



# **Exhibit B**



**From:** Rehurek, Sean P - APHIS Sean.P.Rehurek@aphis.usda.gov   
**Subject:** USDA complaint AC19-137 against LSU  
**Date:** February 17, 2019 at 7:23 PM  
**To:** JeremyB@PETA.org



Hello [REDACTED],

Thank you for your concern. Your complaint has been assigned number, AC19-137. If you wish to obtain further information on your complaint, please see the attached letter.

Thank you.

*Sean Rehurek*  
Inspection Licensing Assistant  
970-494-7482

USDA-APHIS-AC  
2150 Centre Ave.  
Building B, 3W85  
Fort Collins, CO 80526  
ph:970-494-7482  
fax:970-494-7461

[Join the Animal Care Stakeholder Registry and receive emails on topics of interest](#)



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AC19-137  
respon...ter.doc





Animal and Plant  
Health Inspection  
Service

Animal Care  
Western Region

February 17, 2019

(b) (6), (b) (7)(C), (b) (7)(D)

Dear Complainant:

Thank you for your correspondence dated 11-Feb-19 concerning Louisiana State University. Your complaint has been issued number AC19-137. **Depending on the circumstances of the situation, please allow us enough time (30 to 60 days) to thoroughly look into your concerns.** After that time, the status of our findings may be requested through the Freedom of Information Act (FOIA) office.

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Thank you for your interest into the welfare of these animals.

Sincerely,

Bernadette Juarez  
Deputy Administrator  
USDA APHIS Animal Care