

UNITED STATES DEPARTMENT OF AGRICULTURE
BEFORE THE SECRETARY OF AGRICULTURE

In re:) AWA Docket No. 06-0010
)
Sam Mazzola, an individual, d/b/a)
World Animal Studios, Inc., a)
former Ohio domestic corporation,)
and Wildlife Adventures of Ohio,)
Inc., a former Florida domestic)
stock corporation currently)
licensed as a foreign corporation)
in Ohio,)
)
Respondent)
)
and)

In re:) AWA Docket No. D-07-0064
)
Sam Mazzola,)
)
Petitioner) **Order Lifting Stay**

On November 24, 2009, I issued a Decision and Order in which I found that Sam
Mazzola violated the Animal Welfare Act, as amended (7 U.S.C. §§ 2131-2159)
[hereinafter the Animal Welfare Act]; and the regulations and standards issued under the

Animal Welfare Act (9 C.F.R. §§ 1.1-3.142) [hereinafter the Regulations].¹ Mr. Mazzola filed a petition requesting that I reconsider the November 24, 2009, Decision and Order, and I subsequently issued an order denying Mr. Mazzola's petition for reconsideration.²

On May 27, 2010, Mr. Mazzola filed a request that I stay the Orders in *In re Sam Mazzola*, ___ Agric. Dec. ____ (Nov. 24, 2009), and *In re Sam Mazzola* (Order Denying Pet. for Recons. and Ruling Denying Motion for Oral Argument), ___ Agric. Dec. ____ (Mar. 29, 2010), pending the outcome of proceedings for judicial review. On June 1, 2010, I granted Mr. Mazzola's request for a stay.³

On December 6, 2010, the Administrator, Animal and Plant Health Inspection Service, United States Department of Agriculture, filed Complainant's Motion to Lift Stay stating the United States Court of Appeals for the Sixth Circuit issued an order in *Mazzola v. U.S. Dep't of Agric.*, No. 10-3653 (6th Cir. Oct. 27, 2010), dismissing Mr. Mazzola's appeal for want of prosecution and stating proceedings for judicial review are concluded. Mr. Mazzola did not file a timely response to Complainant's Motion to Lift Stay, and, on January 26, 2011, the Hearing Clerk transmitted the record to the Office of the Judicial Officer for a ruling on Complainant's Motion to Lift Stay.

¹*In re Sam Mazzola*, ___ Agric. Dec. ____ (Nov. 24, 2009).

²*In re Sam Mazzola* (Order Denying Pet. for Recons. and Ruling Denying Motion for Oral Argument), ___ Agric. Dec. ____ (Mar. 29, 2010).

³*In re Sam Mazzola* (Stay Order), ___ Agric. Dec. ____ (June 1, 2010).

The June 1, 2010, Stay Order is lifted and the Orders issued in *In re Sam Mazzola*, ___ Agric. Dec. ___ (Nov. 24, 2009), and *In re Sam Mazzola* (Order Denying Pet. for Recons. and Ruling Denying Motion for Oral Argument), ___ Agric. Dec. ___ (Mar. 29, 2010), are effective, as follows:

ORDER

1. Mr. Mazzola, his agents, employees, successors, and assigns, directly or indirectly, through any corporate or other device, shall cease and desist from violating the Animal Welfare Act and the Regulations and, in particular, shall cease and desist from:
 - a. operating as an exhibitor without an Animal Welfare Act license;
 - b. operating as a dealer without an Animal Welfare Act license;
 - c. interfering with, threatening, abusing, or harassing any Animal and Plant Health Inspection Service official in the course of carrying out his or her duties under the Animal Welfare Act;
 - d. filing any false charge with the United States Department of Agriculture, Office of the Inspector General, in an effort to interfere with any Animal and Plant Health Inspection Service official in the course of carrying out his or her duties under the Animal Welfare Act;
 - e. failing or refusing to make facilities, animals, and records available to an Animal and Plant Health Inspection Service official for inspection;

- f. failing to have a written program of veterinary care available for inspection;
- g. allowing a member of the public to enter a primary enclosure containing an adult bear or an adult tiger without sufficient distance or barriers between the animals and the public so as to assure the safety of the animals and the public; and
- h. housing any bear or tiger in an enclosure that lacks adequate structural integrity and height to contain the animal.

Paragraph 1 of this Order shall become effective 1 day after service of this Order on Mr. Mazzola.

- 2. Animal Welfare Act license number 31-C-0065 is revoked.

Paragraph 2 of this Order shall become effective 60 days after service of this Order on Mr. Mazzola.

- 3. Mr. Mazzola is permanently disqualified from obtaining a license under the Animal Welfare Act and the Regulations.

Paragraph 3 of this Order shall become effective immediately upon service of this Order on Mr. Mazzola.

- 4. Mr. Mazzola is assessed a \$21,000 civil penalty. The civil penalty shall be paid by certified check or money order made payable to the Treasurer of the United States and sent to:

Babak Rastgoufard
United States Department of Agriculture
Office of the General Counsel
Marketing Division
1400 Independence Avenue, SW
Room 2343-South Building
Washington, DC 20250-1417

Payment of the civil penalty shall be sent to, and received by, Mr. Rastgoufard within 60 days after service of this Order on Mr. Mazzola. Mr. Mazzola shall state on the certified check or money order that payment is in reference to AWA Docket No. 06-0010.

5. Mr. Mazzola's Petition opposing the Animal and Plant Health Inspection Service's denial of Mr. Mazzola's November 1, 2006, Animal Welfare Act license application, is denied.

Paragraph 5 of this Order shall become effective immediately upon service of this Order on Mr. Mazzola.

Done at Washington, DC

January 26, 2011

William G. Jenson
Judicial Officer